

75-7-516 Counterclaims.

- (1) In allowing a claim, the trustee may deduct any counterclaim which the deceased settlor's estate has against the claimant. In determining a claim against a deceased settlor's estate, a court shall reduce the amount allowed by the amount of any counterclaims and, if the counterclaims exceed the claim, render a judgment against the claimant in the amount of the excess.
- (2) A counterclaim, liquidated or unliquidated, may arise from a transaction other than that upon which the claim is based.
- (3) A counterclaim may give rise to relief exceeding in amount or different in kind from that sought in the claim.

Renumbered and Amended by Chapter 89, 2004 General Session