

HOUSE BILL NO. 1415

1 AN ACT TO PROVIDE FOR METHODS OF CURING DEFECTS IN DEEDS OF
2 TRUST; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** (1) Errors occurring in legal descriptions of
5 deeds of trust may be cured by filing an affidavit of correction
6 in the chancery clerk's land records of the appropriate county.
7 The affidavit may be executed and recorded by the current holder
8 of the subject deed of trust and the grantor(s) of the subject
9 deed of trust.

10 (2) The failure to name a trustee in a deed of trust may be
11 cured by filing an appointment of trustee in the chancery clerk's
12 land records of the appropriate county. The appointment may be
13 executed by the current holder of the subject deed of trust, and
14 recorded in the same manner as provided for in Section 89-5-29,
15 and must be acknowledged in accordance with Section 89-5-3.

16 (3) An agent or attorney in fact acting on behalf of the
17 holder of a deed of trust may execute an affidavit of correction,
18 appointment of trustee, substitution of trustee, assignment of
19 deed of trust, or other document associated with a deed of trust,
20 provided that a copy of any document granting authority to said
21 agent or attorney in fact which has been recorded in a chancery
22 clerk's records is attached to the document which was executed by
23 said agent or attorney in fact.

24 (4) Errors in acknowledgments of a deed of trust, assignment
25 of a deed of trust, affidavit of correction, appointment of
26 trustee, substitution of trustee, or other document which is
27 required to be acknowledged as provided in Section 89-5-3 may be

28 cured by filing an affidavit of notary, executed by the notary
29 public whose signature appears in the original acknowledgment, and
30 reforms the defect in the acknowledgment to be in compliance with
31 Mississippi law. The affidavit of a notary shall be recorded in
32 the chancery clerk's land records of the appropriate county and
33 shall have retroactive effect.

34 **SECTION 2.** Section 1 of this act shall be codified in
35 Chapter 5 of Title 89, Mississippi Code of 1972.

36 **SECTION 3.** This act shall take effect and be in force from
37 and after July 1, 2006.