

By: Representative Snowden

To: Judiciary A

HOUSE BILL NO. 763

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

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.