

By: Representative Monsour

To: Banking and Financial Services

HOUSE BILL NO. 1304

1 AN ACT TO AMEND SECTION 89-1-55, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE NOTICE OF FORECLOSURE ON RESIDENTIAL REAL ESTATE TO LAST
3 KNOWN INSURER; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 89-1-55, Mississippi Code of 1972, is
6 amended as follows:

7 89-1-55. (1) All lands comprising a single tract, and
8 wholly described by the subdivisions of the governmental surveys,
9 sold under mortgages and deeds of trust, shall be sold in the
10 manner provided by Section 111 of the Mississippi Constitution of
11 1890 for the sale of lands in pursuance of a decree of court, or
12 under execution. All lands sold at public outcry under deeds of
13 trust or other contracts shall be sold in the county in which the
14 land is located, or in the county of the residence of the grantor,
15 or one (1) of the grantors in the trust deed, provided that where
16 the land is situated in two (2) or more counties, the parties may
17 contract for a sale of the whole in any of the counties in which
18 any part of the land lies. Sale of said lands shall be advertised



19 for three (3) consecutive weeks preceding such sale, in a
20 newspaper published in the county, or, if none is so published, in
21 some paper having a general circulation therein, and by posting
22 one (1) notice at the courthouse of the county where the land is
23 situated, for said time, and such notice and advertisement shall
24 disclose the name of the original mortgagor or mortgagors in said
25 deed of trust or other contract. No sale of lands under a deed of
26 trust or mortgage, shall be valid unless such sale shall have been
27 advertised as herein provided for, regardless of any contract to
28 the contrary. An error in the mode of sale such as makes the sale
29 void will not be cured by any statute of limitations, except as to
30 the ten-year statute of adverse possession.

31 (2) With respect to residential real estate, any party
32 foreclosing on property by deed of trust, or by judicial action,
33 shall send notice of the action by first class mail, postage
34 prepaid, to the last known insurer of the mortgage holder whose
35 real property is being foreclosed. This notice shall be sent at
36 the time of any conveyance of deed by sale, or at the conclusion
37 of any judicial proceeding to transfer ownership of the real
38 estate. The notice shall state the name of the party being
39 foreclosed upon and the address of the real property. For notice
40 purposes, providing notice to the insurance department in care of
41 the last known insurer shall be sufficient to comply with this
42 subsection.



43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2013.

