HOUSE BILL NO. 1234

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

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

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

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

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

89-5-25. (1) It shall be the duty of the clerk of the chancery court to whom any written instrument is delivered to be recorded, and which is properly recordable in his county, to record the same without delay, together with the acknowledgments
of proofs and the certificates thereof, and also the plats of
surveys, schedules, and other papers thereto annexed, by entering
them word for word in a fair handwriting, or typewriting, or by
filling up printed forms, or by recording by photostat machine or
other equally permanent photographic or electronic process, and
entering the hour and minute, the day of the month, and the year
when the instrument was delivered to him for record, and when
recorded. Records filed or stored electronically may be in
addition to, or in lieu of, the physical record on paper. He
shall also carefully preserve all instruments of writing, which
are properly acknowledged and delivered to him to be recorded, and
after recording deliver them to the party entitled thereto on
demand. He shall also put a complete alphabetical index, both
direct and reverse, to each book, except as provided in subsection
(2), herein; and every person shall have access, at proper times,
to such books, and be entitled to transcripts from the same on
paying the lawful fees. He shall record the deeds and other
instruments in the order of time in which they are filed for
record as far as practicable. He shall determine that all
applicable municipal and county taxes have been paid before
recording a deed.

(2) In counties having a population in excess of one hundred
nineteen thousand (119,000) with an assessed valuation of all
taxable property therein in excess of Sixty-three Million Dollars
($63,000,000.00), and having two (2) cities wholly located
therein, each with a population in excess of thirty thousand
(30,000) persons according to the preceding Federal Census,
wherein the clerk of the chancery court has a well kept general
index, both direct and reverse, for each kind or class of record
books as required by Section 89-5-33, the board of supervisors
may, by order spread upon its minutes, authorize the clerk of the
chancery court to omit putting such index in each separate book of
the records to which such general index is kept.
(3) This section shall not be construed to authorize and empower the boards of supervisors to purchase any photostat machines or other equally permanent photographic or electronic processes.

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