

David Marchetti and firm members win will contest in Mississippi Supreme Court – 12/15/2011.

In a heavily litigated will contest, David Marchetti, Gregg Caraway, Josh Henry, and Camille Henick Evans convinced the Mississippi Supreme Court that language of a holographic will, which provided that the decedent left the remainder of her estate to her sister with the understanding that the sister would “take care of” her mother, conveyed the decedent's residuary estate to the sister in fee simple, rather creating a testamentary trust or conditional bequest. The Mississippi Supreme Court found the language was merely a precatory expression of the decedent’s wish or desire, but was not imperative. In doing so, the court adopted the position advocated by the firm that the intermediate appellate court and the chancery court correctly awarded the residuary estate to the sister, but both courts had erred in finding that the will created a conditional bequest.