



A GENERAL PRACTICE LAW FIRM
densonassociates@bellsouth.net

Physical Address:
1931 TWENTY-THIRD AVENUE
MERIDIAN, MISSISSIPPI 39302-5022
TELEPHONE 601-693-5400

Mailing Address:
POST OFFICE BOX 5022
MERIDIAN, MISSISSIPPI 39302-5022
FAX 601-693-5983

JOSEPH A. DENSON
Admitted in Mississippi and Alabama

Instructions to the Fiduciary of the Estates (Mississippi)

(For Executors/trix and/or Administrator/trix)

Date: ___ / ___ /20 ___

Dear Fiduciary:

We have reviewed the Will, Certificate of Death, Deeds, and/or other relevant documents that you submitted to our firm and have begun preparing the pleadings to open the estate for administration. You have given me much of the information I will need; however, please provide to me, at your earliest convenience, any additional information or documents that were requested during our initial conference and was not provided therein.

Also, please note that the Court make order, unless waived, that you secure an Estate Bond to protect the estate property. The Estate Bond can be secured from a your local insurance company. I would advise that you being obtaining information on the bond now. If a bond is ordered, it would need to be secured before Chancery Court allow the clerk to issued Letters Testamentary or Letters of Administration.

As soon as I receive the above information, I shall complete the necessary pleadings to open the estate, and forward them to you for your signature. After these pleadings are filed with the Court and Letters Testamentary or Letters of Administration are issued appointing you executor/administrator of the estate, you will need to do the following:

1. Make certain that all estate property is adequately insured. We recommend insuring assets at replacement value; however, if you feel that the cost of this type of insurance outweighs the risk, please let me know.

2. Make sure that all estate property is properly protected, including having a patrol service check on the property, if necessary.

3. Inventory the decedent's safe deposit box, if applicable. You will need to have a bank officer present for this, and if you would like, someone from our firm will also accompany you. The inventory should be very specific so that all assets may be readily identified. In some cases, the easiest thing to do would be to make copies of important documents, in addition to listing the assets. The inventory should be signed by all parties present and dated. Any original documents should be noted as such on the list. If you find it necessary to remove any documents, such as the Will or insurance papers, you will need to make note of the item removed, and all parties present should sign and date the notation.

4. Immediately, you should open an estate checking account, as well as an interest bearing

Serving East Mississippi and West Alabama Since 2005

account if there are sufficient funds to do so. You should close all personal accounts of the decedent and deposit all estate funds into one of the estate accounts. You should not have more money on deposit with one institution than can be adequately insured by the FDIC or FSLIC (i.e., \$100,000 per individual entity per institution). If the estate owns any securities that are held by a brokerage firm, the personal brokerage account should be closed and the securities moved into an estate account. Be sure to make a record of all checks received being specific when preparing deposit slips, withdrawal slips, or checks. We will have to have the balance in all of the decedent's bank accounts as of the date of death. In addition, we will need to know the exact style of each account, including any held as joint tenants.

5. Obtain copies of signature cards on all of the decedent's bank accounts, including any held as joint tenants.

6. List all life insurance policies, the names and addresses of the companies, the names of the beneficiaries, their relationship with the decedent, their addresses, and the face value of each policy.

7. If you had the decedent's power of attorney, your authority terminated at the date of death; therefore, you should not act any further in that capacity.

8. No checks should be written on any of the decedent's personal accounts after the date of death. Rather, if the accounts were held as joint tenants, the accounts should be closed and the funds deposited in the surviving joint tenant's account. In doing this, I must caution you that these funds are possibly subject to estate taxes unless we can prove that the decedent did not contribute to these accounts and that the other joint tenant did. Without such proof, one-half of the funds in a joint tenant account in which the spouse is the surviving joint tenant may be subject to estate taxes for Mississippi purposes, or, if the other joint tenant is not the spouse of the decedent, all of the funds may be subject to estate taxes. If the account was held individually by the decedent, all of the funds must be deposited in the estate account. All of the assets of the estate, including cash, personal property and real property must remain in Mississippi, unless you obtain a court order to the contrary.

9. Other than the funeral expenses, you should not pay any claims owed up to the decedent's date of death until they are probated, which simply means that the party owed must file a probated claim with the Court along with supporting documentation for that claim. You could be held personally liable for any such payments made, unless they are probated. Most businesses, including hospitals and doctors, are familiar with probating claims and do not expect you to pay any such claims until they are probated. **Our office will send a letter to all known creditors, so please send us a list of any claims owed at the decedent's date of death, (including but not limited to: (1) Name, address and phone of creditors; (2) Date of debt made; (3) Amount of debt owed; and (4) reason debt was made.** We will be happy to write each claimant and inform them that they will need to probate their claims. All creditors must be notified by mail, and an Affidavit filed with the Court before the Notice to Creditors can be published.

10. Any debts owed after the decedent's date of death should not be paid without a court order, which we will prepare at a later date. Generally, we prepare a petition and order to file with the Chancery Court authorizing you to make payments to all utility companies for estate utility bills, if the estate contains real property for which this is necessary, to pay insurance premiums and property taxes on estate assets, to continue operating the estate business, if one exists, to pay any employees of the estate, and to do all things necessary to maintain and protect estate assets.

11. Real property passes upon death to the joint tenant, if it is held jointly with rights of survivorship, to the heirs-at-law when there is no Will, or to the devisees if there is a Will; however, the decedent's interest in that property is subject to estate taxes.

12. Send us copies of documents evidencing all mortgages, promissory notes, or other debts owed by or to the decedent.

13. Send us copies of all trust agreements, if any, in which the decedent was a grantor or

beneficiary.

14. Send us a list of all of the heirs-at-law or devisees under the Will and all beneficiaries, as well as, their addresses and phone numbers, if you know them.

15. Notify us immediately if there are any minor children or incapacitated adults for whom the decedent's estate is responsible.

16. Inform us if there will be any need in the immediate future for funds for any purpose, such as, a widow's allowance, tuition or care of any minor child or incapacitated adult, or payments on mortgages, loans, etc.

17. Notify the post office to forward mail to you.

18. Authorize the bank to honor all checks on the decedent's account issued prior to the decedent's death.

19. Search the decedent's residence or business for any important documents, making a list of all such documents, and place them in the estate safe deposit box.

20. Inform us if the decedent has been married or divorced, and, if there are children from a previous marriage, the date of the divorce, the ex spouse's name and address and the children of that marriage and their addresses, as well as, the decedent's residence during that marriage.

21. Send us the name, address and phone number of the decedent's accountant prior to death and of the accountant you choose to assist the estate in financial matters.

22. Notify us of any current contractual agreements involving the decedent.

23. Send us the names and addresses of the decedent's insurance agent, banker, employees, employer, personal or business attorney and physician, as applicable.

24. Send us a list of all credit cards (with credit card identifying number accurately listed) held by the decedent and the names and addresses of the companies that issued the cards so that we may have them canceled and request final statements. If necessary, we will assist in arranging for new cards and accounts for surviving family members.

25. Send us all of the decedent's bank statements for the past year, and a copy of all tax returns for the past three years. If the decedent was making estimated tax payments, continue to make these payments when due.

26. Notify us of any business in which the decedent was involved, the capacity of the decedent in relation to that business, the names and responsibilities of all employees, and the addresses and phone numbers of those businesses.

27. If there was an automobile owned by the decedent, send us a copy of the insurance policy covering the automobile, the certificate of title (if available), the condition of the automobile, and indicate whether it was jointly owned.

28. A. Will Cases: The decedent waived inventory, formal appraisal and bond in her Will; therefore you will not be required to take an inventory or formal appraisal or to post a bond unless the Court directs otherwise. If an estate tax return must be filed, it will be necessary to have appraisals of the personal and real property for tax purposes, but not for Court purposes.

B. No Will Case: **WITHIN 90 days after the Order Opening the Estate, the Court will provide an inventory to be submitted.** Therefore, it is important you start putting together an inventory of all the real and property of the decedent(i.e. land, vehicle, household items, furniture, lawn mowers, valuable jewelry, etc.)

Please hand deliver to the office or send all original documents to me by mail, certified return

Serving East Mississippi and West Alabama Since 2005

receipt requested, to insure delivery and to avoid the risk of losing important documents. The original Will, if any, should be hand delivered to this office.

Essentially, your job as executor/administrator is to gather all estate assets and protect them until such time as they may be distributed according to law. Of course, it will be necessary to keep all debts paid to the extent possible as outlined above.

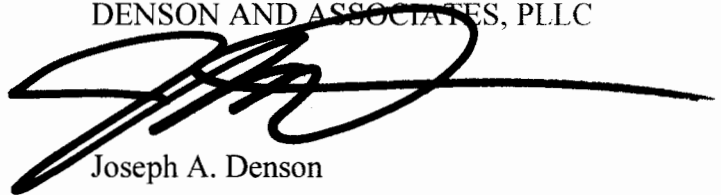
You get paid !!!

Finally, according to Mississippi estate law, you are entitled to compensation for the work as fiduciary of this estate; therefore, I would encourage you to keep a running tally of your time and monies spend in execution of your duties.

The preceding is presented to you for use simply as a guide line in performing your duties as executor. It is by no means a complete listing of all of your duties or responsibilities, and all of the above may not pertain to this estate since the estate may not contain some of the assets or liabilities outlined above. You should contact me if you have any questions, regarding your actions as executor. We should meet again in the next 30 days to review the status of this estate. Please make an appointment with me at your earliest convenience. A legal assistant with our firm, will be working under my supervision on this estate and will be happy to assist you with any matter concerning the estate. **Should you have any questions, please call Shannon at 601-693-5400 or email her at sdenson@densonandassociates.com.**

Sincerely,

DENSON AND ASSOCIATES, PLLC

A handwritten signature in black ink, appearing to read 'J. A. Denson', with a long horizontal flourish extending to the right.

Joseph A. Denson

Enclosure
cc: File