

By: Senator(s) Ross, White

To: Judiciary, Division A

SENATE BILL NO. 2076

1 AN ACT TO CODIFY SECTION 89-1-50, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE BY AFFIDAVIT EVIDENCE OF PAYMENT OF A LIEN; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section
6 89-1-50, Mississippi Code of 1972:

7 89-1-50. **Affidavit as evidence of payment.** Any affidavit
8 relating to the payment of a lien affecting the title to real
9 estate which has attached thereto both a copy of a letter from the
10 lienholder stating the amount necessary to pay the lien in full
11 and a copy of a cancelled check payable to the lienholder in the
12 amount stated in the letter, duly sworn to and acknowledged before
13 any officer or person authorized to administer an oath under the
14 laws of this state, shall be recordable in the land records in the
15 office of the chancery clerk in the county where the real estate
16 is located.

17 Any affidavit so recorded, or a certified copy thereof, shall
18 be admissible as evidence in any action involving the instrument
19 to which it relates or the title to the real estate affected by
20 the instrument and shall be prima facie evidence of the facts
21 stated therein.

22 Any action to enforce the subject lien or to challenge title
23 to the real estate shall be commenced within three (3) years next
24 after the recording of the affidavit and not after.

25 **SECTION 2.** This act shall take effect and be in force from
26 and after July 1, 2007.