

Chapter No. 552
10/HR40/R1876SG
JP ICT

HOUSE BILL NO. 1400

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1400

AN ACT TO AMEND SECTION 93-13-211, MISSISSIPPI CODE OF 1972, TO REVISE DISTRIBUTION OF MONEY AND PROPERTY TO WARDS UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-13-211, Mississippi Code of 1972, is amended as follows:

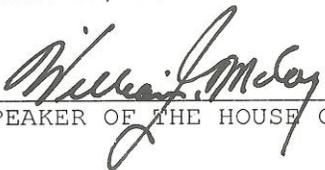
93-13-211. (1) When a ward is entitled under a judgment, order or decree of any court, or from any other source, to a sum of money not greater than Twenty-five Thousand Dollars (\$25,000.00), or to personal property not exceeding in value that sum, the chancery court of the county of the residence of the ward or the chancery court of the county wherein the person is entitled to the money or property, may order the money or property to be delivered to the ward or to some other person for him if he has no guardian, and compliance with the order shall acquit and release the person so delivering the same.

(2) * * * However, * * * if the sum of money or personal property is not due the ward under a judgment, order or decree of a court, * * * the chancery court before ordering the money or personal property paid over or delivered as * * * provided in this section shall fully investigate the matter and shall satisfy itself by evidence, or otherwise, that the proposed sum of money to be paid, either as liquidated or unliquidated damages because of any claim of the ward whatsoever whether arising ex delicto or ex contractu, is a fair settlement of the claim of the ward, and that it is to the best interest of the ward that the settlement be made, or that the personal property be delivered to the ward.

Thereupon the chancery court may authorize and decree that said sum of money or personal property be accepted by the ward and paid or delivered by the party owing or having the same as authorized by the decree of the court, and compliance with the order in the latter event shall acquit and release the person so paying or delivering the same. He, who under the order shall receive the money or property of a person under such disability, shall thereby become amenable to the court for the disposition of it for the use and benefit of the person under disability but shall not be required to furnish security therefor unless the chancery court shall so order.

SECTION 2. This act shall take effect and be in force from and after July 1, 2010.

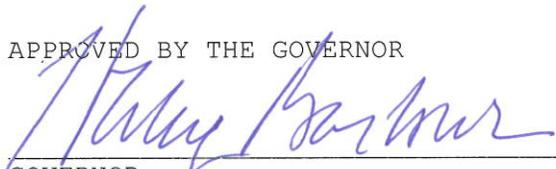
PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 27, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
4/28/10 7:21a