

By: Representative Fillingane

To: Judiciary B

HOUSE BILL NO. 411

1 AN ACT TO AMEND SECTION 85-7-261, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE PROOF OF DEBT AND NOTICE IN ORDER TO ENFORCE A LIEN;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 85-7-261, Mississippi Code of 1972, is
6 amended as follows:

7 85-7-261. Unless otherwise expressly provided, the liens
8 created or mentioned in this chapter shall exist by virtue of the
9 relation of the parties, and without any writing, or if in
10 writing, without recording; and the rights and liens conferred may
11 be asserted and enforced by the assigns and personal
12 representatives of the lienor. Before a lien can be enforced
13 proof of the debt and notice shall be provided to the party
14 subject to the lien.

15 **SECTION 2.** This act shall take effect and be in force from
16 and after July 1, 2006.