

By: Representative Hudson

To: Judiciary A

HOUSE BILL NO. 1288

1
2 AN ACT TO AMEND SECTIONS 89-5-1 AND 89-5-25, MISSISSIPPI CODE
3 OF 1972, TO REQUIRE THE PAYMENT OF ALL MUNICIPAL AND COUNTY TAXES
4 BEFORE RECORDING A DEED; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 89-5-1, Mississippi Code of 1972, is
7 amended as follows:

8 89-5-1. A conveyance of land shall not be good against a
9 purchaser for a valuable consideration without notice, or any
10 creditor, unless it be acknowledged by the party who executed it,
11 or be proved by one or more of the subscribing witnesses to it
12 that such party signed and delivered the same as his or her
13 voluntary act before some officer authorized to take such
14 acknowledgment or proof; and a certificate of such acknowledgment
15 or proof shall be written upon or under the conveyance, and be
16 signed by the officer before whom it was made, and be lodged with
17 the clerk of the chancery court of the county in which the lands
18 are situated to be recorded; but after filing with the clerk, the
19 priority of time of filing shall determine the priority of all
20 conveyances of the same land as between the several holders of
21 such conveyances. All applicable municipal and county taxes must
22 be paid before a deed may be recorded.

23 SECTION 2. Section 89-5-25, Mississippi Code of 1972, is
24 amended as follows:

25 89-5-25. (1) It shall be the duty of the clerk of the
26 chancery court to whom any written instrument is delivered to be
27 recorded, and which is properly recordable in his county, to

28 record the same without delay, together with the acknowledgments
29 of proofs and the certificates thereof, and also the plats of
30 surveys, schedules, and other papers thereto annexed, by entering
31 them word for word in a fair handwriting, or typewriting, or by
32 filling up printed forms, or by recording by photostat machine or
33 other equally permanent photographic or electronic process, and
34 entering the hour and minute, the day of the month, and the year
35 when the instrument was delivered to him for record, and when
36 recorded. Records filed or stored electronically may be in
37 addition to, or in lieu of, the physical record on paper. He
38 shall also carefully preserve all instruments of writing, which
39 are properly acknowledged and delivered to him to be recorded, and
40 after recording deliver them to the party entitled thereto on
41 demand. He shall also put a complete alphabetical index, both
42 direct and reverse, to each book, except as provided in subsection
43 (2), herein; and every person shall have access, at proper times,
44 to such books, and be entitled to transcripts from the same on
45 paying the lawful fees. He shall record the deeds and other
46 instruments in the order of time in which they are filed for
47 record as far as practicable. He shall determine that all
48 applicable municipal and county taxes have been paid before
49 recording a deed.

50 (2) In counties having a population in excess of one hundred
51 nineteen thousand (119,000) with an assessed valuation of all
52 taxable property therein in excess of Sixty-three Million Dollars
53 (\$63,000,000.00), and having two (2) cities wholly located
54 therein, each with a population in excess of thirty thousand
55 (30,000) persons according to the preceding federal census,
56 wherein the clerk of the chancery court has a well kept general
57 index, both direct and reverse, for each kind or class of record
58 books as required by Section 89-5-33, the board of supervisors
59 may, by order spread upon its minutes, authorize the clerk of the
60 chancery court to omit putting such index in each separate book of
61 the records to which such general index is kept.

62 (3) This section shall not be construed to authorize and
63 empower the boards of supervisors to purchase any photostat
64 machines or other equally permanent photographic or electronic

65 processes.

66 SECTION 3. This act shall take effect and be in force from
67 and after its passage.