

UNIFORM CHANCERY COURT RULES

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UNIFORM CHANCERY COURT RULES
Adopted Effective February 1, 1989
Revised and Amended Effective April 18, 2024

PART ONE
GENERAL RULES

RULE 1.00

DESIGNATION OF RULE NAME AND PROPER CITATION

These rules are the Uniform Chancery Court Rules and may be cited as UCCR.

RULE 1.01

COURT DECORUM

The chancellor shall ensure that all proceedings in the chancery court, whether in term time or in vacation, shall be conducted with due formality and in an orderly and dignified manner, observing the following:

- a. The court shall be opened formally and conducted with dignity and decorum at all times.
- b. No drinks, food, gum, or smoking shall be permitted except as allowed by the court.
- c. Counsel, parties, and witnesses must be respectful to the court and to each other. Bickering or wrangling and disrespectful behavior between counsel, or between counsel and witness, will not be tolerated.
- d. Applause or demonstration or approval or disapproval, and the use of profane or indecent language are prohibited.
- e. Counsel shall not approach the witness without leave of court.
- f. In examining witnesses, in reading from a brief or opinion, and in all presentations to the court, counsel shall stand unless specifically excused from doing so by the court.

- g. Counsel shall in formal hearings address the court in the historic manner of “Your Honor” and/or “May it please the Court.” The dignity and the respect of the court shall be preserved at all times.
- h. All attorneys, bailiffs, clerks, witnesses, and other personnel shall be prompt and timely in attendance, and shall be fully prepared to proceed at the appointed time.
- i. Use of cell phones and recording of proceedings in the courtroom and chambers are prohibited except as allowed by the court.
- j. Each officer of the court is responsible for the promotion of respect for the court.

RULE 1.02

OFFICERS MUST BE PRESENT IN COURT

When the court is in session the sheriff and clerk, in person or by competent deputies, must be present in the courtroom to perform such duties as may be required of them by law or the direction of the chancellor unless excused by the chancellor. The court reporter shall be present, as the chancellor may direct, to perform the duties of court reporter.

RULE 1.03

FIREARMS PROHIBITED ON THE WITNESS STAND AND IN COURTROOM

No person other than law enforcement officers shall take or carry firearms or other weapons into the courtroom. When law enforcement officers take the stand as litigants or witnesses, such officers shall remove their firearms and place same in the possession of the bailiff until the witness or litigant has left the witness stand.

RULE 1.04

SHERIFF MUST KEEP COURTROOM CLEAN, COMFORTABLE, AND SECURE

The sheriff must see that the courtroom, library, court chambers, witness rooms, and restrooms are kept secure, clean, and in comfortable condition.

RULE 1.05

CLERK MUST MAKE PAPERS AND DOCKETS AVAILABLE

The clerk shall, while court is in session, provide the court with a device to access the internet and the Mississippi Electronic Court System (MEC).

RULE 1.06

ASSIGNMENT OF CASES

(A) In multi-chancellor districts and courts, all civil cases shall be assigned immediately on the filing of the complaint by such method which shall insure that the assignment shall be random, that no discernable pattern of assignment exists, and that no person shall know to whom the case will be assigned until it has been assigned.

(B) If an attorney or party shall attempt to manipulate or defeat the purpose of this rule, the case shall be reassigned to the chancellor who would have otherwise received the assignment.

(C) If the chancellor who would have received the case under an assignment in compliance with this rule cannot be determined, a new assignment in compliance with the rule shall be made, excluding the chancellor to whom it was incorrectly assigned.

(D) Sanctions, including costs and attorney's fees, may be imposed by that chancellor on reassignment. Such sanctions may also include suspension from practice in the court imposing them for not more than 30 days and referral to the Bar for further discipline.

(E) Decisions regarding this rule shall be subject to review by the Supreme Court under M.R.A.P. 21, and appropriate stays shall be entered by the trial court to allow such review.

(F) In districts where motion days are set in advance with chancellors specifically assigned, preliminary procedural matters may be submitted to the chancellor assigned such duties, notwithstanding the fact that the case has been assigned to another chancellor.

(G) By local rule approved by the Supreme Court, the trial court may make special provisions accommodating local needs of economy and efficiency which might otherwise be at variance with this rule.

[Adopted effective May 29, 2003.]

RULE 1.07

PROHIBITION AGAINST PRESENTATION TO OTHER CHANCELLOR OF MATTER WHEN RELIEF IS DENIED

When any matter has been presented to one of the chancellors and the relief denied, the attorney shall not present the same matter to another chancellor.

RULE 1.08

WITHDRAWAL OF COUNSEL

(A) When an attorney makes an appearance for any party in an action, the attorney will not be allowed to withdraw as counsel for the party except upon: (1) written motion; (2) reasonable notice to the client and opposing counsel; and (3) order of the court.

(B) Reasonable notice to the client within the meaning of this rule requires either that:

- (1) the client has agreed to and signed off on the order allowing withdrawal;
- (2) the client has agreed to and joined in the motion for withdrawal; or
- (3) the client has been timely served with an M.R.C.P. Rule 81 summons for the date and time of the hearing.

RULE 1.09

NOTIFICATION OF RELEVANT PENDING CASES AND REASSIGNMENT

(A) When counsel in a cause is aware of a case pending in this court or another court of this or any other state or federal jurisdiction that likely may affect the subject matter or jurisdiction of the cause pending in the chancery court, such counsel shall immediately notify the chancery court by written notice docketed for such other cause.

(B) When a case has been filed and assigned to a chancellor, any subsequent filing involving the same subject matter shall be assigned to that same chancellor. When a chancellor becomes aware that there is a prior proceeding involving the same subject matter, the chancellor shall direct that the clerk reassign the later-filed case to the chancellor in the earlier proceeding.

RULE 1.10

DISCOVERY DEADLINES AND PRACTICE

(A) All discovery must be completed within ninety days from service of an answer by the applicable defendant. If the pleading is one to which no answer is required, either party desiring discovery may timely move the court for an order scheduling discovery to extend or shorten the time for discovery, according to the issues involved. If no such motion is filed, then discovery shall be completed ninety days from completion of service of process on all defendants.

(B) Additional discovery time may be allowed with leave of court upon written motion setting forth good cause for the extension. Absent special circumstances the court will not allow testimony at trial of an expert witness who was not designated as an expert witness to all attorneys of record at least sixty days before trial.

(C) When responding to discovery requests, interrogatories, requests for production, and requests for admission, the responding party shall, as part of the responses, set forth immediately preceding the response the question or request to which such response is given. Responses shall not be deemed to have been served without compliance with this subdivision.

(D) No motion to compel shall be heard unless the moving party shall incorporate in the motion a certificate that movant has conferred in good faith with the opposing attorney in an effort to resolve the dispute and has been unable to do so. Motions to compel shall quote verbatim each contested request, the specific objection to the request, the grounds for the objection, and the reasons supporting the motion.

RULE 1.11

MOTIONS FOR RECUSAL

(A) Any party may move for the recusal of a chancellor if it appears that the chancellor's impartiality might be questioned by a reasonable person knowing all the circumstances, or for other grounds provided in the Code of Judicial Conduct or otherwise as provided by law.

(B) A motion seeking recusal shall be filed with an affidavit of the party or the party's attorney setting forth the factual basis underlying the asserted grounds for recusal and declaring that the motion is filed in good faith and that the affiant truly believes the facts underlying the grounds stated to be true.

(C) Such motion shall, in the first instance, be served on the chancellor who is the subject of the motion within 30 days following notification to the parties of the name of the chancellor assigned to the case; or, if it is based upon facts which could not reasonably have been known to the filing party within such time, it shall be served within 30 days after the filing party could reasonably discover the facts underlying the grounds asserted.

(D) The subject chancellor shall consider and rule on the motion within 30 days of service of the motion, with hearing if necessary. If a hearing is held, it shall be on the record in open court.

(E) The denial of a motion to recuse is subject to review by the Supreme Court on motion of the party filing the motion as provided in M.R.A.P. 48B.

[Adopted April 4, 2002.]

RULE 1.12

ELECTRONIC MEDIA COVERAGE

Electronic media coverage of judicial proceedings by means of cameras, television, and other electronic devices is governed by the Rules for Electronic and Photographic Coverage of Judicial Proceedings.

[Adopted effective April 17, 2003 for proceedings conducted from and after July 1, 2003.]

RULE 1.13

SANCTIONS

Any person who violates the provisions of these rules may be subject to sanctions, contempt proceedings, or other disciplinary actions imposed or initiated by the court.

RULE 1.14

APPLICABILITY

These rules shall apply to self-represented litigants.

PART TWO
PLEADINGS AND MOTIONS

RULE 2.01

PLEADINGS AND MOTIONS MUST BE FILED BEFORE BEING PRESENTED

All pleadings, motions, accounts, and other papers in any action shall be filed with the clerk of the proper court before being presented to the chancellor. If to do so would inflict undue hardship on the attorney, or in emergency matters, the papers may be presented to and marked "Filed" by the chancellor as provided in M.R.C.P. 5(e). Thereafter, the attorney shall file the papers with the clerk.

RULE 2.02

BLANKS MUST BE FILLED IN

All blanks contained in any pleading, motion, paper, order, or judgment must be filled in before being filed with the clerk or presented to the court.

RULE 2.03

AMENDMENTS DURING TRIAL

When a matter has been set on the trial docket and one party obtains leave to amend the pleadings, or to file an answer and counterclaim, and the opposite party is not prepared to proceed upon the issues raised in the pleadings, the court may grant the opposing party's motion for a continuance, and the court may award expenses caused by the delay, unless good cause be shown for the delay.

PART THREE
RULES CONCERNING TRIALS

RULE 3.01

VACATION BUSINESS RULES OF PRECEDENCE

(A) Where the chancellor has, by order or custom, set apart time for hearing vacation actions, all vacation matters presented at such time and place shall have precedence over all the business of any term of court that may be then in session and not finally adjourned.

(B) At all other times during any term of court, the business of the term shall have precedence over all vacation matters presented to the chancellor.

RULE 3.02

AVOIDING SUMMONING OF REDUNDANT WITNESSES

(A) The practice of summoning numerous witnesses to prove the same fact or set of facts often serves merely to increase the costs and consume the time of the court.

(B) In such cases the chancellor may tax the per diem and mileage of all such unnecessary witnesses against the party causing them to be summoned whether they be called to testify or not.

(C) In all cases the mileage and per diem of all witnesses who are not called to testify shall be taxed against the party causing them to be summoned, unless good cause to the contrary be shown.

RULE 3.03

EXAMINATION OF WITNESSES

(A) The examination of witnesses shall be limited to the direct examination, the cross-examination, and the redirect examination concerning matters brought out on cross-examination.

(B) Counsel for either party may be permitted, on request, to inquire about new matters pertinent to the issues which may have been inadvertently omitted. Opposing counsel may also inquire concerning the same matter.

(C) In all cases the examination must be conducted in an orderly and decorous manner without interruption from opposing counsel except for the purpose of interposing objections.

RULE 3.04

RULINGS ON OBJECTIONS TO TESTIMONY

(A) All objections to testimony must be made to the chancellor, not to opposing counsel.

(B) The objection must be specific rather than general.

(C) If requested by the chancellor, counsel offering the testimony must state the purpose for which it is offered, and counsel objecting thereto must state the reasons for the objection.

(D) If the chancellor shall reserve his ruling, counsel interposing the objection shall make a note thereof and renew their objection at the conclusion of the testimony; otherwise, the objection shall be deemed waived.

RULE 3.05

COPY OF EXHIBITS

(A) Unless excused by the court prior to trial, it shall be the duty of an attorney to distribute copies of any exhibits to the court and opposing counsel when offered.

(B) If a party is to make a substitution of a copy for any exhibit introduced into evidence, the copy shall be presented at the time the original is presented unless it could not be reasonably anticipated that the exhibit was to be offered.

RULE 3.06

ONLY ONE ATTORNEY FOR EACH PARTY MAY EXAMINE WITNESS

Only one attorney for each party to the action may examine a witness, interpose objections, or respond to objections except by permission of the chancellor.

RULE 3.07

AGREEMENTS OF COUNSEL

(A) Agreements of counsel made orally in the presence of the court must be recorded by the court reporter or incorporated into an agreed order entered by the court in order to be binding on the parties.

(B) All other agreements should be reduced to writing and filed among the papers in the case.

RULE 3.08

EARWIGGING THE CHANCELLOR PROHIBITED

(A) Except in the orderly progress of the trial, and in the arguments or briefs connected therewith, no person shall undertake to discuss or communicate in writing with the chancellor, or in the presence or hearing of the chancellor, the law or the facts or alleged facts of any litigated action then pending in the court or likely to be instituted therein.

(B) No attempt to influence the chancellor's decision shall be made in any manner except as allowed in Paragraph (A) above.

(C) No person shall send any communication to the chancellor concerning procedural matters and matters unrelated to the merits of the case without delivering or mailing a copy of that communication to the opposing party. The chancellor shall file in the court file all such written communications received.

(D) Any person who shall violate this rule, knowing that such conduct is prohibited, shall be guilty of a contempt.

RULE 3.09

ARGUMENT OF COUNSEL

(A) The chancellor may dispense with argument in any action.

(B) The chancellor may require counsel to argue or brief the law and facts in any action, and shall not be bound to decide the same until counsel's duty has been performed satisfactorily.

(C) In all cases counsel must be prepared to argue the case at the conclusion of the taking of the testimony. The chancellor may specify the points of law or fact on which argument is desired and regulate the order and limit the length of oral arguments. In all cases where briefs are requested by the chancellor, copies thereof must be delivered to opposing counsel. Any negligent or willful failure on the part of counsel to fully argue or brief any question when requested by the chancellor will be considered a grave discourtesy.

RULE 3.10

NOTIFICATION OF SETTLEMENT OR POSSIBLE CONTINUANCE

(A) When a case has been set for trial on a day certain (placed on trial docket) and the parties have settled or agreed to settle the case before the trial date, the plaintiffs' attorney shall immediately upon such agreement being reached so notify the court.

(B) Where parties agree before the day set for trial to continue their case, then plaintiffs' attorney shall likewise be obligated to immediately notify the court that the parties desire to mutually seek a continuance.

PART FOUR OPINIONS

RULE 4.01

FINDINGS BY THE COURT

Any request for findings of fact by the court pursuant to MRCP 52 must be made in writing and filed before the court begins rendering its bench opinion, judgment, order, or ruling, and before the court issues its written opinion, judgment, order, or ruling.

RULE 4.02

OPINION A PART OF RECORD

The chancellor shall not be bound to render a formal opinion in deciding any action except as required by the preceding rule. The chancellor may render an opinion either orally or in writing. If the chancellor renders an oral opinion, it shall be taken down by the court reporter who shall, when directed by the court, transcribe the same and submit it to the chancellor for correction and approval. In either event the opinion so rendered shall be filed among the papers and become a part of the record in the cause without any order or direction to that effect.

RULE 4.03

NO INTERRUPTION WHILE RENDERING OPINION

No interruptions shall be allowed during the time that the chancellor is rendering an oral opinion, judgment, order, or ruling. After the chancellor has concluded, counsel for either party may make such suggestions or request such further findings of law or fact as may be deemed proper. The right to make suggestions or requests shall not be construed as the right to reargue the case or any part thereof. If the chancellor desires reargument in whole or in part, the chancellor will request it.

PART FIVE
JUDGMENTS AND ORDERS

RULE 5.01

CONTENTS AND FORM

(A) Every judgment shall state the facts showing that the court has proper jurisdiction and venue.

(B) Where multiple forms of relief are granted, each shall be stated in a separately numbered paragraph.

(C) Judgments and orders should be drawn so as to be unambiguous in their terms and conditions.

(D) In all litigated cases, the court shall in the judgment tax all costs in its discretion.

RULE 5.02

CONSENT JUDGMENTS AND ORDERS

All consent or agreed judgments and orders must be approved by all counsel for all parties affected by the judgment, or if a party is self-represented, by the party, before being presented to the chancellor. The court may in its discretion, require the parties to approve the judgment as well.

RULE 5.03

SUBMISSION TO OPPOSING PARTY AND COURT

(A) An attorney who is directed to prepare a judgment or order must submit the same to the opposing attorney or party for approval as to form, unless excused by the court.

(B) If no such approval has been made, counsel may present the same to the court showing proof that the judgment or order was submitted to counsel or party opposite.

(C) Whether approved or not, the judgment or order must be presented to the chancellor within 10 calendar days after being directed to prepare it, or within such time as directed by the court.

RULE 5.04

PRESENTATION OF COURT FILE

An attorney presenting a judgment or order must include in the judgment or order an itemization of the MEC-numbered documents affected by the judgment or order.

RULE 5.05

DELIVERY TO THE CLERK

Any attorney or self-represented person obtaining a judgment or order from the chancellor shall promptly deliver the same to the clerk so that it may be recorded. Failure to promptly deliver the judgment or order may, in the court's discretion, constitute contempt.

PART SIX
FIDUCIARY MATTERS AND FIDUCIARIES

RULE 6.01

APPLICABILITY

This Part shall apply to all fiduciary matters, including estates, administrations, guardianships, and trusts.

RULE 6.02

ATTORNEY MUST BE RETAINED UNLESS EXCUSED

(A) Every fiduciary must, unless licensed to practice law in Mississippi, retain an attorney or firm of attorneys to provide representation, advice, and assistance during the entire term of the fiduciary's appointment.

(B) Compensation for the attorney shall be fixed and approved by the chancellor.

(C) Once an attorney has entered an appearance for a fiduciary, in any respect, the attorney shall be permitted to withdraw only with the consent of the chancellor, with notice to the client and any adverse party as required by UCCR 1.08.

(D) An attorney who is negligent or unfaithful in any respect may be discharged by order of the court on motion of the fiduciary or on motion of the court.

(E) The chancellor may relieve a fiduciary of the obligation to retain an attorney in matters involving guardianship (of the person only), and in cases where the court finds that it will impose an undue or unnecessary financial burden on the ward's estate. All other duties of a fiduciary remain the same with or without representation.

RULE 6.03

FIDUCIARIES AND ATTORNEY MUST BE DILIGENT

(A) Every fiduciary and attorney must be diligent in the performance of their duties. They must see to it that publication for creditors is promptly made, that inventories, appraisements, accounts and all other reports and proceedings are made, done, filed, and

presented within the time required by law, and that the estates of decedents are completed and assets distributed in a timely manner.

(B) In guardianships and conservatorships an attorney must be faithful to both fiduciary and ward. If it appears to the attorney that the fiduciary is not properly performing duties required by the law then the attorney shall promptly notify the court in which the estate is being administered.

(C) Until relieved of fiduciary duties by court order, every fiduciary shall notify the chancery clerk in writing of every change of address not later than five days after such change. The notice shall include the civil action number and the name of the fiduciary.

(D) Failure to observe this rule, unless just cause exists, shall constitute contempt for which the chancellor will impose appropriate penalties.

RULE 6.04

STATEMENT APPENDED TO ANNUAL ACCOUNTS

(A) Every fiduciary shall attach to each annual account a list or statement of all assets, real and personal, of the estate.

(B) If the annual account consists of money, bonds, or other securities negotiable by delivery, then the statement shall also show the name of the bank where the same is deposited or kept.

(C) Verification of account balances in the form of statements issued by the depository showing the balance at the beginning of the accounting period, and the most recent statement at the end of the accounting period shall be attached.

(D) If the assets consist of loans made by the fiduciary or the predecessor in the fiduciary office, then the statement shall show to whom and when the loan was made, the amount remaining unpaid, how secured, whether all taxes have been paid on the property mortgaged or pledged as security for the loan, and whether or not the security is sufficient.

RULE 6.05

WHAT VOUCHERS MUST SHOW

(A) Every disbursement shown by an account of fiduciary must be supported by proper vouchers, which shall conform to the requirements of Miss. Code Ann. (1972)

Section 91-7-279 and the Mississippi Guardianship and Conservatorship Act, Miss. Code Ann. (1972) §§ 93-20-101, *et seq.*, (S.B. 2828, 2018, Section 423).

(B) Every voucher shall consist of a receipt or canceled bank check showing to whom and for what purpose the money was paid.

(C) All vouchers for claims paid which arose during the lifetime of a decedent or during the sanity of a person later deemed of unsound mind shall show that the claim was properly probated, allowed, and registered.

(D) This rule is modified as to banks or trust companies which are subject to the supervision of the Department of Bank Supervision of the State of Mississippi, or The Comptroller of the Currency of the United States to the extent they are covered by Miss. Code Ann. (1972) § 91-7-277.

RULE 6.06

DISBURSEMENTS AND RECEIPTS; ANNUAL AND FINAL ACCOUNTS

Each disbursement shown on an annual or final account shall include the voucher number, the date of the disbursement, the name of the payee, the purpose of the disbursement, and the date of any court order authorizing such disbursement. Each receipt shown on such accounts shall include the date of the receipt, the name of the payor, and on what account payment is made.

RULE 6.07

LOST VOUCHERS-HOW SUBSTITUTED

In case any voucher is lost, the fiduciary may procure and present for allowance a duplicate or a receipt from the person or corporation to whom the money was paid or the property was delivered, which shall show on its face that it is a duplicate of the original voucher so lost. The chancellor may, if the proof be sufficient, allow the same as though the original had been produced.

RULE 6.08

CLAIMS ARISING AFTER DEATH OF DECEDENT

Claims arising after the death of a decedent, such as funeral bills, expenditures for monuments, attorney's fees, and the like must be approved by the chancellor before payment. Otherwise, payment will be at the risk of disapproval by the chancellor.

RULE 6.09

ALLOWANCE FOR SUPPORT OF WARD

(A) Every petition for an allowance for the support of a ward shall show the amount of the ward's current estate, the estimated amount of the ward's monthly or yearly income, and the amount of the previous allowance.

(B) Where the ward is a minor, any request of a conservator or guardian to expend funds of the ward for necessities which are the responsibility of the parent shall not be considered unless the guardian, under oath, justifies the reason for such proposed expenditures.

RULE 6.10

PETITIONS FOR AUTHORITY TO MAKE LOANS OR INVESTMENTS

Every petition for authority to loan or invest the funds of a ward shall show the amount to be loaned or invested, the kind and description of the security offered or investment proposed, and the value thereof. In the case of a loan, to whom it is made, the time for which it is to be made, and the rate of interest it is to bear is required along with the affidavits of two or more credible persons setting forth the value of the security offered, must be attached to the petition or witnesses produced before the chancellor.

RULE 6.11

PETITIONS FOR AUTHORITY TO COMPROMISE CLAIMS FOR WRONGFUL DEATH OR INJURY

(A) Every petition for authority to compromise and settle a claim for wrongful death or injury shall set forth the facts in relation thereto and the reason for such compromise and settlement and the amount thereof.

(B) The material witnesses concerning the injury or death and the damages resulting therefrom shall be produced before the chancellor for examination. Where counsel representing the petition has investigated the matter and advised settlement, counsel shall appear and give testimony touching the result of the investigation.

(C) In “future payment” or “structured settlement” cases, a certified copy of any insurance policy or other security guaranteeing payment shall be made a part of the court file within ninety (90) days from the date of the entry of the judgment or decree authorizing the settlement, unless good cause is shown.

RULE 6.12

PETITIONS FOR COMMISSIONS

(A) Every petition by a fiduciary for the allowance of commissions, or for compensation for extra services and expenses, shall show the total amount of the estate, the total amount disbursed, the balance on hand, the nature and extent of the service rendered and expense incurred, and the total amount previously allowed on the account.

(B) Fees for fiduciaries and attorneys shall not be based on the value of any real property.

RULE 6.13

PETITIONS FOR ALLOWANCE OF ATTORNEY’S FEES

(A) Every petition by a fiduciary or attorney for the allowance of attorney’s fees for services rendered shall set forth the same facts as required in Rule 6.12, when touching compensation, and if so, the nature and effect thereof.

(B) If the petition be for the allowance of fees for recovering damages for wrongful death or injury, or other claim due the estate, the petition shall show the total amount recovered, the nature and extent of the service rendered and expense incurred by the attorney, and the amount, if any, offered in compromise before the attorney was employed in the matter.

(C) In such cases, the amount allowed as attorney’s fees will be fixed by the chancellor at such sum as will be reasonable compensation for the service rendered and expense incurred without being bound by any contract made with any unauthorized persons.

(D) If the parties make an agreement for a contingent fee, the contract or agreement of the fiduciary with the attorney must be approved by the chancellor. Fees on structured settlements shall be based on the “present cash value” of the claim.

RULE 6.14

SWORN FILINGS

All pleadings, accounts, inventories, and reports filed by a fiduciary shall be personally signed and sworn to by the fiduciary. If required by the chancellor, the fiduciary must produce proof touching the truth of the sworn facts therein stated.

RULE 6.15

COPY OF WILL FILED WITH ORIGINAL

Every petition to probate a will must have a copy of the will attached as an exhibit in the petition.

RULE 6.16

FAILURE TO FILE ACCOUNTINGS

If an attorney or fiduciary fails to file accountings or other matters in fiduciary cases, including estates, guardianships, conservatorships, and trusts, after being so directed in writing by the court, the court may consider such misconduct as contempt.

PART SEVEN
[VACATION MATTERS] [OMITTED]

PART EIGHT
DIVORCE AND OTHER DOMESTIC MATTERS

RULE 8.01

APPLICABILITY

This Part shall apply to all actions involving divorce, separate maintenance, paternity, contested adoption, child custody or support, modification, minors' business, contempt and other enforcement, and all domestic matters of every kind and nature.

RULE 8.02

REMOVAL OF DISABILITY

In all cases for removal of disability of a resident minor, the minor must be produced before the chancellor for observation and examination unless specially excused from so doing. In all such cases, oral proof or affidavits must be produced.

RULE 8.03

CORROBORATION

In all divorce cases, except on the sole ground of irreconcilable differences and where the statute relieves the plaintiff of the duty, the testimony of the plaintiff must be substantially corroborated.

RULE 8.04

IRRECONCILABLE DIFFERENCES DIVORCE

(A) Unless excused by the court, in all irreconcilable differences divorce actions in which there are no contested issues to be addressed by the court, the attorney or party must appear before the court with MEC-stamped copies of the appropriate pleadings to request approval of the judgment and agreement.

(B) The attorney must be prepared to answer all inquiries that may be raised by the court.

RULE 8.05

FINANCIAL STATEMENT REQUIRED

(A) Unless excused by order of the court, or unless waived by either or both parties and allowed by the court, each party in every domestic case involving economic issues and/or property division shall provide the opposite party or counsel, if known, the following disclosures, such statement to be substantially in the form of Form 1 in Part 12 of these rules:

(1) A detailed written statement of actual income and expenses and all marital and nonmarital assets and liabilities;

(2) Copies of the preceding year's federal and state income tax returns, in full form as filed, or copies of W-2s if the return has not yet been filed; and

(3) A general statement of the providing party describing employment history and earnings from the inception of the marriage or from the date of divorce. For all other proceedings, for the five years preceding the date of filing the Petition.

(B) In the alternative, by agreement of the parties, or on motion and by order of the court, or on the court's own motion, the required financial disclosures may be made substantially in the form of Form 2 in Part 12 of these rules.

(C) The party providing the required written statement shall immediately file a Certificate of Compliance with the chancery clerk for filing in the court file.

(D) A party filing a document containing personal identifiers and/or sensitive information and data may:

(1) file an unredacted document under seal, which document shall be retained by the court as part of the record; or,

(2) file a reference list under seal. The reference list shall contain the complete personal data identifiers and/or the complete sensitive information and data required by this Rule.

(E) The disclosures shall be provided by the plaintiff not later than the time that the defendant is to appear in court for temporary relief, or the date defendant's answer (if required) is due, whichever is earlier.

(F) The defendant's disclosures shall be provided at the time that the defendant is summoned to appear, or defendant's Answer is due, but not later than 45 days from the date of the filing of the commencing pleading.

(G) The court may extend or shorten the required time for disclosure upon written motion of one of the parties.

(H) A party is under a duty to supplement prior disclosures if that party knows that the disclosure, though correct when made, no longer accurately reflects any and all actual income and expenses and assets and liabilities, as required by this Rule.

(I) When offered in a trial or a conference, the party offering the disclosure statement shall provide a copy of the disclosure statement to the court, the witness, and opposing counsel.

(J) This rule shall not preclude any litigant from exercising the right of discovery, but duplicate effort shall be avoided.

(K) The failure to observe this rule, without just cause, shall constitute contempt of court for which the court shall impose appropriate sanctions and penalties.

[Amended effective July 1, 1996; amended effective January 8, 2009, to provide procedures for filing documents containing sensitive personal information; amended effective July 1, 2011 to incorporate an optional long form financial statement; amended effective July 1, 2012 to provide a duty to supplement disclosures.]

RULE 8.06

CHANGE OF ADDRESS OF CHILDREN

(A) In all domestic cases involving custody or visitation of minors and even though no order for custody or visitation may have been entered, each party shall keep the other informed of his/her full address, including state, city, street, house number, and telephone number, if available, unless excused in writing by the court.

(B) Within five days of a party subject to this rule changing his or her address, he or she shall, so long as the child or children remain minors, notify in writing the clerk of the court which has entered the order providing for custody and visitation, of his or her full new address, and shall furnish the other party a copy of such notice, proof of which shall be by certificate of service. The notice shall include the court file number. The clerk shall docket and file such notice in the cause.

(C) In the event of a threat, disaster, or other emergency, such as a hurricane, which causes an emergency evacuation, any party who has custody of a minor child (physical custody or while exercising visitation) has a duty to notify the other parent of the location and well being of the minor(s) as soon as reasonably possible.

(D) Every order respecting custody or visitation should contain a provision incorporating the terms and requirements of sub-paragraphs (A), (B), and (C) above.

(E) The purpose of this rule is to prevent a parent from concealing from others the address and whereabouts of children. Willful failure to comply with this rule may be treated as a contempt. Failure to file with the clerk the notice required by this rule shall create a rebuttable presumption that written notice was not given to the other party.

[Adopted effective February 18, 1991; amended effective July 17, 2008 to provide notification of parent in case of emergency evacuation.]

PART NINE
DUTIES OF THE CLERK

RULE 9.01

COSTS OF COURT

Court cost deposits to pay the fees due the chancery clerk, as presented in M.C.A. § 25-7-9, shall be made with the filing of any complaint or petition. The clerk may, pursuant to M.R.C.P. 3(b), require an additional deposit.

[Amended effective June 24, 1992.]

RULE 9.02

ALL PAPERS MUST BE KEPT IN PROPER FILES

The clerk shall place and keep all papers pertaining to each action in a separate file. The clerk shall place and keep the files containing the papers in a filing case in the clerk's office, or vault, in numerical order. In addition, files may be maintained electronically as long as access to the files is available in the clerk's office.

RULE 9.03

ORIGINAL WILLS AND BONDS; HOW KEPT

The clerk shall keep all original wills, bonds, receipts from banks, and all disputed documents filed safely and securely locked in a safe or vault in the clerk's office. These items shall not be taken from the custody of the clerk for any purpose, except on an order of the chancellor.

PART TEN
ABORTION

RULE 10.01

WAIVER OF CONSENT TO ABORTION

(A) Any request by a minor to the chancery court or the chancellor in vacation for waiver of consent to an abortion shall be by petition, filed with the clerk of said court by the minor or by a next friend. The petition shall be made under oath and shall include all of the following:

- (1) A statement that the complainant is pregnant;
- (2) A statement that the complainant is unmarried, under eighteen years of age, and unemancipated;
- (3) A statement that the complainant wishes to have an abortion without the notification of her parents or legal guardian;
- (4) An allegation of one or more of the following:
 - (a) That the complainant is sufficiently mature and well informed to intelligently decide whether to have an abortion without the notification of her parents or legal guardian;
 - (b) That one or both of her parents or her legal guardian was engaged in a pattern of physical, sexual, or emotional abuse against her, or that the notification of her parents or legal guardian otherwise is not in her best interest;
 - (c) That performance of the abortion would be in the best interest of the minor.
- (5) A statement as to whether the complainant has retained an attorney, the name, address, and telephone number of her attorney. A minor may represent herself or be represented by counsel. The court shall advise each minor petitioner of her right to court-appointed counsel, and shall appoint counsel to represent her if the minor so requests, and if the minor appears not to be represented.

(B) If the minor chooses to represent herself such pleadings, documents, or evidence which she may file with the clerk shall be liberally construed by the court so as to do substantial justice. No fee shall be required by the clerk for filing any papers or pleadings.

(C) Upon the filing of any petition under this section, the clerk shall immediately notify the court or the chancellor in vacation that such petition has been filed. The court, or the chancellor in vacation shall immediately exercise all due diligence in granting a setting within the time required by law. If a chancellor in the district is not available, the clerk shall immediately refer the petition to another chancellor, circuit judge, county judge, or a special master in chancery to hear the petition as provided by law.

(D) If the court cannot hear the matter or the court fails to make findings of fact and conclusions of law within 72 hours of the time of the filing of the petition, the clerk shall immediately issue or cause to issue a statement under seal of the court, that the court has not ruled within 72 hours of the time of the filing of the petition and that the minor may proceed as if the consent requirement of Miss. Code Ann. 41-41-53 has been waived.

(E) All proceedings, files, documents, and records reasonably connected with proceedings herein shall be kept strictly confidential and anonymous. Reference to said minor's identity shall be made by use of her initials only. Docket entries and decrees or orders spread upon the minutes of the court shall in no way refer to the name of the minor, but shall be by reference to initials only.

(F) The court or the chancellor in vacation shall conduct closed hearings regarding any such petition filed, and the clerk, reporter, and other officers of the court shall take such steps as are reasonably necessary to maintain the confidentiality and anonymity of both litigants and documents.

(G) If the court or chancellor in vacation shall rule against the petition or petitioner, or not grant a waiver of necessity for parental consent, a confidential, expedited appeal may be had by the minor pursuant to Mississippi Rule of Appellate Procedure 48.

(H) If no appeal is taken during the appropriate period, but in no event later than seven (7) days following the filing of the disposition of said petition, all records except the court's docket shall be securely sealed and deposited under lock and key in the clerk's office and shall remain sealed and not available for inspection without further order of the court.

[Adopted effective February 18, 1991; amended March 22, 2001.]

EXHIBIT "A"

IN THE CHANCERY COURT OF _____ COUNTY
STATE OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NUMBER

DEFENDANT

I. GENERAL INFORMATION

NAME: _____

ADDRESS: _____

CITY, STATE AND ZIP CODE: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

OCCUPATION: _____

EMPLOYER: _____

EMPLOYER'S ADDRESS: _____

NAME

DATE OF BIRTH

MINOR CHILDREN:

_____	_____
_____	_____
_____	_____
_____	_____

II. INCOME STATEMENT

GROSS MONTHLY INCOME

1. Salary and Wages, including commissions
bonuses, allowance and overtime

1. _____

NOTE: To arrive at a monthly income figure,
if paid weekly, multiply weekly income
by 4.3; if paid bi-weekly, multiply
bi-weekly income by 2.16

2. Pensions and retirement

2. _____

3. Social Security

3. _____

4. Disability and unemployment insurance

4. _____

5. Public assistance (welfare, AFDC payments, etc.)

5. _____

6. Dividends and interest

6. _____

7. Rental Income

7. _____

8. Other income _____

8. _____

9. Other income _____

9. _____

10. TOTAL MONTHLY INCOME

10. _____

ITEMIZED MONTHLY DEDUCTIONS:

1. State Income Taxes

1. _____

- 2. Federal Income Taxes 2. _____
- 3. Social Security 3. _____
- 4. Mandatory Insurance 4. _____
- 5. Mandatory Retirement 5. _____
- 6. Union or other dues 6. _____
- 7. Other: (Specify) _____ 7. _____
- 8. Other: (Specify) _____ 8. _____
- 9. TOTAL MONTHLY DEDUCTIONS 9. _____
- 10. NUMBER OF EXEMPTIONS: _____
- 11. NET MONTHLY PAY 11. _____

III. EXPENSE STATEMENT

A. LIVING EXPENSES	AS OF _____		AS OF _____	
	Self	Children	Self	Children
1. Rent/Mortgage (Residence)				
2. Real Property Taxes				
3. Real Property Insurance				
4. Maintenance (Residence)				
5. Food/Household Supplies				
6. Water, Sewer, etc.				
7. Electricity				
8. Gas (Residence)				
9. Telephone				
10. Laundry & Cleaning				
11. Clothing				
12. Insurance (Not payroll deducted)				
13. Medical				
14. Dental				
15. Child Care				

16. Children's Allowance				
17. Payment of child support/alimony (Prior Marriage)				
18. School Expenses				
19. Entertainment				
20. Incidentals & Miscellaneous				
21. Transportation other than vehicle				
22. Gasoline & Oil (auto)				
23. Repair (auto)				
24. Insurance (auto)				
25. Auto payments				
26. Church donations				

III. EXPENSE STATEMENT

	Self	Children	Self	Children
27. Charitable donations				
28. Newspaper/Magazines				
29. Cable TV				
30. Pet Expenses				
31. Yard Expenses				
32. Maid				
33. Retirement (IRA, etc.)				
34. Pest Control				
B. TOTAL LIVING EXPENSES				
35. Installment Payments Notes, loans, charge accounts, etc.				
36.				
37.				
38.				
39. OTHER EXPENSES				
40.				
41.				
TOTAL INSTALLMENT PAYMENTS:				
COMBINED TOTAL EXPENSES:				

IV. STATEMENT OF ASSETS

A. Real Estate

1. Title in the name of : _____
Address: _____
Who paid cost: _____
How cost paid: _____

Value (estimate) _____
Mortgage Balance _____
Equity _____

2. Title in the name of : _____
Address: _____
Who paid cost: _____
How cost paid: _____

Value (estimate) _____
Mortgage Balance _____
Equity _____

Note: List mortgage balance also under liabilities on the next page. List the amount of your monthly payment only under “V. LIABILITIES.”

B. Motor Vehicles

1. Registered in the name of: _____
Year: _____ Model: _____ Mileage: _____
How cost paid: _____ How cost paid: _____

VALUE
- Loan Balance _____
=Equity _____

2. Registered in the name of: _____

Year: _____ Model: _____ Mileage: _____

How cost paid: _____ How cost paid: _____

VALUE

- Loan Balance _____

=Equity _____

IV. STATEMENT OF ASSETS (Continued)

3. Registered in the name of: _____
 Year: _____ Model: _____ Mileage: _____
 How cost paid: _____ How cost paid: _____

VALUE

- Loan Balance _____
 =Equity _____

C. Other Personal Property (such as home computers, guns, lawnmowers, TVs, jewelry, household furnishings, etc.)

VALUES

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL	_____

D. Checking/Savings (name of Bank, Account Number and Amount in Account, including CDs, money markets, passbook accounts, etc.)

Name(s) on Account	Bank/Account Number	Type Account	Balance
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL VALUE			_____

E. Other Investments (IRAs, stock(s), mutual funds, pension plans, etc.)

Bank/Account Number	Type Investment	Balance
_____	_____	_____

F. Life Insurance (exclude children)

Insured	Company	Face Amount	Cash	Beneficiary
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL CASH VALUE (less loans)			_____	

G. All Other Assets

_____	_____	
_____	_____	
_____	_____	
TOTAL VALUE		_____
TOTAL OF ALL ASSETS		\$ _____

V. STATEMENT OF LIABILITIES

(Include mortgage, car loan, credit cards, personal loans)

Note: Also include under items 35-44 on Exhibit "A"

A. Creditor	Party Responsible for Payment	Current Balance	Monthly Payment	Who Makes Payments
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____

B. TOTAL LIABILITIES _____

ACKNOWLEDGMENT OF TRUTHFULNESS

I declare to the Court that the foregoing Exhibit "A," including attachments, is true and correct and that this declaration was executed on the _____ day of _____, 20____,

Party's Signature

IN THE CHANCERY COURT OF _____ COUNTY
STATE OF MISSISSIPPI

PLAINTIFF

CIVIL ACTION NUMBER

DEFENDANT

CERTIFICATE OF COMPLIANCE

I, (name of party or attorney), do hereby certify that I have this date complied with Rule 8.05 of the Uniform Chancery Court Rules and that I have mailed and/or delivered a copy of a detailed written statement of actual income and expenses and assets and liabilities to the attorney for the opposing party or the opposing party.

SO CERTIFIED on this the _____ day of _____, 20____.

Attorney for Opposing Party

EXHIBIT "B"

IN THE CHANCERY COURT
OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

_____ PLAINTIFF

VS CAUSE NO. _____

_____ DEFENDANT

RULE 8.05 FINANCIAL STATEMENT

I, (*full legal name*) _____, certify that the following information is true:

SECTION I. GENERAL INFORMATION

1. Date of Birth: _____

2 Physical Address:

3. Mailing Address:

4. A. Minor Children (below the age of 21) or a full-time student above the age of 21:

Name	Date of Birth	Child Support Order in effect? (Yes or No)	Amount of Monthly Child Support Order Payment
------	---------------	--	---

B. Adult Children being supported by you

Name	Date of Birth	Child Support Order in effect? (Yes or No)	Amount of Monthly Child Support Order Payment

5. Are you subject to and/or a party in any litigation or other court proceedings? (Bankruptcy, Class Action, Worker's Compensation, Personal Injury, etc.) If yes, please provide the style of the action including cause number and a brief description of the nature thereof.

SECTION II. INCOME

1. My occupation is: _____

2. I am currently: [✓ all that apply]

___ a. **Unemployed**

1. Describe your efforts to find employment, how soon you expect to be employed, and the pay you expect to receive: _____

2. Provide a statement of your employment history and earnings from the inception of the marriage, or from the date of divorce, (whichever is applicable) on a separate sheet paper and attach it to this form.

Label the attachment "Employment History".

- _____ b. **Employed by:** _____
1. Address: _____
 2. City, State, Zip Code: _____
 3. Telephone Number: _____
 4. My position is: _____
 5. Pay rate: \$ _____ () every week () every other week () twice a month () monthly

_____ Check here if you currently have more than one job. List the information above for the second job(s) on a separate sheet and attach it to this statement.

_____ Check here if you are self-employed, own an interest in a business or farm, receive income from rental property, or if you report income or expenses on Schedule C, Schedule E, or Schedule F of your tax return.

Complete Exhibit 1 attached hereto.

_____ Check here if you are expecting to become unemployed or change jobs soon, describe the change you expect and why and how it will affect your income:

- _____ c. **Retired.** Date of retirement: _____
1. Employer from whom retired: _____
 2. Address: _____
 3. City, State, Zip Code: _____ Telephone Number: _____
 4. Are you receiving retirement pay or benefits from this employer? _____ yes _____ no

_____ d. Is there any information which you think would be helpful for the Court to know about your employment? (If so, give comments here). _____

LAST YEAR'S GROSS INCOME FROM TAX RETURN:

	Your Income	Other Party's Income <i>(if known)</i>
Year _____	\$ _____	\$ _____

LAST YEAR'S ADJUSTED GROSS INCOME FROM TAX RETURN:

	Your Income	Other Party's Income <i>(if known)</i>
Year _____	\$ _____	\$ _____

LAST YEAR'S TAX REFUND FROM TAX RETURN:

	Federal Refund	State Refund
Year _____	\$ _____	\$ _____

OUTSTANDING TAX LIABILITIES FROM TAX RETURN:

	Federal	State
Year _____	\$ _____	\$ _____

Does the IRS or the State of Mississippi currently have a tax lien on any items of

property? _____

If yes, please state the total amount of the tax lien and the items encumbered.

PRESENT MONTHLY GROSS INCOME:

All amounts must be MONTHLY. Attach more paper, if needed. Items included under "other" should be listed separately with separate dollar amounts.

If you are paid on a schedule which is not monthly, you must convert those amounts. Conversion are as follows:

- 1. Paid Weekly, multiply by 4.33
- 2. Paid bi-weekly, multiply by 2.16
- 3. Paid on the 1st and 15th, or on 15th and 30th/31st, multiply by 2
- 4. Paid annually divide by 12

- 1. Monthly gross salary or wages 1.\$ _____
- 2. Bonuses, commissions, allowances, overtime, tips, and similar payments 2. _____
- 3. Average monthly business income for previous 6 months from sources such as self-employment, partnerships, close corporations, and/or independent contracts (Gross receipts minus ordinary and necessary expenses required to produce income.) (● Attach sheet itemizing such income and expenses) 3. _____
- 4. Monthly disability benefits 4. _____
- 5. Monthly Workers' Compensation 5. _____
- 6. Monthly Unemployment Compensation 6. _____
- 7. Monthly pension, retirement, or annuity payments 7. _____
- 8. Monthly Social Security benefits 8. _____
- 9. Monthly alimony actually received
 - 9a. From this case: \$ _____
 - 9b. From other case(s) _____ Add 9a and 9b 9. _____
- 10. Monthly interest and dividends 10. _____
- 11. Monthly rental income (gross receipts minus ordinary and necessary expenses required to produce income) (●Attach sheet itemizing each item and amount) 11. _____
- 12. Monthly income from royalties, trusts, and estates 12. _____

13. Monthly reimbursed expenses and in-kind payments to the extent that they reduce personal living expenses such as cars, travel, gas, phone, etc.
 (●Attach sheet itemizing each item and amount) 13. _____
14. Monthly income from property such as CRP payments or subsidies 14. _____
15. Public Assistance (Welfare, AFDC Payments, CHIPS, Etc.) 15. _____
16. Severance Pay 16. _____
17. Monthly Investment Income 17. _____
18. Other: _____ 18. _____
19. Other: _____ 19. _____
20. Other: _____ 20. _____
21. **PRESENT MONTHLY GROSS INCOME** (Add lines 1-20) **TOTAL:** 21. _____

PRESENT MONTHLY DEDUCTIONS:

All amounts must be MONTHLY.

If you have deductions which are not deducted on a monthly basis, you must convert those amounts. Conversion are as follows:

1. Paid Weekly, multiply by 4.33
2. Paid bi-weekly, multiply by 2.16
3. Paid on the 1st and 15th, or on 15th and 30th/31st, multiply by 2

22. Present Monthly Federal Income Tax. 22. _____
- a. Anticipated Filing Status for the Present Year: _____
(e.g. single, head of household, married filing separate, etc)
- b. Filing Status Last Year: _____
- c. Anticipated Number of Dependents claimed for Present Year: _____
- d. Number of Dependents claimed Last Year: _____
- e. Number of Exemptions claimed for the Present Year: _____
- f. Number of Exemptions claimed Last Year: _____
23. Present Monthly State Income Tax 23. _____
- a. Anticipated Filing Status for the Present Year: _____
(e.g. single, head of household, married filing separate, etc.)
- b. Filing Status Last Year: _____
- c. Anticipated Number of Dependents claimed for Present Year: _____
- d. Number of Dependents claimed Last Year: _____
- e. Number of Exemptions claimed for the Present Year: _____
- f. Number of Exemptions claimed Last Year: _____
24. Monthly FICA or self-employment taxes 24. _____
25. Monthly Medicare payment 25. _____
26. Monthly mandatory union dues 26. _____
27. Monthly mandatory retirement payments 27. _____
28. Monthly court-ordered child support actually paid for children from another relationship 28. _____
29. Monthly court-ordered alimony actually paid
- 28a. From this case: \$ _____
- 28b. From other case(s): _____ Add 28a and 28b 29. _____
30. Other Mandatory Monthly Deductions. 30. _____

31. **TOTAL MONTHLY DEDUCTIONS:** (Add lines 22 through 29) 31. _____
32. **PRESENT NET MONTHLY INCOME** (Total Gross Income minus Total Monthly Deductions) 32. _____

SECTION III. MONTHLY EXPENSES

All amounts must be MONTHLY.

For any expenses which are not paid monthly, you must convert those amounts. Conversion are as follows:
 1. Paid Weekly, multiply by 4.33
 2. Paid bi-weekly, multiply by 2.16
 3. Paid on the 1st and 15th, or on 15th and 30th/31st, multiply by 2
 4. Paid annually divide by 12

A. <u>HOUSEHOLD:</u>	PRE-SEPARATION	CURRENT:	PROPOSED/ ESTIMATE EXPENSES:
1. Monthly mortgage or rent payments	1. _____	1. _____	1. _____
2. Monthly property taxes (if not included in mortgage)	2. _____	2. _____	2. _____
3. Monthly insurance on residence (if not included in mortgage)	3. _____	3. _____	3. _____
4. Monthly homeowners' association fees	4. _____	4. _____	4. _____
5. Monthly electricity	5. _____	5. _____	5. _____
6. Monthly water, garbage, and sewer	6. _____	6. _____	6. _____
7. Monthly telephone	7. _____	7. _____	7. _____
a. Land line			
b. Cell phone			
8. Monthly residence gas	8. _____	8. _____	8. _____
9. Monthly repairs and maintenance	9. _____	9. _____	9. _____
10. Monthly lawn care	10. _____	10. _____	10. _____

11.	Monthly pest control	11. _____	11. _____	11. _____
12.	Monthly misc. household supplies	12. _____	12. _____	12. _____
13.	Monthly food	13. _____	13. _____	13. _____
14.	Monthly meals outside home	14. _____	14. _____	14. _____
15.	Monthly cable t.v.	15. _____	15. _____	15. _____
16.	Monthly internet service	16. _____	16. _____	16. _____
17.	Monthly alarm service contract	17. _____	17. _____	17. _____
18.	Monthly service contracts on appliances	18. _____	18. _____	18. _____
19.	Monthly maid service	19. _____	19. _____	19. _____
20.	Monthly dry cleaning and laundry	20. _____	20. _____	20. _____
21.	Monthly clothing	21. _____	21. _____	21. _____
22.	Monthly medical, dental, and prescription (only those not covered by insurance or otherwise reimbursed)	22. _____	22. _____	22. _____
23.	Monthly psychiatric, psychological, or counselor (only those not covered by insurance or otherwise reimbursed)	23. _____	23. _____	23. _____
24.	Monthly nonprescription medications, cosmetics, toiletries, and sundries	24. _____	24. _____	24. _____
25.	Monthly grooming	25. _____	25. _____	25. _____
26.	Monthly gifts	26. _____	26. _____	26. _____
27.	Monthly pet expenses	27. _____	27. _____	27. _____
28.	Monthly club dues and membership	28. _____	28. _____	28. _____
29.	Monthly sports and hobbies	29. _____	29. _____	29. _____
30.	Monthly entertainment	30. _____	30. _____	30. _____
31.	Monthly tolls and parking	31. _____	31. _____	31. _____
32.	Monthly periodicals/newspapers/ magazines/books/tapes/CDs	32. _____	32. _____	32. _____
33.	Monthly vacations	33. _____	33. _____	33. _____
34.	Monthly education expenses	34. _____	34. _____	34. _____
35.	SUBTOTAL	35. _____	35. _____	35. _____

B. VEHICLES AND BOATS

36.	Monthly gasoline and oil	36. _____	36. _____	36. _____
-----	--------------------------	-----------	-----------	-----------

37.	Monthly repairs	37. _____	37. _____	37. _____
38.	Monthly tags	38. _____	38. _____	38. _____
39.	Monthly insurance for each vehicle	39. _____	39. _____	39. _____
	a. _____			
	b. _____			
	c. _____			
40.	Monthly payments (lease or financing)	40. _____	40. _____	40. _____
41.	Monthly alternative transportation (bus, rail, car pool, etc.)	41. _____	41. _____	41. _____
42.	Monthly tolls and parking	42. _____	42. _____	42. _____
43.	Other: _____	43. _____	43. _____	43. _____
44.	SUBTOTAL	44. _____	44. _____	44. _____

C. MONTHLY EXPENSES FOR CHILDREN

(In addition to the amount please indicate with "M" or "F" if the expense is normally paid by Mother or Father.)

45.	Monthly nursery, babysitting, or day care	45. _____	45. _____	45. _____
46.	Monthly school tuition	46. _____	46. _____	46. _____
47.	Monthly school supplies, books, fees and field trips	47. _____	47. _____	47. _____
48.	Monthly after school activities (School sponsored: Math, Drama, etc.)	48. _____	48. _____	48. _____
49.	Monthly lunch money	49. _____	49. _____	49. _____
50.	Monthly private lessons or tutoring (music, dance, tennis, etc.)	50. _____	50. _____	50. _____
51.	Monthly allowances (spending money, gas money, etc.)	51. _____	51. _____	51. _____
52.	Monthly clothing and uniforms	52. _____	52. _____	52. _____
53.	Monthly entertainment (movies, parties, etc.)	53. _____	53. _____	53. _____
54.	Monthly medical dental, prescriptions (nonreimbursed only)	54. _____	54. _____	54. _____
55.	Monthly psychiatric/psychological/counselor	55. _____	55. _____	55. _____
56.	Monthly orthodontic	56. _____	56. _____	56. _____
57.	Monthly beauty parlor/barber shop	57. _____	57. _____	57. _____
58.	Monthly nonprescription medication	58. _____	58. _____	58. _____
59.	Monthly cosmetics, toiletries, and sundries	59. _____	59. _____	59. _____
60.	Monthly gifts from child(ren) to others (other children, relatives, teachers, etc.)	60. _____	60. _____	60. _____
61.	Monthly cost of annual gifts to children (Christmas, Birthday, etc.)	61. _____	61. _____	61. _____
62.	Monthly camp or summer activities	62. _____	62. _____	62. _____
63.	Monthly clubs (4-H, Girl Scouts/Boy Scouts, etc.)	63. _____	63. _____	63. _____
64.	Monthly travel expenses for visitation with minor children	64. _____	64. _____	64. _____
65.	Other: _____	65. _____	65. _____	65. _____
66.	Other: _____	66. _____	66. _____	66. _____

67.	SUBTOTAL	67. _____	67. _____	67. _____
D.	<u>MONTHLY EXPENSES FOR CHILD(REN) FROM ANOTHER RELATIONSHIP:</u>			
	(other than court-ordered child support)			
68.	_____	68. _____	68. _____	68. _____
69.	_____	69. _____	69. _____	69. _____
70.	_____	70. _____	70. _____	70. _____
71.	SUBTOTAL	71. _____	71. _____	71. _____

E.	<u>MONTHLY INSURANCE:</u>			
72.	Health/ Medical Insurance	72. _____	72. _____	72. _____
	a. Insured Premium \$ _____			
	b. Insured plus spouse Premium \$ _____			
	c. Family Premium \$ _____			
73.	Monthly Life Insurance Premiums	73. _____	73. _____	73. _____
74.	Dental Insurance	74. _____	74. _____	74. _____
	a. Insured Premium \$ _____			
	b. Insured plus Spouse Premium \$ _____			
	c. Family Premium \$ _____			
75.	Disability Insurance Premiums	75. _____	75. _____	75. _____
76.	Optical Insurance Premiums	76. _____	76. _____	76. _____
77.	Other: _____	77. _____	77. _____	77. _____
78.	SUBTOTAL	78. _____	78. _____	78. _____

F.	<u>OTHER MONTHLY EXPENSES NOT LISTED ABOVE:</u>			
79.	Other: _____	79. _____	79. _____	79. _____
80.	Other: _____	80. _____	80. _____	80. _____
81.	Other: _____	81. _____	81. _____	81. _____
82.	Other: _____	82. _____	82. _____	82. _____
83.	SUBTOTAL	83. _____	83. _____	83. _____

84. TOTAL MONTHLY EXPENSES: 84. _____ 84. _____ 84. _____
 (Add all expense Subtotals plus the monthly payments due on any liabilities that are listed in Section V., A. Liabilities, that you have not listed in 1-84)

SUMMARY:

85. TOTAL PRESENT MONTHLY NET INCOME
 (from line 32 of SECTION I. INCOME) 85. \$ _____ 85. \$ _____ 85. \$ _____

86. TOTAL MONTHLY EXPENSES (from line 84 above) 86. \$ _____ 86. \$ _____ 86. \$ _____

87. SURPLUS (If line 85 is more than line 86, subtract line 86 from line 85. This is the amount of your surplus. Enter that amount here.) 87. \$ _____ 87. \$ _____ 87. \$ _____

88. (DEFICIT) (If line 86 is more than line 85, subtract line 85 from line 86. This is the amount of your deficit. Enter that amount here.) 88. (\$ _____) 88. (\$ _____) 88. (\$ _____)

SECTION IV. ASSETS

A. REAL ESTATE The value of the real estate may be an estimate or a recent appraisal. If values are acquired from an appraisal, attach to this 8.05 Financial Statement Affidavit a copy of the appraisal. Attach additional sheets if necessary.

1. Address/Description: _____
 Primary Use (Example: primary residence, rental property, etc.): _____
 Date Acquired: _____
 Original Cost: \$ _____
 County Assessed Value (County Tax Appraisal): \$ _____
 Current Fair Market Value: \$ _____
 Appraisal _____ yes _____ no

Appraisal Attached? _____ yes _____ no

Estimate: _____ yes _____ no

Mortgage Balance: _____ \$ _____

Equity (Fair Market Value minus Mortgage Balance) \$ _____

Titled in the Name of: _____

Comments: _____

2. Address/Description: _____

Primary Use (Example: primary residence, rental property, etc.): _____

Date Acquired: _____

Original Cost: \$ _____

County Assessed Value (County Tax Appraisal) \$ _____

Current Fair Market Value: _____ \$ _____

Appraisal _____ yes _____ no

Appraisal Attached? _____ yes _____ no

Estimate: _____ yes _____ no

Mortgage Balance: _____ \$ _____

Equity (Fair Market Value minus Mortgage Balance) \$ _____

Titled in the Name of: _____

Comments: _____

3. Address/Description: _____

Primary Use (Example: primary residence, rental property, etc.): _____

Date Acquired: _____

Original Cost: \$ _____

County Assessed Value (County Tax Appraisal) \$ _____

Current Fair Market Value: _____ \$ _____

Appraisal _____ yes _____ no

Appraisal Attached? _____ yes _____ no

Estimate: _____ yes _____ no

Mortgage Balance: _____ \$ _____

Equity (Fair Market Value minus Mortgage Balance) \$ _____

Titled in the Name of: _____

Comments: _____

TOTAL EQUITY: _____

B. MODULAR/ MOBILE HOMES.

1. Where is the Modular/ Mobile Home located? _____
Primary Use (Example: primary residence, rental property, etc.): _____
Registered in the name of: _____
Year: Model: _____
Value: \$ _____
Loan Balance: \$ _____
Equity: \$ _____
Comments: _____

C. MOTOR VEHICLES (Cars, Trucks, RV's, Boats, Tractors, 4-Wheelers, Motorcycles, etc.) The appropriate value for motor vehicles is the NADA value or a value from a similar source such as Kelly's Blue Book (www.kbb.com) or Edmond's Blue Book (www.edmonds.com). If values are acquired from these or similar sources, attach to this 8.05 Financial Statement Affidavit a copy of the printout of the assessment. Attach additional sheets if necessary.

1. Registered in the name of: _____
Year: Model: Mileage: _____
How Cost Paid: _____
Value: \$ _____
Loan Balance: \$ _____
Equity: \$ _____
Printout Attached? _____ Yes _____ No
2. Registered in the name of: _____
Year: Model: Mileage: _____
How Cost Paid: _____
Value: \$ _____
Loan Balance: \$ _____
Equity: \$ _____
Printout Attached? _____ Yes _____ No
3. Registered in the name of: _____
Year: Model: Mileage: _____
How Cost Paid: _____
Value: \$ _____

Loan Balance: \$ _____
Equity: \$ _____
 Printout Attached? _____ Yes _____ No

4. Registered in the name of: _____
 Year: Model: Mileage: _____
 How Cost Paid: _____
 Value: \$ _____
 Loan Balance: \$ _____
Equity: \$ _____
 Printout Attached? _____ Yes _____ No

TOTAL EQUITY: _____

D. OTHER PERSONAL PROPERTY The value of personal property should be the fair market value. Fair market value is the price at which the item could be sold to a willing buyer, under no compulsion to buy. When valuing an item consider the present condition (wear and tear, etc.) Examples of fair market value may be obtained from flea markets, garage sales, pawn shops, etc. **Fair market value is not the replacement value or purchase price.** Attach additional sheets if necessary.

ITEM	VALUE
Furniture and Household Furnishings	
Tools	
Collectibles (art, coins, dolls, cars, etc.)	
Crystal, Silver, China, Gold	
Jewelry	
Sporting Equipment (guns, skis, golf clubs, etc.)	
Entertainment Equipment (televisions, stereo, pool table, etc.)	
Electronics (computers, digital cameras, printers, etc.)	
Lawn equipment	
Musical Instruments	
Other:	
Other:	

TOTAL VALUE	\$ _____
--------------------	----------

E. FINANCIAL ACCOUNTS: List all checking accounts, savings accounts, money market accounts, passbook accounts, credit union accounts, etc. in which you have an interest.

NAME(S) ON ACCOUNT	FINANCIAL INSTITUTION OR BANK NAME	TYPE OF ACCOUNT	LAST FOUR(4) DIGITS ON THE ACCOUNT	BALANCE 90 DAYS PRIOR TO DATE OF COMPLAINT FILED	CURRENT BALANCE AS OF __/__/__
TOTAL CHECKING/ SAVINGS					\$ _____

F. OTHER INVESTMENTS List all IRAs, stocks, CD's, mutual funds, pension plans, bonds, 401(k), PERS, Deferred Compensation, etc.

NAME(S) ON INVESTMENT	NAME OF FINANCIAL INSTITUTION, BROKERAGE FIRM, ETC.	TYPE OF INVESTMENT	LAST FOUR (4) DIGITS ON THE ACCOUNT	BALANCE 90 DAYS PRIOR TO DATE OF COMPLAINT FILED	CURRENT BALANCE AS OF __/__/__

TOTAL OTHER INVESTMENTS	\$ _____
--------------------------------	----------

G. CASH/CASH EQUIVALENTS AND OTHER ITEMS OF VALUE

	AMOUNT
Money in your possession (on hand)	
Money in banks, deposit boxes, etc. not listed above	
Money in personal or business safes, lock boxes, etc.	
Money being held for you by a third person or entity	
Other Cash:	
Other Cash:	
TOTAL CASH	\$ _____

H. LIFE INSURANCE

PERSON INSURED	OWNER OF POLICY	COMPANY	COVERAGE AMOUNT	LOANS	CASH VALUE	LAST FOUR (4) DIGITS OF POLICY	BENEFICIARY
	TOTAL CASH VALUE				\$		

I. FUTURE ASSETS If you have the right to receive assets or income in the future, such as accrued vacation, sick leave, bonus, income from a trust(s), etc. you must list them here.

FUTURE ASSETS	Possible Value
TOTAL FUTURE ASSETS	\$ _____

J. ALL OTHER ASSETS (You are required to list all assets of value in which you have an interest, that you have not listed elsewhere on this form)

DESCRIPTION OF ASSET	VALUE
Notes (Money owed to you in writing)	
Loans (Money owed to you not evidenced by a writing)	
Business Interest	
Patents, Copyrights, etc.	
Oil and Gas Interests	
Country Club and other Membership Interests (Hunting Clubs, etc.)	
Timber Rights	
Gold, Precious Metals	
Other:	
Other:	
TOTAL OTHER ASSETS	\$ _____

SUMMARY

TOTAL ASSETS: \$ _____

(ADD Total from previous Sections A through J).

SECTION V. LIABILITIES

A. LIABILITIES List all creditors including creditors of your spouse. Include all mortgage(s), car loans, credit cards, personal loans, medical providers, credit union loans, judgments, charge accounts, etc.

	CREDITOR	LAST FOUR (4) DIGITS OF ACCOUNT	PURPOSE/ REASON FOR DEBT	WHOSE NAME IS LISTED ON THE DEBT	CURRENT BALANCE DUE	MONTHLY PAYMENT DUE	WHO PAYS
1							
2							
3							
4							
5							
6							
7							
8							
9							
TOTAL LIABILITIES					\$ _____	\$ _____	

B. CONTINGENT LIABILITIES If you have any future liabilities such as tax payments, judgments, pending lawsuits, etc. you must list them here.

DESCRIPTION OF CONTINGENT LIABILITIES	Contingent Amount Owed

DESCRIPTION OF CONTINGENT LIABILITIES	Contingent Amount Owed
TOTAL CONTINGENT LIABILITIES	\$ _____

SUMMARY

TOTAL LIABILITIES: \$ _____

(ADD Total from previous Sections A through B).

SECTION VI. SEPARATE PROPERTY and SEPARATE LIABILITIES

Please list any assets including real estate, modular/mobile homes, motor vehicles, personal property, financial accounts, other investments, cash/cash equivalents and other items of value, life insurance, future assets and all other assets which you believe are separate property and should not be divided or equitably distributed in a divorce proceeding and explain your reasons in the comments section.

Separate Asset	Comments:

Please list any liabilities including credit cards, judgments, tax liabilities, etc which you believe should not be divided or equitably distributed in a divorce proceeding and explain your reasons in

the comments section.

Separate Liability	Comments:

ACKNOWLEDGMENT OF TRUTHFULNESS

I declare to the Court that the foregoing Exhibit "B" including attachments, is true and correct and that this declaration was executed on the _____ day of _____, 20 __,

Party's Signature

CERTIFICATE OF COMPLIANCE

I, _____, do hereby certify that I have this date complied with Rule 8.05 of the Uniform Chancery Court Rules, and that I have mailed and/or delivered a copy of a detailed written statement of actual income and expenses and assets and liabilities to the attorney for the opposing party or the opposing party.

SO CERTIFIED, this _____ day of _____, 20 __.

Exhibit 1

If you are self-employed, own an interest in a business or farm, receive income from rental property, or report income or expenses on Schedule C, Schedule E, or Schedule F of your tax return, please complete the following. Use additional pages if necessary.

1. Please describe the business activity: _____

2. Do you actively work in the business? YES or NO (circle appropriate response).
If yes, please indicate the average number of hours worked per week: _____ hours.

3. Does the business provide a vehicle for your personal use? YES or NO (circle appropriate response). If yes, please provide a description of the vehicle: _____

4. Does the business provide a vehicle for the use of any members of your immediate family? YES or NO (circle appropriate response). If yes, please provide a description of each vehicle and indicate the family member that drives the vehicle: _____

5. Do any members of your immediate family work in the business? YES or NO (circle appropriate response).
If yes, please list each family member, the duties of their position, number of hours worked per week, and the rate of pay.

Name	Duties/ Job Description	Hours Worked Per Week	Pay Per Week

6. Does the business pay any expenses on your behalf or on behalf of your immediate family? YES or NO (circle the appropriate response). If yes, please describe each expense and provide the cost of the expense.

(Examples: Credit Cards, Utilities, Auto Repairs, Fuel, Insurance, Cell Phone, School Tuition, Oil Changes, Medical Expenses, Pet Expenses, Meals, etc.)

Description of the Expense	Amount of Expense Paid by the Business

7. Does the business provide you with anything of value or a tax benefit or any “perks”?
YES or NO (circle appropriate response). If yes, please describe each item of value, each tax benefit and every “perk” and provide the cost or monetary value of the same. (Examples: Hunting Leases, Country Club (dues, stock or expenses), Sporting Event Tickets, Vacations, etc.)

Description of item of value, tax benefit or “perk”	Cost or Monetary Value

8. Does the business own any assets that are not necessary for its operation?
YES or NO (circle appropriate response)
If yes, please describe the asset.
(Example: Land or Art held for investment, boats, condominiums, vehicles, etc.)

8.05 FINANCIAL DECLARATION DOCUMENT PRODUCTION REQUEST

You, _____(name of party) must produce to _____ (name of opposing party or his/her attorney) within 30 days, the documents checked below if you have them in your possession or control, or if you can secure copies upon reasonable request.

- _____ 1. Copies of your past three (3) year's Federal and State Income Tax returns, in full form as filed.
- _____ 2. A copy of your most recent Social Security Earnings Statement or a completed Form SSA-7050-F4.
- _____ 3. Your most recent pay check stub.
- _____ 4. Your most recent W-2's.
- _____ 5. All 1099's received by you in the past year.
- _____ 6. All K-1's received by you in the past year.
- _____ 7. Copies of the past three (3) year's Federal and State Tax Income Tax returns, in full form as filed, for any partnership, limited liability company, corporation or limited partnership in which you own or have an interest
- _____ 8. Copies of your checking and saving account statements for the past twelve (12) months.
- _____ 9. Copies of your investment and brokerage account statements for the past twelve (12) months.
- _____ 10. Copies of your Certificates of Deposit, Bonds, or Stock.
- _____ 11. Copies of your IRA, 401(K), SEP, PERS, Pension, Deferred Compensation and any other retirement account for the past twelve (12) months.

- _____ 12. Copies of the declaration sheet for all life insurance policies owned by you or on which you have been a beneficiary for the past twelve (12) months.

- _____ 13. Copies of all credit card statements on which you have made charges for the past six (6) months.

- _____ 14. Copies of all loans, mortgages, promissory notes, or other documents showing debts owned by you, or debts owed to you by others.

- _____ 15. Copies of all deeds to real property.

- _____ 16. Copies of all certificates of title. (Example: Boats, Vehicles, Campers, etc.)

- _____ 17. Copies of all appraisals.

- _____ 18. Copies of all documents referenced or used to complete the 8.05 Financial Statement Form.

Requested by () mail () fax or () hand delivery on this the _____ day of _____, 20__.

(Signature, address and telephone number of requesting party or his/her attorney)

8.05 FINANCIAL DECLARATION DOCUMENT PRODUCTION RESPONSE

Pursuant to the 8.05 Financial Declaration Document Production Request form dated _____ and requested by _____ (name of opposing party or his/her attorney) I, _____ (name of party or attorney) certify that I have produced the following documents (check all that are produced). For those not produced, I certify that I do not have copies in my possession or control, nor are copies available to me upon reasonable request. If I have failed to produce documents for any other reason, those reasons are set forth below and correspond to each numbered request; and I certify that those reasons are true and correct.

- _____ 1. Copies of my past three (3) year's Federal and State Income Tax returns, in full form as filed.

- _____ 2. A copy of your most recent Social Security Earnings Statement or a completed Form SSA-7050-F4.

- _____ 3. My most recent pay check stub.

- _____ 4. My most recent W-2's.

- _____ 5. All 1099's received by me in the past year.

- _____ 6. All K-1's received by me in the past year.

- _____ 7. Copies of the past three (3) year's Federal and State Tax Income Tax returns, in full form as filed, for any partnership, limited liability company, corporation or limited partnership in which I own or have an interest

- _____ 8. Copies of my checking and saving account statements for the past twelve (12) months.

- _____ 9. Copies of my investment and brokerage account statements for the past twelve (12) months.

- _____ 10. Copies of my Certificates of Deposit, Bonds, or Stock.

- _____ 11. Copies of my IRA, 401(K), SEP, PERS, Pension, Deferred Compensation and any other retirement account for the past twelve (12) months.
- _____ 12. Copies of the declaration sheet for all life insurance policies owned by me or on which I have been a beneficiary for the past twelve (12) months.
- _____ 13. Copies of all credit card statements on which I have made charges for the past six (6) months.
- _____ 14. Copies of all loans, mortgages, promissory notes, or other documents showing debts owned by me, or debts owed to me by others.
- _____ 15. Copies of all deeds to real property.
- _____ 16. Copies of all certificates of title. (Example: Boats, Vehicles, Campers, etc.)
- _____ 17. Copies of all appraisals.
- _____ 18. Copies of all documents referenced or used to complete the 8.05 Financial Statement Form.

Reason(s) for failure to produce documents requested in _____ (insert request number): _____

Reason(s) for failure to produce documents requested in _____ (insert request number): _____

So CERTIFIED and PRODUCED by () mail, () fax, or () hand delivered to:
 _____ (other party or his/her attorney including full

name, address and fax number) on this the _____ day of _____, 20__.

**(Signature, address and telephone number of producing party
or his/her attorney)**