

**IN THE SUPREME COURT OF MISSISSIPPI**

**NO. 2022-CT-00011-SCT**

***IN THE MATTER OF THE LAST WILL AND  
TESTAMENT OF MAMIE ELIZABETH PEARSON  
BRAY, DECEASED: ROBERT PEARSON,  
DOROTHY DYE, FRANK PEARSON, JOE  
WILLIAM PEARSON, EMMA JUANITA  
STEMBRIDGE, CHARLENE "LILLI" ELLISON,  
JAMIE LYNN HARDIN, TRAVIS HARDIN, DAVID  
GENE ROGERS, THOMAS CLAY ROGERS,  
PATRICIA BYRD, JOHN A. PEARSON, JR., AND  
REV. MARK PEARSON***

***v.***

***MARGARET EUBANKS, ST. MARY CATHOLIC  
CHURCH, AND JAY WESTFAUL***

**ON WRIT OF CERTIORARI**

DATE OF JUDGMENT:	11/22/2021
TRIAL JUDGE:	HON. PERCY L. LYNCHARD, JR.
TRIAL COURT ATTORNEYS:	J. HALE FREELAND D. BETH SMITH VICTORIA PRINCE RYALS WILLIAM R. SANDERS, JR. JEFFREY JUDE PADGETT JAY WESTFAUL S. TODD JEFFREYS RYAN REVERE
COURT FROM WHICH APPEALED:	PANOLA COUNTY CHANCERY COURT
ATTORNEY FOR APPELLANTS:	J. HALE FREELAND
ATTORNEYS FOR APPELLEES:	WILLIAM R. SANDERS, JR. RYAN REVERE S. TODD JEFFREYS JAY WESTFAUL
NATURE OF THE CASE:	CIVIL - WILLS, TRUSTS, AND ESTATES

DISPOSITION:

THE JUDGMENT OF THE COURT OF APPEALS IS AFFIRMED. THE JUDGMENT OF THE PANOLA COUNTY CHANCERY COURT IS REVERSED AND REMANDED - 02/01/2024

MOTION FOR REHEARING FILED:

**EN BANC.**

**CHAMBERLIN, JUSTICE, FOR THE COURT:**

¶1. We agree with the Court of Appeals’ decision that the petitioners have standing as well as its adverse impact analysis. We granted this petition for writ of certiorari solely to address the “colorable interest” standard, which continues to be applied by the Court of Appeals despite its clear abandonment by this Court. All other issues, including the final disposition, are affirmed.

¶2. In *Reeves v. Gunn*, 307 So. 3d 436, 438-39 (Miss. 2020) (internal quotation marks omitted), this Court did away with “colorable interest” standing. See *Butler v. Watson (In re Initiative Measure No. 65)*, 338 So. 3d 599, 605 (Miss. 2021) (“It is worth reiterating that the Court recently abandoned the ‘colorable interest’ standard for establishing standing.” (quoting *Reeves*, 307 So. 3d 438-39)). Despite this holding in 2020, and its clear affirmance in 2021, the Court of Appeals has continued to cite colorable interest as a basis for establishing standing. See *Bridge Props. of Lafayette, LLC v. 1000 Jefferson, LLC*, 366 So. 3d 930, 936 (Miss. Ct. App. 2023); *Miller v. Bd. of Trs. of Second Baptist Church of Starkville*, 373 So. 3d 1017, 1027-28 (Miss. Ct. App. 2023) (Barnes, C.J., dissenting); *Holmes v. Lankford*, 358 So. 3d 645, 651 (Miss. Ct. App. 2023); *Bd. of Aldermen of Tutwiler v. State Auditor*, 371 So. 3d 190, 195 (Miss. Ct. App. 2023); *Breland v. Turnage*,

341 So. 3d 1021, 1027 (Miss. Ct. App. 2022); *Foster v. Sunflower Cnty. Consol. Sch. Dist.*, 311 So. 3d 705, 711 (Miss. Ct. App. 2021).

¶3. The colorable interest standard has been abandoned. Whether a party has a colorable interest in the litigation is now irrelevant to the determination of whether a party has standing. Such a standard is no longer supported by our caselaw and should not be relied on in determining whether standing exists.

¶4. As the Court of Appeals correctly found, however, the petitioners here have standing due to the adverse impact they would experience if the 2018 Will is probated over the 1991 Will. *See Butler*, 338 So. 3d at 605 (finding that the adverse impact approach to determining standing has not been overturned). Accordingly, the judgment of the Court of Appeals is affirmed. The judgment of the Panola County Chancery Court is reversed and remanded for further proceedings.

¶5. **THE JUDGMENT OF THE COURT OF APPEALS IS AFFIRMED. THE JUDGMENT OF THE PANOLA COUNTY CHANCERY COURT IS REVERSED AND REMANDED.**

**RANDOLPH, C.J., KITCHENS, P.J., COLEMAN, MAXWELL, BEAM, ISHEE AND GRIFFIS, JJ., CONCUR. KING, P.J., CONCURS IN RESULT ONLY WITHOUT SEPARATE WRITTEN OPINION.**