

No one disputes that Kimberly Brown served as administratrix for her late husband's estate. But her duties in that capacity were limited and temporary. *Yeates v. Box*, 198 Miss. 602, 610, 22 So. 2d 411, 414 (1945). Her authority as the estate's representative ended when the chancery court closed the estate and discharged her in April 2017 – four months before Thrush filed its third-party complaint and attempted service. *No 89-4 at 4, No 52 & No 55; Bailey v. Sayle*, 206 Miss. 757, 771, 40 So. 2d 618, 620 (1949). There's no indication that the estate has been reopened or that Brown has been reappointed as its representative. *Powell v. Buchanan*, 245 Miss. 4, 9-10, 147 So. 2d 110, 112 (1962). Thrush's service on her was therefore ineffective; and the Court lacks personal jurisdiction over the estate. *Printed Media Services, Inc. v. Solna Web Inc.* 11 F.3d 838, 843 (8th Cir. 1993); *Wilbanks v. Gray*, 795 So. 2d 541, 549-50 (Miss. App. 2001); *cf. Delta Health Group, Inc. v. Estate of Pope ex rel. Payne*, 995 So. 2d 123, 125-26 (Miss. 2008).

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Motion to dismiss, *No 89*, granted. Thrush's third-party claims against the estate are dismissed without prejudice. Thrush's third request for a ruling on allocation, *No 95*, is held in abeyance: the Court is inclined to follow current Arkansas law on allocation; but the parties should brief that issue in their dispositive-motion papers; and the Court will make a final decision then.

So Ordered.

D.P. Marshall Jr.
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United States District Judge

3 July 2018