

IN THE CIRCUIT COURT OF COUNTY,

PLAINTIFF

VS.

CAUSE NO.

DEFENDANT

MOTION TO CHANGE JURISDICTION/VENUE

COMES NOW the Defendant/Counter Plaintiff, , in the above entitled and numbered action and moves this Court for its Order transferring the action or trial from the Circuit Court of County, , to the Chancery Court of County, , and for cause would show as follows:

1. This Motion is made on the ground that, under the provisions of Sec. 79-12-63 the application by or for a partner for dissolution vests jurisdiction in the Chancery Court rather than the Circuit Court. The Chancery Court of County, , is the proper place for the dissolution of the partnership between and in that the parties are both adult resident citizens of County, , and at all times maintained its offices or headquarters in the County of and not elsewhere.
2. The Plaintiff in Count seeks judicial dissolution in accordance with Sec. 79-12-79 Miss. Code Ann. (1972). (See Complaint paragraph).
3. The Defendant pleads as an affirmative defense, "This Court lacks jurisdiction as Plaintiff seeks equitable relief and jurisdiction and venue is properly vested in the Chancery Court of County, ." (See Affirmative Defense No.).
4. The Defendant seeks an accounting and dissolution of the partnership in accordance with Sec. 79-12-79 Miss. Code Ann. (1972). (See paragraph).
5. The Defendant has requested that the Chancery Judge appoint a Special Master and order an immediate accounting of the general partnership of and d/b/a . (See Counter Claim paragraph).
6. Both Plaintiff and the Defendant have requested relief and dissolution of the partnership in accordance with Sec. 79-12-79 Miss. Code Ann. (1972). The procedures for dissolution by decree of Court are set out in Sec. 79-12-63 Miss. Code Ann. (1972), and vests jurisdiction in Chancery Court.

WHEREFORE PREMISES CONSIDERED, the Defendant/Counter Plaintiff respectfully requests an Order transferring this cause from the Circuit Court of _____ County, _____, to the Chancery Court of _____ County, _____, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Attorney for

Of counsel:

Telephone:
MSB #
Attorney for

CERTIFICATE OF SERVICE

This is to certify that I, _____ Attorney for Defendant/Counter Plaintiff, have this day mailed, by United States Mail, postage prepaid, a true and correct copy of the above and foregoing Motion to Change Jurisdiction/Venue to:

This the _____ day of _____, 20____.