MISSISSIPPI LEGISLATURE

To: Judiciary A

HOUSE BILL NO. 772

By: Representative Snowden

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H. B. No. 772

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

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

SECTION 1. Section 89-1-29, Mississippi Code of 1972, is amended as follows:

89-1-29. A conveyance, mortgage, deed of trust or other incumbrance upon a homestead exempted from execution shall not be valid or binding unless signed by the spouse of the owner if the owner be married and living with the spouse or by an attorney in fact for the spouse. But where the spouse of the owner of the homestead exempted from execution is insane and a writ of inquiry of lunacy of the spouse has been sued out and the lunacy of the spouse has been adjudged under the writ, then the owner of the homestead, may file a petition in the chancery court and allege therein the insanity of the spouse and the adjudication of insanity of the spouse under the writ of inquiry of lunacy and the facts of the case. The summons for the spouse, the insane person, shall be issued and be served in the same manner as process is served in other cases on insane persons, and the court shall hear the case in vacation or in termtime as in other cases, and if the court finds the spouse to be insane and the owner entitled to relief, the court by decree shall authorize and empower the owner, to execute a conveyance, mortgage, deed of trust or other incumbrance upon the homestead without the signature of the spouse. However, no mortgage or deed of trust executed in favor of the Farmers Home Administration at the time of the purchase of
real estate to secure the payment of the money used to purchase the real estate shall be invalid because it is not signed by the spouse of the owner. All powers of attorney authorizing any conveyance, mortgage, deed of trust or other incumbrance upon a homestead shall designate an attorney in fact other than the spouse and shall comply with the provisions of Chapter 3 of Title 87.

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