

By: Representative Taylor

To: Judiciary A

HOUSE BILL NO. 57

1 AN ACT TO REQUIRE THAT A WILL MUST BE FILED FOR PROBATE
2 WITHIN FIVE YEARS FROM THE DATE OF THE DEATH OF THE TESTATOR, OR
3 IT SHALL NOT BE EFFECTIVE; TO AMEND SECTION 91-7-33, MISSISSIPPI
4 CODE OF 1972, IN CONFORMITY TO THIS ACT; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) A will shall not be effective unless filed
7 for probate within five (5) years from the date of the death of
8 the testator. If the testator was not an inhabitant of this state
9 at the time of his or her death, the will may be admitted to
10 probate in this state pursuant to Section 91-7-33, provided that
11 the will was admitted to probate within five (5) years from the
12 date of death in the state, territory, or country where the
13 testator resided at the time of death. However, the probate in
14 this state of the will of an inhabitant of another state,
15 territory, or country shall not be effective against persons
16 purchasing from the heirs of such testator if such purchase was
17 made more than five (5) years after the death of the testator and
18 prior to July 1, 2003.

19 (2) The provisions of this section shall apply only to wills
20 of testators who have died on or after July 1, 1997,
21 notwithstanding that the wills may have been executed prior to
22 that date.

23 **SECTION 2.** Section 91-7-33, Mississippi Code of 1972, is
24 amended as follows:

25 91-7-33. Subject to the five-year time limit for probate set
26 forth in Section 1 of this act, authenticated copies of wills
27 proven according to the laws of any of the states of the union, of
28 the territories, of the District of Columbia, or of any foreign



29 country, and affecting or disposing of property within this state,
30 may be admitted to probate in the proper court. Such will may be
31 contested as the original might have been if it had been executed
32 in this state, or the original will may be proven and admitted to
33 record here.

34 **SECTION 3.** This act shall take effect and be in force from
35 and after July 1, 2003.

