SENATE BILL NO. 2634

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

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

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

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

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

91-7-33. Subject to the five-year time limit for probate set forth in Section 1 of Senate Bill No. 2634, 2003 Regular Session, authenticated copies of wills proven according to the laws of any of the states of the union, of the territories, of the District of
Columbia, or of any foreign country, and affecting or disposing of property within this state, may be admitted to probate in the proper court. Such will may be contested as the original might have been if it had been executed in this state, or the original will may be proven and admitted to record here.

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