

By: Senator(s) Chamberlin

To: Judiciary

SENATE BILL NO. 2725

1 AN ACT TO AMEND SECTION 89-5-33, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE PARCEL NUMBER, IF ANY, TO BE STATED ON FACE OF ANY
3 DEED; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 89-5-33, Mississippi Code of 1972, is
6 amended as follows:

7 89-5-33. (1) The clerk of the chancery court shall provide
8 a general index, direct and reverse, on which shall be entered, in
9 regular alphabetical order under the appropriate letter, the name
10 of each maker of the instrument and the name of each person to
11 whom made; and in like alphabetical order under its appropriate
12 title shall be entered the name of each person to whom the
13 instrument is made and the name of each person by whom made. A
14 general index, both direct and reverse, of mortgages and deeds of
15 trust on land shall be kept separate from the general index to
16 other records which the chancery clerk is required to keep, and he
17 shall make the proper entries in it as he is required to make in
18 the other general index. Immediately on receipt of any instrument
19 to be recorded, the clerk shall make these entries in the
20 appropriate general index and, after recording the instrument, the
21 book and page in which the record is made shall be noted opposite
22 each name thus placed in such general index, both direct and
23 reverse.

24 (2) The clerk of the chancery court shall maintain a
25 sectional index to instruments describing land which are also
26 entered in the general index. Each entry shall state the name of
27 each maker of the instrument, the name of each person to whom

28 made, and the date, type of instrument and the appropriate
29 reference where recorded. Opposite each such entry, the sectional
30 index shall indicate the location of the land described in the
31 instrument (a) by quarter section or governmental lot or other
32 applicable subdivision of each section, township and range
33 established by governmental survey, or (b) by lot number for
34 platted subdivisions, official surveys, and unofficial
35 subdivisions and surveys commonly in use. The clerk may elect to
36 keep the sectional index by quarter-quarter section rather than by
37 the quarter section, but shall not require a preparer's indexing
38 instruction to describe the quarter-quarter section. Except as
39 otherwise provided in this section, every instrument describing
40 land and required to be entered in the general index shall also be
41 entered in the sectional index. In the event of conflict between
42 the general and the sectional indices, the notice imparted by the
43 general index shall prevail except to the extent the land is
44 described by lot number for platted subdivisions, official surveys
45 and unofficial subdivisions and surveys commonly in use, the
46 sectional index shall prevail.

47 (3) Every surveyor or other person who prepares a legal
48 description of land or who prepares an instrument utilizing an
49 existing description shall (except as herein provided) include an
50 indexing instruction which shall state the section, township and
51 range and one or more quarter sections or governmental lots or
52 other applicable subdivisions of each section in which the land is
53 located. The preparer, at his option, may elect to note the
54 quarter-quarter section in which the land is located, but shall
55 not be required to do so. However, if the section or quarter
56 sections or governmental lots or other applicable subdivisions of
57 the section cannot feasibly be determined by such survey or other
58 person, the indexing instruction shall contain a statement to that
59 effect and shall then state all of the sections and quarter
60 sections or governmental lots or other applicable subdivisions of

61 the section in which the described land could possibly be located.
62 The indexing instruction shall be distinctly set apart in the
63 instrument so as to be readily apparent to the chancery clerk. A
64 chancery clerk shall refuse to accept delivery of an instrument
65 which does not contain the indexing instruction required in this
66 section unless the instrument otherwise discloses the information
67 required to be included in an indexing instruction. To be
68 accepted for recording, an instrument shall state the name,
69 address and telephone number of the person, entity or firm
70 preparing it; if a parcel number has been assigned to the piece of
71 property, it shall be stated, and in the event only a portion of
72 the parcel has been sold, the parent parcel number shall be stated
73 unless a new parcel number has been assigned. The fact that the
74 indexing instruction or preparer information may be omitted,
75 incorrect, incomplete or false shall not invalidate the instrument
76 or the filing thereof for record. The chancery clerk shall enter
77 the instrument in the sectional index according to the indexing
78 instruction, or equivalent information if accepted for filing
79 without an indexing instruction, and shall make no entries under
80 any other quarter sections or governmental lots or subdivisions of
81 the section. Notwithstanding the foregoing, the following kinds
82 of instruments shall be indexed as stated:

83 (a) Instruments describing land by reference to
84 officially platted subdivisions or to official surveys or to
85 unofficial subdivisions and surveys commonly in use will not
86 require an indexing instruction and shall be indexed in the
87 general index and the sectional index for such subdivision or
88 survey without further requirement.

89 (b) Instruments describing land or interests in land
90 solely by reference to previously recorded instruments or
91 affecting previously recorded instruments shall not require an
92 indexing instruction and need not be entered in the sectional
93 index but shall be entered in the general index and noted on the

94 margin of the previously recorded instrument. Instruments
95 describing land or interests in land by specific description of
96 certain parcels and, for other parcels, by reference to previously
97 recorded instruments, shall be entered in the sectional index
98 according to the indexing instruction for the specific description
99 and also noted on the margin of the previously recorded
100 instrument, in addition to the general index.

101 (c) Instruments containing blanket descriptions of all
102 land within a stated geographic area without specific description
103 shall be entered in a separate part of the sectional index or in
104 an index of indefinite records or an index of blanket conveyances
105 in addition to the general index.

106 (d) Instruments describing land in irregular sections
107 (all or any part of a section not capable of being divided into
108 quarter sections for indexing purposes) shall be entered in the
109 general index and in an appropriate sectional index maintained by
110 the chancery clerk. The indexing instruction, however, shall be
111 proper and complete if it states no more than the number of the
112 irregular section or sections in which the land is located or, as
113 above provided, in which the land could possibly be located. When
114 an instrument describes land within an irregular section according
115 to officially platted subdivisions or to official surveys or to
116 unofficial subdivisions or surveys commonly in use, it shall be
117 indexed in the sectional index for such subdivisions or surveys.

118 (4) When an instrument has been restored to service from
119 microfilm or other archived record, the chancery clerk shall enter
120 a notation on the margin stating that it is a substituted record
121 and stating the date on which it was restored to service. Such
122 marginal notation shall then constitute notice that the general
123 index must be examined for instruments filed prior to such date
124 which may have been noted on the margin of the original record but
125 do not appear on the margin of the restored record.

126 (5) The clerk of the chancery court shall enter instruments
127 in the sectional index by the end of the twentieth day the office
128 is open following the day on which the instrument is filed, except
129 for records of tax sales.

130 (6) If the chancery clerk elects to abbreviate the names of
131 parties to an instrument in the indices, the clerk shall maintain
132 a list of standard abbreviations used for that purpose and shall
133 adhere to such list.

134 (7) The clerk of the chancery court shall not correct or
135 alter an entry made in any index, whether kept manually or by
136 computer, unless the date and time of the change is clearly
137 disclosed on the revised record.

138 (8) If insufficient space is available for making entries on
139 the margin of a recorded instrument, the chancery clerk may enter
140 on the margin a reference where a continuation sheet is located.

141 (9) Except as expressly provided herein, nothing contained
142 in this section shall be construed to modify the requirements of
143 other statutes regarding the duties of the clerk of the chancery
144 court to index and record instruments affecting the title to land.

145 SECTION 2. This act shall take effect and be in force from
146 and after July 1, 2001.