

By: Representative Horan

To: Banking and Financial Services

HOUSE BILL NO. 727

1 AN ACT TO AMEND SECTION 89-5-24, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE LOAN AMOUNT AND MATURITY DATE TO BE INCLUDED IN  
3 MORTGAGES AND DEEDS OF TRUST THAT ARE TO BE RECORDED; TO BRING  
4 FORWARD SECTION 89-5-29, MISSISSIPPI CODE OF 1972, REGARDING  
5 REQUIREMENTS OF MORTGAGES AND DEEDS OF TRUST, FOR PURPOSES OF  
6 AMENDMENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 89-5-24, Mississippi Code of 1972, is  
9 amended as follows:

10 89-5-24. (1) Except as otherwise provided in subsections  
11 (3) and (4), any document or instrument presented to the clerk of  
12 the chancery court for recording shall meet the following  
13 requirements:

14 (a) Each document or instrument shall consist of one or  
15 more individual pages printed only on one (1) side. The document  
16 or instrument shall not consist of pages that are permanently  
17 bound or in a continuous form and shall not have any attachment  
18 stapled or otherwise affixed to any page except as necessary to  
19 comply with statutory requirements. However, the individual pages  
20 of a document or instrument may be stapled together for



21 presentation for recording. A label that is firmly attached with  
22 a bar code or return address may be accepted for recording.

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

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

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

43 (e) All signatures on a document or instrument shall be  
44 in black or blue ink and of sufficient color and clarity to ensure  
45 that the signatures are of sufficient legibility to produce a



46 clear reproduction when the document or instrument is reproduced  
47 from the record. The corresponding name shall be typed, printed  
48 or stamped beneath the original signature. The typing or printing  
49 of a name or the application of an embossed or inked stamp shall  
50 not cover or otherwise materially interfere with any part of the  
51 document or instrument except where provided by law. Failure to  
52 print or type signatures as required in this paragraph does not  
53 invalidate the document or instrument.

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

67 (2) Each document or instrument, other than a plat or survey  
68 or a drawing related to a plat or survey, that is presented for  
69 recording and that contains any of the following information shall



70 have that information on the first page below the three-inch  
71 margin:

72 (a) The name, physical business mailing address and  
73 business or employment telephone number of the individual who  
74 prepared the document; and the name, mailing address and telephone  
75 number of every grantor, grantee, borrower, beneficiary, trustee  
76 or other party to the instrument.

77 (b) A return address.

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

79 (d) Any address and telephone number required by  
80 Section 27-3-51, Mississippi Code of 1972.

81 (e) The legal description of the property or indexing  
82 instruction per Section 89-5-33(3). If there is insufficient  
83 space on the first page for the entire legal description or the  
84 entire indexing instruction, immediately succeeding pages shall be  
85 used.

86 (f) For mortgages and deeds of trust, the loan amount  
87 and final maturity date. This requirement shall be phased in as  
88 lenders update their software technology, and will not cause the  
89 instrument to be refused for recording. Failure to comply with  
90 this requirement shall not be subject to the additional recording  
91 fee prescribed in subsection (4) of this section until after July  
92 1, 2019.

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



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

97 (b) A military separation document or instrument.

98 (c) A document or instrument executed outside the  
99 United States.

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

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

104 (f) A document or instrument formatted to meet court  
105 requirements.

106 (g) A federal tax lien.

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

108 (4) Except as otherwise provided in subsection (2)(f) of  
109 this section, the recorder shall record a document or instrument  
110 that does not substantially conform to the format standards  
111 specified in subsections (1) and (2) of this section upon payment  
112 of an additional recording fee of Ten Dollars (\$10.00) per  
113 document or instrument. The fee shall be charged only for  
114 documents or instruments dated on or after July 1, 2009; this fee  
115 may not be charged for those documents or instruments specifically  
116 exempted in subsection (3).

117 (5) Failure to conform to the format standards specified in  
118 this section does not affect the validity or enforceability of the  
119 document or instrument.



120           **SECTION 2.** Section 89-5-29, Mississippi Code of 1972, is  
121 brought forward as follows:

122           89-5-29. Except as hereinafter provided, all mortgages and  
123 deeds of trust upon land given to secure the payment of money, and  
124 all instruments of writing whereby a trustee is substituted under  
125 any such deed of trust, and all instruments of writing canceling  
126 or satisfying, or authorizing the cancellation or satisfaction of  
127 any such mortgage or deed of trust, shall be recorded separately  
128 from other instruments relating to land or records, and such  
129 records shall be called "records of mortgages and deeds of trust  
130 on land."

131           **SECTION 3.** This act shall take effect and be in force from  
132 and after July 1, 2018.

