

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

, a Mississippi Corporation

VS.

THE KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS OF:

, DECEASED, A/K/A Mr./Ms. ,  
A/K/A ,

THE KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS OF

, DECEASED;

THE KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS OF

THE KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS OF

, , , , AND

'S ANSWER AND COUNTERCLAIM TO CONFIRM TITLE

COMES NOW, , by counsel, and files his/her Answer to the Complaint and Counterclaim to Confirm Title in the above styled and numbered cause on , , stating the following facts:

1. Defendant admits that he/she is an adult resident citizen of County, Mississippi, as alleged in Paragraph No. .
2. Defendant admits the statements in Paragraph No. .
3. Defendant admits the deraignment of title stated in Paragraph No. of the Complaint except Item No. which shows a quitclaim deed from who is a stranger to the title and this deed has no bearing on the true deraignment.
4. Defendant is the sole owner of an undivided interest in the -acre tract title to which is sought to be confirmed by this action.
5. Defendant acquired title as a beneficiary in the Last Will and Testament of dated , .
6. Defendant denies the allegations of adverse possession in Paragraph No. in that tenants in common cannot gain title by adverse possession.

7. Defendant admits that \_\_\_\_\_ heirs and others have paid the taxes on the property, but would show that the arrangement with Defendant's predecessor in title was that gravel and timber sales would be accumulated and offset against the taxes; therefore, the resources of the land actually paid the taxes to which this Defendant is entitled to credit for his/her share of the land resources used for such purpose.

8. In answer to Paragraph No. \_\_\_\_\_ of the Complaint, this Defendant states that this has been raw timber land and does not have any information regarding nor does he/she believe that there is insurance coverage on the subject property.

9. Defendant moves the Court to dismiss the Complaint insofar as his/her ownership of an undivided one-half interest in the subject property is concerned.

### COUNTERCLAIM

COMES NOW, \_\_\_\_\_, and makes his/her Answer a Counterclaim, adopting by reference all statements made herein before, and for cause of action states the following facts:

1. Defendant is an adult resident citizen of \_\_\_\_\_ County, Mississippi, and the Plaintiff is a Mississippi corporation with notice of the filing of this counterclaim being served on said Defendant by serving its counsel of record as shown by the certificate annexed hereto.

2. Defendant is the sole owner of an undivided \_\_\_\_\_ interest in the following described property situated in \_\_\_\_\_ County, Mississippi, to-wit:  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_ County, Mississippi.

3. Defendant derails his/her title to said property by virtue of Paragraphs \_\_\_\_\_, as shown by Exhibit " \_\_\_\_\_ " attached hereto, being pages out of the Complaint to Adjudicate Title filed by \_\_\_\_\_ in this cause on \_\_\_\_\_, \_\_\_\_\_.

4. Defendant alleges that \_\_\_\_\_ acquired an undivided \_\_\_\_\_ interest in the subject property on \_\_\_\_\_, \_\_\_\_\_, and that his/her interest passed to his/her husband/wife, \_\_\_\_\_, upon his/her death on \_\_\_\_\_, \_\_\_\_\_, and that \_\_\_\_\_'s interest passed to \_\_\_\_\_ upon his/her death on \_\_\_\_\_, \_\_\_\_\_, by virtue of his/her Will dated \_\_\_\_\_, wherein he/she devised the subject land to \_\_\_\_\_ and \_\_\_\_\_, or the survivor of them, thereby \_\_\_\_\_ became the owner of said property because \_\_\_\_\_ passed away prior to the death of \_\_\_\_\_ having died on \_\_\_\_\_, \_\_\_\_\_. \_\_\_\_\_ devised the property to this Defendant by Will dated \_\_\_\_\_, \_\_\_\_\_, he/she having passed away on \_\_\_\_\_, \_\_\_\_\_.

5. Defendant has incurred \$ \_\_\_\_\_ in legal fees in defending the suit brought by \_\_\_\_\_ and the Court should award his/her damages against \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ based upon the provisions of the frivolous lawsuit statute.

WHEREFORE, Plaintiff brings this cause of action under her Counterclaim and prays for a Judgment awarding him/her the fee simple title to an undivided \_\_\_\_\_ interest in the land described herein, and a Judgment for the sum of \$ \_\_\_\_\_ for attorney's fees and related expenses connected with defending the suit of \_\_\_\_\_.

Respectfully submitted,

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Attorney for

Of counsel:

Telephone:  
MSB #  
Attorney for