

By: Senator(s) McCaughn

To: Judiciary, Division A

SENATE BILL NO. 2034

1 AN ACT TO AMEND SECTION 91-7-63, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT LETTERS OF ADMINISTRATION SHALL BE GRANTED BY THE
3 CHANCERY COURT OF THE COUNTY IN WHICH THE INTESTATE OWNED LAND IF
4 THE INTESTATE HAD NO FIXED PLACE OF RESIDENCE; TO REMOVE THE
5 PROVISION OF LAW THAT PROVIDED FOR LETTERS OF ADMINISTRATION TO BE
6 ISSUED BY THE CHANCERY COURT IN THE COUNTY IN WHICH THE INTESTATE
7 HAD PERSONAL PROPERTY; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 91-7-63, Mississippi Code of 1972, is
10 amended as follows:

11 91-7-63. (1) Letters of administration shall be granted by
12 the chancery court of the county in which the intestate had, at
13 the time of his death, a fixed place of residence * * *. If the
14 intestate did not have a fixed place of residence, then by the
15 chancery court of the county where the intestate owned land. If
16 the intestate did not have a fixed place of residence and did not
17 own land, then by the chancery court of the county where the
18 intestate died * * *. The court shall grant letters of
19 administration to the relative who may apply, preferring first the
20 husband or wife and then such others as may be next entitled to



21 distribution if not disqualified, selecting amongst those who may
22 stand in equal right the person or persons best calculated to
23 manage the estate; or the court may select a stranger, a trust
24 company organized under the laws of this state, or of a national
25 bank doing business in this state, if the kindred be incompetent.
26 If such person does not apply for administration within thirty
27 (30) days from the death of an intestate, the court may grant
28 administration to a creditor or to any other suitable person.

29 (2) In addition to the rights and duties of the
30 administrator contained in this chapter, he shall also have those
31 rights, powers and remedies as set forth in Section 91-9-9.

32 **SECTION 2.** This act shall take effect and be in force from
33 and after July 1, 2022.

