



## Where There's a Will, There's a Way

You've worked hard all your life, raising a family, purchasing a house and property, and acquiring family heirlooms like antique furniture or your grandmother's wedding ring. Have you considered what's to become of these assets and sentimental items upon your death?

Having a will helps ensure that your possessions will be divided according to your wishes. Not only does it allow you to dictate the terms of your estate, but it also eases the burden of your loved ones at a difficult time.

If you die without a will, Mississippi law directs the division of your estate, possibly in a manner you would not approve. The law places your blood relatives in four prioritized groups. Group I would consist of your surviving spouse, your children (including adopted children), and descendants of your children who died before you. Group II would include your mother, father, brothers, sisters, and descendants of those siblings who died before you. Group III would be your grandparents, aunts and uncles, and Group IV would include any additional blood relatives.

The first Group that contains heirs are designated the "heirs at law." Within that group, those heirs become your beneficiaries, and each receives an equal share of the estate. The results may surprise you. For example, if the court declares Group I as the heirs at law, the surviving spouse and children would receive equal shares of the estate. The spouse cannot get more than the children.

Preparing a will gives you the control to name the heirs to your estate and what they are to receive. To write a will, Mississippi law states you must be at least 18 years old, of sound and disposing mind, must intend the document to be your will and must have the written will validly executed.

Upon your death, your will must go through probate, a court proceeding that declares the will valid or invalid. Once the court declares a will valid, it appoints an administrator for the will unless the deceased named an executor. If the administrator or the executor is not an attorney, one must be hired to serve as an advisor.

What if your heirs are not happy with their inheritance? Depending on the type of heir, in Mississippi, they can either renounce or contest the will. If the will makes any provision for an heir whatsoever, the only option is to renounce the will altogether. A widow may renounce a will and receive a child's share depending on the circumstances. A surviving relative would contest a will if he or she thinks the will is invalid or that the deceased was unduly influenced or did not have a sound mental capacity when making the will. If declared invalid, the will is void, and the estate is divided as if no will existed.

Under Mississippi law, a will must include the surviving spouse, but parents do not have to leave part of their estate to their children. To disinherit a particular child, the parent should clearly state it in the will. It is also important to write a new will when you get a divorce, remarry, have children or when other circumstances change in your life.

Preparing a will is not difficult and yet can prevent much heartache and legal proceedings. No matter the size of your net worth, having a will is a wise decision.