

75-3-306 Informal probate -- Notice requirements.

- (1) The moving party must give notice as described by Section 75-1-401 of his application for informal probate:
 - (a) To any person demanding it pursuant to Section 75-3-204.
 - (b) To any personal representative of the decedent whose appointment has not been terminated.
- (2) Upon receipt of an application for informal probate of a will, the clerk shall give written notice of the application to the heirs and devisees who have not waived notice. The notice shall include the name and address of the applicant, the name and location of the court in which the application was filed, the date on which the application was filed, and a statement to the effect that the requested probate will be granted after the elapse of 10 days from the date of the notice. The notice shall be delivered or sent by ordinary mail to each of the heirs and devisees at his address as shown on the application. The failure of an heir or devisee to object to the granting of the probate within the prescribed period of time shall not affect his right to petition the court to set the probate aside under Section 75-3-401.

Amended by Chapter 194, 1977 General Session