

# UNIFORM CHANCERY COURT RULES

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**UNIFORM CHANCERY COURT RULES**  
**Adopted Effective February 1, 1989**

**1.00 GENERAL RULES**

**RULE 1.01 PROCEEDINGS MUST BE ORDERLY AND DIGNIFIED**

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. No drinks, food, gum or smoking shall be permitted. The counsel, parties, and witnesses, must be respectful to the court and to each other. Bickering or wrangling between counsel or between counsel and witness will not be tolerated. Applause or demonstration or approval or disapproval, and the use of profane or indecent language are prohibited. Counsel, in examining witnesses, in reading from brief or opinion and in all presentations, to the Court, shall stand unless specifically excused from doing so by the Court. 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.

In the interest of security, all persons entering the courtroom may be searched for weapons.

**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 SHERIFF MUST KEEP COURTROOM CLEAN  
AND COMFORTABLE**

The sheriff must see that the courtroom, library, Judge's chamber, witness rooms and rest rooms are kept clean and in comfortable condition.

**RULE 1.04 CLERK MUST HAVE PAPERS AND  
DOCKETS IN COURTROOM**

Unless the Chancellor directs otherwise, the Clerk shall, while the court is in session, have and keep in the courtroom, or in an office adjoining, the court file of each action pending for that day in the Court, and all dockets he is required to keep.

**RULE 1.05 OFFICERS, WITNESSES AND SOLICITORS  
MUST BE PROMPT**

When any civil action has been set for, or adjourned to, a particular day or hour, all officers, parties, witnesses and solicitors whose presence is necessary for the trial shall be present promptly at the time set. Any negligent or willful failure to obey this rule shall be punished by contempt.

**RULE 1.06 ASSIGNMENT OF CASES**

(A) In multi-judge 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. If an attorney or party shall attempt to manipulate or defeat the purpose of this rule, the case shall be reassigned to the judge who would have otherwise received the assignment. If the judge 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 judge to whom it was incorrectly assigned. Sanctions, including costs and attorney's fees, may be imposed by that judge 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.

(B) 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.

(C) In districts where motion days are set in advance with judges specifically assigned, preliminary procedural matters and those matters enumerated under M.R.C.P. 81(d)(1) and (2) may be submitted to the judge assigned such duties, notwithstanding the fact that the case has been assigned to another judge. Furthermore, 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.]

### **Comment**

In 2002 the Legislature adopted Miss. Code Ann. § 11-1-56, which required civil case assignments to be delayed until one defendant has filed responsive pleadings. By the adoption of this rule, the Supreme Court has superceded Section 11-1-56, exercising its inherent authority to adopt rules of practice, procedure and evidence to promote justice, uniformity, and the efficiency of the courts, as articulated in *Newell v. State*, 308 So. 2d 71 (Miss. 1975) and *Hall v. State*, 539 So. 2d 1338 (Miss. 1989).

The purpose of this rule is to prevent “judge shopping” within a district or a court. Although voluntary dismissal is allowed under M.R.C.P. 41 at any time prior to service by the adverse party of an answer or summary judgment, when a civil case is so dismissed and then refiled immediately thereafter with no substantial change in the parties or claims, such practice, as an example, may be taken as a wilful violation of this rule. Wilful violation of this rule may constitute an offense subject to suspension and other discipline under Rule 3.4(c) of the Rules of Professional Conduct. Sanctions authorized by this rule are cumulative to discipline under the Rules of Professional Conduct.

The assignment of cases by regular rotation among the judges of the district is not a random assignment as contemplated by this rule since a regular rotation will allow those attentive to the docket to predict the judge who will receive a particular assignment.

A party who believes that a case has been assigned in violation of this rule will first submit the issue to the judge before whom the case is pending; thereafter, either party aggrieved by the judge’s decision on the issue may seek review of that decision by this Court under the provisions of M.R.A.P. 21.

In some districts, local modifications, which to some degree are at variance with the strict provisions of this rule, may be made while fulfilling the policy of the rule. These modifications are to be made by local rule, on petition of the local district under M.R.C.P 83 to the Supreme Court. The order by which this Rule 1.06 was adopted provides:

It is further ordered that this new rule shall be effective upon issuance of this order; however, local practices adopted for the purpose of accommodating the needs of economy and efficiency may be continued for a



period of forty-five days from the issuance of this order, and in districts wherein the judges of the district have within such period petitioned the Court under M.R.C.P. 83 for local rules seeking approval of such practices or of other practices which might otherwise be in variance to this rule, the practices may continue to be used until the Supreme Court has considered the petition.

[Comment adopted effective May 29, 2003.]

#### **RULE 1.07 PRESENTATION TO OTHER CHANCELLOR OF MATTER WHEN RELIEF IS DENIED PROHIBITED**

When any has matter been presented to one of the Chancellors and the relief denied, the attorney shall not go to one of the other Chancellors and present the same matter.

#### **RULE 1.08 WITHDRAWAL OF COUNSEL**

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 written motion and after reasonable notice to the client and opposing counsel.

#### **RULE 1.09 NOTIFICATION OF RELEVANT PENDING CASES**

When counsel in a cause is aware of a case pending in another court of this or any other state or federal jurisdiction, which 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.

#### **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. 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.

B. 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 to this subdivision.

C. 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 OF JUDGES**

Any party may move for the recusal of a judge of the chancery court if it appears that the judge'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. 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. Such motion shall, in the first instance, be filed with the judge who is the subject of the motion within 30 days following notification to the parties of the name of the judge 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 filed within 30 days after the filing party could reasonably discover the facts underlying the grounds asserted. The subject judge shall consider and rule on the motion within 30 days of the filing of the motion, with hearing if necessary. If a hearing is held, it shall be on the record in open court. 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. ELECTRONIC FILING AND SERVICE PROCEDURES**

A court may, by local rule, allow pleadings and other papers to be served, filed, signed, or verified by electronic means in conformity with the Mississippi Electronic Court System procedures. Pleadings and other papers filed electronically in compliance with the procedures are written papers for purposes of these rules. Please refer to the Administrative Procedures for Mississippi Electronic Court System on the Supreme Court's website at [www.mssc.state.ms.us](http://www.mssc.state.ms.us).

[Adopted effective January 8, 2009, for purposes of a pilot program for the Mississippi Electronic Court System.]

#### **Comment**

Section 3B(12) of the Code of Judicial Conduct prohibits broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto except as authorized by rule or order of the Supreme Court. The Supreme Court has now adopted the Rules for Electronic and Photographic Coverage of Judicial Proceedings which provides detailed guidance for such coverage.

[Adopted effective April 17, 2003.]

## **2.00 RULES CONCERNING PLEADINGS**

### **RULE 2.01 [DELETED]**

### **RULE 2.02 PLEADINGS MUST BE FILED BEFORE PRESENTED**

All pleadings, 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 the Chancellor and marked filed by him as provided in M.R.C.P. 5(e). Thereafter, the

said papers shall be forthwith transmitted by the attorney to the proper Clerk.

**RULE 2.03 NO BLANKS IN PLEADINGS**

No blanks shall be contained in any pleading.

**RULES 2.04 AND 2.05 [DELETED]**

[Deleted September 19, 1979.]

**RULE 2.06 BLANKS IN PLEADINGS MUST BE FILLED IN**

All blanks contained in any pleading must be properly filled in according to the fact or facts before being filed with the clerk or presented for consideration by the Court or Chancellor. If the pleader does not know, and is unable to learn, the necessary fact or facts to enable him to fill in such blanks accurately, he must so state in his pleading.

**RULE 2.07 PLEADINGS MUST BE PARAGRAPHED**

Each of the several facts on which a complainant may rely for relief shall be set forth in his bill of complaint in a separate paragraph, so far as can be conveniently done, and each paragraph shall be numbered consecutively. The defendant shall answer the bill in like numerical order, and may plead to the fact or facts stated in each such paragraph of the bill, any proper affirmative defense thereto. Or the defendant may answer the bill paragraphically and then plead such affirmative matters of defense to the bill as a whole as he may deem advisable or proper. But in such case, each of the several facts relied on as an affirmative defense shall be stated in a separate paragraph, so far as to distinguish the matters therein pleaded from those previously admitted or denied in response to the bill. And the same rule shall be observed in regard to cross-bills and answers thereto. Any failure to comply with this rule may be taken advantage of by motion to strike such defective pleading.

**RULE 2.08 DELAY IN ANSWERING**

If after a cause is otherwise triable by law the defendant shall obtain leave to answer the bill and thereby delay the trial beyond the term, he shall, on motion of the complainant, be taxed with all costs accrued to the time of granting such leave, unless good cause be shown why it would be inequitable so to do.

### **RULE 2.09 AMENDMENTS DURING TRIAL TERM**

Where either party during the term at which a cause is triable, or during the trial thereof, shall obtain leave to amend his pleadings concerning any material matter, which the opposite party is not prepared to meet, shall, if he so requests be entitled to a continuance, and the party so making such amendment shall, on motion of the opposite party, be taxed with all costs accrued to the time of granting such leave, unless special circumstances of the case make it inequitable so to do.

### **RULE 2.10 TRIAL NOT DELAYED BECAUSE DEMURRER IS OVERRULED**

The complainant shall not be delayed of a trial in any case because a demurrer is overruled. If, in such a case, the defendant has failed to file his answer with his demurrer he shall, if the complainant so insists, be required to answer within such time as will not delay the trial beyond the term.

### **RULE 2.11 MOTIONS FOR SECURITY FOR COSTS**

All motions for security for costs must be filed and presented not later than the second day of the term next after process has been served on the movant. Otherwise such motion will be overruled unless good cause is shown why this rule was not complied with.

## **3.00 RULES CONCERNING TRIALS**

### **RULE 3.01 VACATION BUSINESS RULES OF PRECEDENCE**

Where the Chancellor has, by order or custom, set apart time for hearing vacation actions, all vacation matters coming before him 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. 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 CLOUD OF WITNESS - WHAT DONE**

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. In such cases the Chancellor may, in his discretion, 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. 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**

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. 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. 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 OBJECTIONS TO TESTIMONY - RULINGS THEREON**

All objections to testimony must be made to the Chancellor, not to opposing counsel. The objection must be specific rather than general. 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 his objection. If the Chancellor shall reserve his ruling, counsel interposing the objection shall make a note thereof and renew his objection at the conclusion of the testimony; otherwise, he shall be deemed to have waived his objection.

### **RULE 3.05 COPY OF EXHIBITS**

Unless excused by the Court, it shall be the duty of an attorney to distribute copies of any exhibits to the Court and opposing counsel when offered. 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 CONFERENCE WITH WITNESSES**

Counsel for each party shall confer with his witness before beginning the taking of testimony in behalf of his client. This rule shall not apply to witnesses who are inaccessible before that time.

### **RULE 3.08 FIREARMS PROHIBITED ON THE WITNESS STAND OR 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 3.09 AGREEMENTS OF COUNSEL**

Oral agreements of counsel made in the presence of the Court must be recorded by the Court Reporter, or an order entered in accordance therewith approved by counsel. All other agreements should be reduced to writing and filed among the papers in the case.

### **RULE 3.10 EARWIGGING THE CHANCELLOR PROHIBITED**

No person shall undertake to discuss with 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, except in the orderly progress of the trial, and arguments or briefs connected therewith. No attempt in any manner, except as above stated, to influence the Chancellor's decision shall be made. No person shall send any written communication to the Chancellor concerning a pending action in the Court 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 by him. Any person who shall violate this rule, knowing that such conduct is prohibited, shall be guilty of a contempt.

### **RULE 3.11 ARGUMENT OF COUNSEL**

The Chancellor may dispense with argument in any action. He may require counsel to argue or brief the law and facts, either or both, in any action, and shall not be bound to decide the same until that duty has been performed to his satisfaction. In all cases counsel must be prepared to argue the case as soon as the taking of the testimony is concluded. The Chancellor may specify the points of law or fact on which he desires argument 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 in person or by mail 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 3.12 NOTIFICATION OF SETTLEMENT OR POSSIBLE CONTINUANCE**

Where 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, then plaintiffs attorney shall immediately upon such agreement being reached so notify the Court. 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.

### **4.00 RULES CONCERNING OPINIONS**



## **RULE 4.01 FINDINGS BY THE COURT**

In all actions where it is required or requested, pursuant to M.R.C.P. 52, the Chancellor shall find the facts specially and state separately his conclusions of law thereon. The request must be made either in writing, filed among the papers in the action, or dictated to the Court Reporter for record and called to the attention of the Chancellor.

## **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. He may at his election render an opinion either orally or in writing. If he shall render 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**

While the Chancellor is rendering an oral opinion in any action he shall not be interrupted by anyone. After he 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 he will request it.

## **5.00 JUDGMENTS**

### **RULE 5.01 JUDGMENTS - FORM OF CAPTION**

Every Judgment shall show the number and style of the action at the top and have a caption showing the nature thereof.

## **RULE 5.02 JUDGMENTS - CONTENTS AND FORM**

Every Judgment shall adjudicate such facts as to show that the Court has lawful authority to render it. In every action where relief is granted the several items or elements thereof shall be stated in a separate paragraph which shall be numbered consecutively. Every Judgment shall be so drawn as to be definite and certain in all its terms and provisions. In all litigated cases the final Judgment shall tax the costs as the Chancellor may require and direct the issuance of appropriate process for its enforcement. No exception to the action of the Court may be embraced in any Judgment, but the party adversely affected thereby shall be deemed to have duly excepted thereto.

## **RULE 5.03 CONSENT JUDGMENTS MUST BE APPROVED AND SIGNED BY BOTH COUNSEL**

Every consent Judgment must be approved and signed by counsel for all parties to the suit who may be represented by counsel and interested in or affected thereby before being presented to the Chancellor for his signature. The Court may also require the parties to sign.

## **RULE 5.04 JUDGMENT MUST BE SUBMITTED TO OPPOSING COUNSEL AND CHANCELLOR - WHEN**

In all litigated actions, the attorney who shall be directed to draw the Judgment shall submit the same to opposing counsel for criticism as to form only, and shall present the same to the Chancellor within ten (10) calendar days after being directed to draw the judgment unless otherwise permitted.

## **RULE 5.05 PRESENTATION OF COURT FILE**

Unless excused by the Court, when attorneys personally present to the Court any proposed order, they shall also present the court file for the convenience of the Court.

## **RULE 5.06 JUDGMENT MUST BE DELIVERED TO CLERK**

As soon as a Judgment has been signed by the Chancellor, it shall be promptly delivered to the Clerk of the proper Court for record in the minute book. Any person to whom any Judgment may be entrusted by the Chancellor for delivery to the Clerk who shall either willfully or negligently fail to promptly deliver it to the Clerk, shall be guilty of a contempt.

## **6.00 RULES CONCERNING PROBATE MATTERS**

### **RULE 6.01 ATTORNEY MUST BE RETAINED**

Every fiduciary must, unless he is licensed to practice law, retain an attorney or firm of attorneys to represent, advise and assist him during the whole term of his office, whose compensation will be fixed or approved by the Chancellor. When an attorney has once appeared for such a fiduciary, in any respect, he may withdraw only with the consent of the Chancellor, after notice to the client. However, if he shall be or become negligent or unfaithful, in any respect, he may, with the consent of the Chancellor, be discharged. The practice of employing different attorneys, at the will of the fiduciary will not be tolerated.

### **RULE 6.02 FIDUCIARIES AND ATTORNEY MUST BE DILIGENT**

Every fiduciary and his attorney must be diligent in the performance of his 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 as speedily as may be reasonably possible. In guardianships and conservatorships an attorney must be faithful to both fiduciary and the ward and if it appears to the attorney that the fiduciary is not properly performing duties required by the law then he shall promptly notify the Court in which the estate is being administered. Failure to observe this rule without just cause shall constitute contempt for which the Chancellor will impose appropriate penalties.

### **RULE 6.03 STATEMENT APPENDED TO ANNUAL ACCOUNTS**

Every fiduciary shall append to each annual account, as a part thereof, a list or statement of all assets, real and personal, of the estate then in his hands or under his control. If any part thereof shall consist of money, bonds or other securities negotiable by delivery, then such statement shall also show the name of the bank where the same is deposited or kept. A certificate signed under oath by an officer of the bank that such money and bond or other securities are then on deposit or kept in such bank shall be attached. In case any of such assets shall consist of loans made by him or his predecessor in office, then such statement shall show to whom and when such loan was made, the amount remaining unpaid, how secured, whether all taxes have been paid on the property mortgaged or pledged as security for loan, and whether or not in his opinion the security is sufficient.

#### **RULE 6.04 WHAT VOUCHERS MUST SHOW**

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 Miss. Code Ann. Section 93-13-71. Every such voucher shall consist of a receipt or canceled bank check showing to whom and for what purpose the money was paid. All vouchers for claims paid which arose during the lifetime of a decedent or the sanity of a person of unsound mind shall show that the claim was properly probated, allowed and registered. 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) Section 91-7-277.

#### **RULES 6.05 DISBURSEMENTS AND RECEIPTS ANNUAL AND FINAL ACCOUNTS**

Where disbursements are shown on an annual or final account there shall be included therewith 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.

Where receipts are shown on such accounts there shall be included the date of the receipt, the name of the payor and on what account payment is made.

### **RULE 6.06 LOST VOUCHERS-HOW SUBSTITUTED**

In case of the lost or destruction of any original voucher, 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 or destroyed. The Chancellor may, if the proof be sufficient, allow the same as though the original had been produced.

### **RULE 6.07 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 thereof will be at the risk of subsequent disapproval by the Chancellor as to the propriety or reasonableness thereof.

### **RULE 6.08 ALLOWANCE FOR SUPPORT OF WARD**

Every petition for an allowance for the support of a ward shall show the amount of his current estate, the estimated amount of his monthly or yearly income, and the amount of the previous allowance. Where the ward is a minor, any request of a 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 6.09 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 case of a loan, to whom and the time for which it is to be made, and the rate of interest it is to bear. In all cases where a loan is proposed, the affidavits of two or more credible persons touching the value of the security offered must be attached to the petition filed with the papers in the action, or witnesses produced before the Chancellor.

**RULE 6.10 PETITIONS FOR AUTHORITY TO COMPROMISE  
CLAIMS FOR WRONGFUL DEATH OR INJURY**

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. 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, he shall so appear and give testimony touching the result of his investigation.

On "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 6.11 PETITIONS FOR COMMISSIONS**

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 coming into his hands, the total amount disbursed, the balance on hand, the nature and extent of the service rendered and expense incurred by him, and the total amount previously allowed to him on account thereof. Fees for fiduciaries and attorneys shall not be based on the value of any real property.

**RULE 6.12 PETITIONS FOR ALLOWANCE OF  
ATTORNEY'S FEES**

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 6.11, touching his compensation, and if so, the nature and effect thereof. 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. 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. 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 6.13 PLEADING MUST BE SWORN TO**

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

#### **RULE 6.14 COURT COSTS MUST BE PAID ANNUALLY**

Every fiduciary shall at least annually pay all accrued court costs and present the clerk's receipt therefor as a voucher on his next accounting.

#### **RULE 6.15 COPY OF WILL FILED WITH ORIGINAL**

Every petition to probate a Will must have a copy of the Will attached thereto.

#### **RULE 6.16 [DELETED]**

#### **RULE 6.17 FAILURE TO FILE ACCOUNTINGS**

If, without just cause, an attorney fails to file accountings or other matters in probate cases (estates, guardianships and conservatorships) after being so directed in writing by the Court, the Court may consider such misconduct as contempt.

### **7.00 RULES CONCERNING VACATION MATTERS**

## **RULE 7.01 [DELETED]**

### **RULE 7.02 RETURN ENVELOPE MUST BE ENCLOSED**

When any attorney or Clerk shall forward papers to the Chancellor requesting a response or the return of a judgment, order or paper, a self-addressed, stamped envelope shall be enclosed for the return thereof to the Clerk by the Chancellor. If the attorney shall desire a copy of a judgment or order returned to him, he shall furnish such copy and self-addressed stamped envelope for the return thereof. All mail to the Chancellor should be fully prepaid.

### **RULE 7.03 REMOVAL OF DISABILITY**

In all cases for the 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. Except in extraordinary and exceptional cases, the Chancellor will decline to remove generally the disability of any minor who is under eighteen years of age. In all such cases, oral proof or affidavits must be produced.

## **8.00 RULES CONCERNING DIVORCE**

### **RULES 8.01 AND 8.02 [DELETED]**

### **RULE 8.03 CORROBORATION**

In all uncontested divorce cases, except irreconcilable differences, the testimony of the Plaintiff must be substantially corroborated.

### **RULE 8.04 IRRECONCILABLE DIFFERENCES DIVORCE**

In all irreconcilable differences divorce actions (no-fault), the attorney is required to appear before the Court with the file to request approval of the Agreement and to



obtain the signature of the Chancellor to the *Judgment for Divorce-Irreconcilable Differences*.

The attorney must be prepared to answer all inquiries that may be raised by the Court.

### **RULE 8.05 FINANCIAL STATEMENT REQUIRED**

Unless excused by Order of the Court for good cause shown, 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:

(a) A detailed written statement of actual income and expenses and assets and liabilities, such statement to be on the forms attached hereto as Exhibit “A”, 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, a general statement of the providing party describing employment history and earnings from the inception of the marriage or from the date of divorce, whichever is applicable; or,

(b) By agreement of the parties, or on motion and by order of the Court, or on the Court’s own motion, a more detailed statement on the form attached hereto as Exhibit “B”.

The party providing the required written statement shall immediately file a Certificate of Compliance with the Chancery Clerk for filing in the court file.

A party filing a document containing personal identifiers and/or sensitive information and data may (1) file an unredacted document under seal; this 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.

The disclosures shall be made by the plaintiff not later than the time that the defendant’s Answer is due, and by the defendant at the time that the defendant’s Answer is due, but not later than 45 days from the date of the filing of the commencing pleading. The Court may extend or shorten the required time for disclosure upon written motion of

one of the parties and upon good cause shown.

The disclosures shall include any and all assets and liabilities, whether marital or non-marital. 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.

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.

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

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/her address, he/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/her full new address and shall furnish the other party a copy of such notice. 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.]

## **9.00 RULES CONCERNING DUTIES OF THE CLERK**

### **RULE 9.01 COSTS OF COURT**

Court cost deposits to pay the fees due the Chancery Clerk shall be made with the filing of any complaint or petition as follows:

- (1) No fault divorce: a deposit of \$30.00.
- (2) Complaints other than ex parte matters: a deposit of \$75.00.
- (3) All ex parte matters: a deposit of \$25.00.
- (4) Upon filing a counterclaim or crossclaim by a Cross-Plaintiff: a deposit of \$25.00.

(5) 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 and all papers pertaining to the same case shall be kept in the same 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 or on microfilm or microfiche provided a "reader" is available in the Clerk's office.

**RULE 9.03 [DELETED]**

**RULE 9.04 ORIGINAL WILLS AND BONDS HOW KEPT**

The Clerk shall keep all original Wills, all bonds and receipts from banks and all disputed documents filed with him safely and securely locked in a safe or vault in his office. He shall not permit the same to be taken from his custody for any purpose, except on an order of the Chancellor entered on the minutes.

**RULE 9.05 [DELETED]**

**10.00 ABORTION**

**RULE 10.01 WAIVER OF CONSENT TO ABORTION**

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.

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.

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.

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.

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.

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.

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.

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.]

## **11.00 CONFLICTING RULES**

## **RULE 11.01 PRIORITY**

If there be any conflict between these Rules and Mississippi Rules of Civil Procedure, Rules of Evidence, Mississippi Constitution and any applicable Mississippi statutes, the latter shall be followed.

[Former Rules 10.00 and 10.01 renumbered 11.00 and 11.01, respectively, effective February 18, 1991.]

**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 ( <b>Not</b> 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
_____	_____	_____

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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 (if known)
Year _____	\$ _____	\$ _____

**LAST YEAR'S ADJUSTED GROSS INCOME FROM TAX RETURN:**

	Your Income	Other Party's Income (if known)
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 1<sup>st</sup> and 15<sup>th</sup>, or on 15<sup>th</sup> 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 1<sup>st</sup> and 15<sup>th</sup>, or on 15<sup>th</sup> 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 1<sup>st</sup> and 15<sup>th</sup>, or on 15<sup>th</sup> and 30<sup>th</sup>/31<sup>st</sup>, multiply by 2  
 4. Paid annually divide by 12

<b>A. <u>HOUSEHOLD:</u></b>	<b>PRE-SEPARATION</b>	<b>CURRENT:</b>	<b>PROPOSED/ ESTIMATE EXPENSES:</b>
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.	<b>SUBTOTAL</b>	35. _____	35. _____	35. _____

**B. VEHICLES AND BOATS**

36.	Monthly gasoline and oil	36. _____	36. _____	36. _____
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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.	<b>SUBTOTAL</b>	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.	<b>SUBTOTAL</b>	67. _____	67. _____	67. _____
<b>D.</b>	<b><u>MONTHLY EXPENSES FOR CHILD(REN) FROM ANOTHER RELATIONSHIP:</u></b>			
	(other than court-ordered child support)			
68.	_____	68. _____	68. _____	68. _____
69.	_____	69. _____	69. _____	69. _____
70.	_____	70. _____	70. _____	70. _____
71.	<b>SUBTOTAL</b>	71. _____	71. _____	71. _____

<b>E.</b>	<b><u>MONTHLY INSURANCE:</u></b>			
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.	<b>SUBTOTAL</b>	78. _____	78. _____	78. _____

<b>F.</b>	<b><u>OTHER MONTHLY EXPENSES NOT LISTED ABOVE:</u></b>			
79.	Other: _____	79. _____	79. _____	79. _____
80.	Other: _____	80. _____	80. _____	80. _____
81.	Other: _____	81. _____	81. _____	81. _____
82.	Other: _____	82. _____	82. _____	82. _____
83.	<b>SUBTOTAL</b>	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](http://www.kbb.com)) or Edmond's Blue Book ([www.edmonds.com](http://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:	

<b>TOTAL VALUE</b>	\$ _____
--------------------	----------

**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 __/__/__
<b>TOTAL CHECKING/ SAVINGS</b>					\$ _____

**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 __/__/__

<b>TOTAL OTHER INVESTMENTS</b>	\$ _____
--------------------------------	----------

**G. CASH/CASH EQUIVALENTS AND OTHER ITEMS OF VALUE**

	<b>AMOUNT</b>
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:	
<b>TOTAL CASH</b>	\$ _____

**H. LIFE INSURANCE**

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

**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
<b>TOTAL FUTURE ASSETS</b>	\$ _____

**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:	
<b>TOTAL OTHER ASSETS</b>	\$ _____

**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							
<b>TOTAL LIABILITIES</b>					\$ _____	\$ _____	

**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
<b>TOTAL CONTINGENT LIABILITIES</b>	\$ _____

**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.)

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## 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)**