

By: Senator(s) Ross, White

To: Judiciary, Division A

SENATE BILL NO. 2141

1 AN ACT TO AUTHORIZE RECORDATION OF HEIRSHIP AND OTHER  
2 AFFIDAVITS PERTAINING TO REAL ESTATE TITLES AND TO PROVIDE FOR THE  
3 ADMISSIBILITY OF SUCH AFFIDAVITS WHEN RECORDED; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** (1) Any affidavit relating to the  
7 identification, the marital status, the heirship, the relation,  
8 the death, or the time of death, of any person who is a party to  
9 any instrument affecting the title to real estate, or any  
10 affidavit relating to the identification of any corporation or  
11 other legal entity which is a party to any instrument affecting  
12 the title to real estate, 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 situated.

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

23 (3) Any action challenging the marketability of title or any  
24 action which relates to title to the real estate shall be  
25 commenced within three (3) years next after the recording of the  
26 affidavit and not after.

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