

By: Snowden

To: Judiciary A

HOUSE BILL NO. 1131

1 AN ACT TO AMEND SECTION 89-1-29, MISSISSIPPI CODE 1972, TO
2 AUTHORIZE POWER OF ATTORNEY IN CONVEYANCE OF HOMESTEAD; AND FOR
3 RELATED PURPOSES.

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

5 SECTION 1. Section 89-1-29, Mississippi Code of 1972, is
6 amended as follows:[HS1]

7 89-1-29. A conveyance, mortgage, deed of trust or other
8 incumbrance upon a homestead exempted from execution shall not be
9 valid or binding unless signed by the spouse of the owner if the
10 owner be married and living with the spouse or by an attorney in
11 fact for the spouse. But where the spouse of the owner of the
12 homestead exempted from execution is insane and a writ of inquiry
13 of lunacy of the spouse has been sued out and the lunacy of the
14 spouse has been adjudged under the writ, then the owner of the
15 homestead, may file a petition in the chancery court and allege
16 therein the insanity of the spouse and the adjudication of
17 insanity of the spouse under the writ of inquiry of lunacy and the
18 facts of the case. The summons for the spouse, the insane person,
19 shall be issued and be served in the same manner as process is
20 served in other cases on insane persons, and the court shall hear
21 the case in vacation or in termtime as in other cases, and if the
22 court finds the spouse to be insane and the owner entitled to
23 relief, the court by decree shall authorize and empower the owner,
24 to execute a conveyance, mortgage, deed of trust or other
25 incumbrance upon the homestead without the signature of the
26 spouse. However, no mortgage or deed of trust executed in favor

27 of the Farmers Home Administration at the time of the purchase of
28 real estate to secure the payment of the money used to purchase
29 the real estate shall be invalid because it is not signed by the
30 spouse of the owner. All powers of attorney authorizing any
31 conveyance, mortgage, deed of trust or other incumbrance upon a
32 homestead shall designate an attorney in fact other than the
33 spouse and shall comply with the provisions of chapter 3 of title
34 87.

35 SECTION 2. This act shall take effect and be in force from
36 and after its passage.