

By: Representative Warren

To: Judiciary B

HOUSE BILL NO. 475
(As Sent to Governor)

1 AN ACT TO ADOPT DOCUMENT FORMATTING STANDARDS FOR CERTAIN
2 INSTRUMENTS FILED WITH THE CLERK OF THE CHANCERY COURT; TO PROVIDE
3 FOR THE PAYMENT OF A FEE FOR NONCONFORMING DOCUMENTS; TO AMEND
4 SECTION 89-5-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) Except as otherwise provided in subsections
8 (3) and (4), any document or instrument presented to the clerk of
9 the chancery court for recording shall meet the following
10 requirements:

11 (a) Each document or instrument shall consist of one or
12 more individual pages printed only on one (1) side. The document
13 or instrument shall not consist of pages that are permanently
14 bound or in a continuous form and shall not have any attachment
15 stapled or otherwise affixed to any page except as necessary to
16 comply with statutory requirements. However, the individual pages
17 of a document or instrument may be stapled together for
18 presentation for recording. A label that is firmly attached with
19 a bar code or return address may be accepted for recording.

20 (b) All documents must be printed or typed in a font no
21 smaller than eight (8) point in size. If a document or
22 instrument, other than a plat or survey or a drawing related to a
23 plat or survey, presented for recording contains type smaller than
24 eight (8) point type, the document or instrument shall be
25 accompanied by an exact typewritten or printed copy that meets the
26 requirements of this section.

27 (c) Each document shall be of sufficient legibility to
28 produce a clear reproduction. If a document or instrument, other



29 than a plat or survey or a drawing related to a plat or survey, is
30 not sufficiently legible to produce a clear reproduction, the
31 document or instrument shall be accompanied by an exact
32 typewritten or printed copy that meets the type size requirements
33 of paragraph (b) and shall be recorded contemporaneously as
34 additional pages of the document or instrument.

35 (d) Each document or instrument, other than a plat or
36 survey or a drawing related to a plat or survey, shall be on white
37 paper of not less than twenty-pound weight. All text within the
38 document or instrument shall be of sufficient color and clarity to
39 ensure that the text is readable when reproduced from the record.

40 (e) All signatures on a document or instrument shall be
41 in black or blue ink and of sufficient color and clarity to ensure
42 that the signatures are of sufficient legibility to produce a
43 clear reproduction when the document or instrument is reproduced
44 from the record. The corresponding name shall be typed, printed
45 or stamped beneath the original signature. The typing or printing
46 of a name or the application of an embossed or inked stamp shall
47 not cover or otherwise materially interfere with any part of the
48 document or instrument except where provided by law. Failure to
49 print or type signatures as required in this paragraph does not
50 invalidate the document or instrument.

51 (f) The first page of each document or instrument,
52 other than a plat or survey or a drawing related to a plat or
53 survey, shall have a top margin of at least three (3) inches of
54 vertical space from left to right which shall be reserved for the
55 recorder's use. All other margins on the document or instrument
56 shall be a minimum of three-fourths (3/4) of one (1) inch.
57 Nonessential information including, but not limited to, form
58 numbers or customer notations may be placed in a margin other than
59 the top margin. A document may be recorded if a minor portion of
60 a seal or incidental writing extends into a margin. The recorder
61 shall not incur any liability for failure to show a seal or



62 information that extends beyond the margin of the permanent
63 archival record.

64 (2) Each document or instrument, other than a plat or survey
65 or a drawing related to a plat or survey, that is presented for
66 recording and that contains any of the following information shall
67 have that information on the first page below the three-inch
68 margin:

69 (a) The name, address and telephone number of the
70 individual who prepared the document.

71 (b) A return address.

72 (c) The title of the document or instrument.

73 (d) All grantors' names.

74 (e) All grantees' names.

75 (f) Any address and telephone number required by
76 Section 27-3-51, Mississippi Code of 1972.

77 (g) The legal description of the property or indexing
78 instruction per Section 89-5-33(3). If there is insufficient
79 space on the first page for the entire legal description or the
80 entire indexing instruction, immediately succeeding pages shall be
81 used.

82 (3) The following documents or instruments are exempt from
83 the format requirements of this section:

84 (a) A document or instrument that was executed before
85 July 1, 2009.

86 (b) A military separation document or instrument.

87 (c) A document or instrument executed outside the
88 United States.

89 (d) A certified copy of a document or instrument issued
90 by a court or governmental agency, including a vital record.

91 (e) A document or instrument where one (1) of the
92 original parties is deceased or otherwise incapacitated.

93 (f) A document or instrument formatted to meet court
94 requirements.



95 (g) A federal tax lien.

96 (h) A filing under the Uniform Commercial Code.

97 (4) The recorder shall record a document or instrument that
98 does not substantially conform to the format standards specified
99 in subsections (1) and (2) of this section upon payment of an
100 additional recording fee of Ten Dollars (\$10.00) per document or
101 instrument. The fee shall be charged only for documents or
102 instruments dated on or after July 1, 2009; this fee may not be
103 charged for those documents or instruments specifically exempted
104 in subsection (3).

105 (5) Failure to conform to the format standards specified in
106 this section does not affect the validity or enforceability of the
107 document or instrument.

108 **SECTION 2.** Section 89-5-25, Mississippi Code of 1972, is
109 amended as follows:

110 89-5-25. (1) It shall be the duty of the clerk of the
111 chancery court to whom any written instrument is delivered to be
112 recorded, and which is properly recordable in his county, to
113 record the same without delay, together with the acknowledgments
114 of proofs and the certificates thereof, and also the plats of
115 surveys, schedules, and other papers thereto annexed, by entering
116 them word for word in a fair handwriting, or typewriting, or by
117 filling up printed forms, or by recording by photostat machine or
118 other equally permanent photographic or electronic process, and
119 entering the hour and minute, the day of the month, and the year
120 when the instrument was delivered to him for record, and when
121 recorded. Records filed or stored electronically may be in
122 addition to, or in lieu of, the physical record on paper. He
123 shall also carefully preserve all instruments of writing, which
124 are properly acknowledged and delivered to him to be recorded, and
125 after recording deliver them to the party entitled thereto on
126 demand. He shall also put a complete alphabetical index, both
127 direct and reverse, to each book, except as provided in subsection



128 (2), herein; and every person shall have access, at proper times,
129 to such books, and be entitled to transcripts from the same on
130 paying the lawful fees. He shall record the deeds and other
131 instruments in the order of time in which they are filed for
132 record as far as practicable.

133 (2) In counties having a population in excess of one hundred
134 nineteen thousand (119,000) with an assessed valuation of all
135 taxable property therein in excess of Sixty-three Million Dollars
136 (\$63,000,000.00), and having two (2) cities wholly located
137 therein, each with a population in excess of thirty thousand
138 (30,000) persons according to the preceding Federal Census,
139 wherein the clerk of the chancery court has a well kept general
140 index, both direct and reverse, for each kind or class of record
141 books as required by Section 89-5-33, the board of supervisors
142 may, by order spread upon its minutes, authorize the clerk of the
143 chancery court to omit putting such index in each separate book of
144 the records to which such general index is kept.

145 (3) This section shall not be construed to authorize and
146 empower the boards of supervisors to purchase any photostat
147 machines or other equally permanent photographic or electronic
148 processes.

149 (4) From and after July 1, 2009, instruments to be recorded
150 shall comply with the provisions of Section 1 of House Bill No.
151 475, 2008 Regular Session.

152 **SECTION 3.** This act shall take effect and be in force from
153 and after July 1, 2009.

