

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-CA-00433-COA

**IN THE MATTER OF THE LAST WILL AND
TESTAMENT OF JOHN HALL, DECEASED:
ALTHEA HALL COLLINS, EXECUTOR OF THE
ESTATE OF JOHN HALL**

APPELLANT

v.

DELLA JOHNSON HALL

APPELLEE

DATE OF JUDGMENT:	03/20/2025
TRIAL JUDGE:	HON. D. NEIL HARRIS SR.
COURT FROM WHICH APPEALED:	JACKSON COUNTY CHANCERY COURT
ATTORNEY FOR APPELLANT:	PAULETTE McLEOD TURNER
ATTORNEY FOR APPELLEE:	WILLIAM BRYAN BEDWELL
NATURE OF THE CASE:	CIVIL - WILLS, TRUSTS, AND ESTATES
DISPOSITION:	AFFIRMED - 10/27/2026
MOTION FOR REHEARING FILED:	

BEFORE WILSON, P.J., McDONALD AND WEDDLE, JJ.

WEDDLE, J., FOR THE COURT:

¶1. Althea Hall Collins appeals the Jackson County Chancery Court’s judgment denying her motion to set aside the March 18, 2021 quitclaim deed from the decedent, John Hall, to his wife, Della Hall, approximately 15 months prior to his death. The property conveyed is a 0.86-acre tract on which John and Della’s marital home stands and is the same property that John’s previously executed will had devised equally to his three children. After John’s death, his daughter, Althea, sought to set aside the deed as a product of Della’s undue influence, citing John’s advanced age and declining health. Della maintained that the conveyance fulfilled John’s wishes after their plans to build their dream home on an adjoining property

never materialized. The chancellor found that a confidential relationship existed between John and Della because of their marriage, but John had full knowledge and deliberation of the consequences of his actions when he executed the quitclaim deed. Finding no error, we affirm the chancellor's judgment.

FACTS

¶2. John and Della were married on June 7, 2008. There were no children born to the marriage, but they both had their own children from prior relationships. John had three children, Althea, Donald, and Laterrance Hall.

¶3. On September 24, 2008, John executed a quitclaim deed conveying a 0.5-acre tract to himself and Della as joint tenants with rights of survivorship. On October 28, 2008, John executed a Last Will and Testament appointing Althea as the executor, equally devised a 0.86-acre tract to his three children, and devised a 0.5-acre tract to Della. He also left the remainder of any and all his property to Della. On March 18, 2021, John executed the contested quitclaim deed.

¶4. John Hall died on June 23, 2022. On January 31, 2023, Althea filed a petition to probate John's will dated August 19, 1994. Della filed her petition to probate another will purported to be John's October 2008 will. The parties acknowledged that the second will was John's last will and testament and agreed to probate the second will.

¶5. On December 4, 2023, Althea filed a motion to set aside the quitclaim deed, arguing that it was the product of undue influence. During the hearing on April 4, 2024, Della

testified that she and John originally planned to build their own home on their 0.5-acre tract. However, because they never got the chance, she and John went to a notary public together so he could execute the quitclaim deed. Althea also stated that she was aware that John and Della planned to build another home during their marriage.

¶6. Testimony revealed that John had diabetes, renal failure, and several other illnesses. Althea testified that John was driving himself to dialysis until May 2022. Della, Donald, and others assisted in transporting John to his appointments when he was not able to get there on his own. Althea further testified that the year before John died, he was able to articulate what he wanted, and she had no reason to believe that he was losing his mind. When asked if she was aware of any diagnosis that would deem John mentally incapable, Althea testified that Della told her that John had dementia. Donald was asked about John's physical and mental state, to which he responded, "Physically, he was deteriorating and going down. Mentally, towards like 2020[-]21 to me he had dementia." Della later testified that John had not been diagnosed with dementia or anything that would affect his ability to make decisions.

¶7. The chancellor denied Althea's motion, finding that John "had full knowledge and deliberation of the consequences of his actions when he executed a quitclaim deed." The chancellor found Della's testimony credible that she and John discussed the fact that he wanted to convey the 0.86-acre tract because John failed to fulfill a promise to build Della a new home on the adjoining lot. The chancellor included in his order Della's testimony that she and John "had house plans drawn in anticipation of the future marital home." The

chancellor also noted that John’s children testified that “they had independent relationships with their father and unfettered access to their father showing an absence of undue influence by Della Hall.”

¶8. On April 26, 2024, Althea filed a motion for specific findings of fact and conclusions of law and to reconsider. Althea argued that the chancellor “failed to make specific findings as to whether [he] applied the correct burden-shifting test for proving whether the conveyance was the product of undue influence.” On March 20, 2025, the chancellor entered his findings of fact and conclusions of law, and again he found that there was no legal basis to set aside the deed. The chancellor denied Althea’s motion, finding that at the time John executed the quitclaim deed, he had full knowledge and deliberation of the consequences of his actions.

STANDARD OF REVIEW

¶9. We “will not disturb a chancery court’s findings of fact when there is substantial evidence in the record to support the court’s findings, unless the findings are clearly erroneous or manifestly wrong, or the chancery court abused its discretion.” *Weirich v. Murchison*, 200 So. 3d 1085, 1089 (¶9) (Miss. Ct. App. 2016). We review questions of law de novo. *Kaye v. Kaye*, 270 So. 3d 1023, 1025 (¶8) (Miss. Ct. App. 2018). “Undue influence is a question of fact.” *In re Est. of Minor*, 939 So. 2d 861, 864 (¶9) (Miss. Ct. App. 2006).

DISCUSSION

¶10. Althea argues that the chancellor erred in finding that Della did not exercise undue

influence over John in the execution of the quitclaim deed. When a confidential relationship is shown to have existed between the grantor and the grantee at the time of the conveyance, the court will scrutinize the conveyance. *Weirich*, 200 So. 3d at 1089 (¶10). However, our Supreme Court has held that a confidential relationship between spouses does not automatically create a presumption of undue influence for inter vivos gifts, and the contestant bears the burden of proving that the surviving spouse used undue methods to overcome the free and unrestrained will of the deceased spouse. *In re Est. of Langston*, 57 So. 3d 618, 621 (¶11) (Miss. 2011).

¶11. Here, after considering Della, Donald, and Althea’s testimony, the chancellor denied Althea’s motion to set aside John’s quitclaim deed, finding that there was no showing of undue influence. “In order to set aside a deed on grounds of undue influence, evidence must show that the will and free agency of the grantor were destroyed and the deed actually reflects the will of the person exerting the influence.” *Brown v. Ainsworth*, 943 So. 2d 757, 762 (¶13) (Miss. Ct. App. 2006). The testimony presented at the hearing revealed that John did not lack the will or free agency to execute the quitclaim deed. No physical or medical evidence was submitted to substantiate a dementia diagnosis or to establish that John lacked the capacity to execute the deed in order to help prove undue influence. The chancellor found Della’s testimony—that John executed the quitclaim deed because they did not have the chance to build their future home—reliable and credible. We give deference to the chancellor’s credibility findings since he is the only one who hears the testimony and

observes the demeanor of witnesses. *In re Est. of Minor*, 939 So. 2d at 867 (¶24). Accordingly, the evidence does not support a finding of undue influence in the creation or execution of the quitclaim deed.

¶12. Althea further argues the chancellor erred by “not making specific findings on the different factors he used to determine whether the Appellant had met the burden of proof to show undue influence.” Although we would have preferred more detail, there is substantial evidence in the record before us to find that the chancellor reached the correct conclusion. *See In re Kistler*, 22 So. 3d 1209, 1214 (¶13) (Miss. Ct. App. 2009) (“Where the record contains substantial credible evidence to support the chancellor’s findings, we will defer to them.”). Therefore, we find that the chancellor did not abuse his discretion in determining Althea failed to prove undue influence.

CONCLUSION

¶13. For the foregoing reasons, we affirm the chancellor’s judgment denying Althea’s motion to set aside John’s quitclaim deed.

¶14. **AFFIRMED.**

BARNES, C.J., CARLTON AND WILSON, P.JJ., WESTBROOKS, McDONALD, McCARTY, EMFINGER AND LASSITTER ST. PÉ, JJ., CONCUR. LAWRENCE, J., NOT PARTICIPATING.