

McMillin Real Estate & Appraisal, Inc.

INTERPLEADER FORM

In the appropriate court: _____ Justice _____ Chancery for _____ County, Mississippi
* Justice Court for amounts of \$2500 or less; Chancery Court for amounts above \$2500

v. _____ Broker, PLAINTIFF

Buyer(s), DEFENDANTS

Seller(s), DEFENDANTS

COMPLAINT FOR INTERPLEADER AND DECLARATORY JUDGEMENT

COMES NOW _____ (Broker) and for its causes of action against the Defendants would show as follows:

JURISDICTION

1. This action is in the nature of interpleader and for declaratory relief.
2. Jurisdiction is proper in this Court pursuant to Miss. Code Ann. 9-11-9.
3. Venue is proper in this Court pursuant to Miss. Code Ann. 11-11-1 *et seq.*

PARTIES

4. _____ (Broker) is a Mississippi real estate broker duly licensed pursuant to Miss. Code Ann. 73-35-1 *et seq.*
5. _____ (Buyer) is a resident of _____ and a party to the real estate contract at issue as the "Buyer."
6. _____ (Seller) is a resident of _____ and a party to the real estate contract at issue as the "Seller."

BACKGROUND FACTS

7. On _____, Buyers, and _____, Seller(s), entered into a contract for the sale of real estate situated in _____ County, Mississippi. The contract is attached hereto as an exhibit to this complaint.

8. As consideration for this contract, Buyer deposited \$ _____ into the escrow account of the Broker as earnest money. Plaintiff is holding that deposit at this time and desires to discharge its duty under the contract.

9. Pursuant to Miss. Code Ann. 73-35-21 (f) and the Mississippi Real Estate Commission Rule IV. D., Plaintiff has certain obligations regarding the disposition of earnest money upon termination or consummation of a real estate transaction.

10. Defendants are in dispute over which of them is entitled to the earnest money under the conditions of the contract for the sale of real estate at issue. By reason of these conflicting claims, Plaintiff is exposed to the risk of multiple and inconsistent liabilities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, respectfully requests the following:

1. The Court permit the Broker to tender the escrow funds into the registry of the Court;
2. That the Court order Buyer to interplead his claim and respond to the Complaint;
3. That the Court order Seller to interplead his claim and respond to the Complaint;
4. That the Court adjudge whether Seller is entitled to the sum of money, less costs of court;
5. That the Court discharge the Plaintiff from all liability in the action with his costs.

This the _____ day of _____, _____.

Respectfully submitted,

(Broker) License No. _____

