

**75-3-310 Informal appointment proceedings -- Notice requirements.**

- (1) The moving party must give notice as described by Section 75-1-401 of his intention to seek an appointment informally:
  - (a) To any person demanding it pursuant to Section 75-3-204.
  - (b) To any person having a prior or equal right to appointment not waived in writing and filed with the court.
- (2) Upon receipt of an application for an informal appointment 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 person whose appointment is sought, 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 appointment will be made 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 appointment within the prescribed period of time shall not affect his right to petition the court to set the appointment aside under Section 75-3-414.

Amended by Chapter 194, 1977 General Session