

By: Representative Taylor

To: Judiciary A

## HOUSE BILL NO. 74

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, 2004.