

By: Representatives Byrd, McLeod

To: Judiciary A

HOUSE BILL NO. 1022

1 AN ACT TO AMEND SECTIONS 3-3-31, 89-5-1 AND 89-5-24,  
2 MISSISSIPPI CODE OF 1972, TO REQUIRE ALL DOCUMENTS AND INSTRUMENTS  
3 OF RECORD TO BE IN THE ENGLISH LANGUAGE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 3-3-31, Mississippi Code of 1972, is  
6 amended as follows:

7 3-3-31. The English language is the official language of the  
8 State of Mississippi. Except as otherwise provided by law, all  
9 documents and instruments of record and any record regarding any  
10 legal proceeding written and recorded after July 1, 2018, must be  
11 in the English language.

12 **SECTION 2.** Section 89-5-1, Mississippi Code of 1972, is  
13 amended as follows:

14 89-5-1. Except as provided by Sections 89-5-101 through  
15 89-5-113, a conveyance of land shall not be good against a  
16 purchaser for a valuable consideration without notice, or any  
17 creditor, unless it be lodged with the clerk of the chancery court  
18 of the county in which the lands are situated to be recorded and



19 unless the document be in the English language; but after filing  
20 with the clerk, the priority of time of filing shall determine the  
21 priority of all conveyances of the same land as between the  
22 several holders of such conveyances.

23 **SECTION 3.** Section 89-5-24, Mississippi Code of 1972, is  
24 amended as follows:

25 89-5-24. (1) Except as otherwise provided in subsections  
26 (3) and (4), any document or instrument presented to the clerk of  
27 the chancery court for recording shall meet the following  
28 requirements:

29 (a) Each document or instrument shall consist of one or  
30 more individual pages printed only on one (1) side. The document  
31 or instrument shall not consist of pages that are permanently  
32 bound or in a continuous form and shall not have any attachment  
33 stapled or otherwise affixed to any page except as necessary to  
34 comply with statutory requirements. However, the individual pages  
35 of a document or instrument may be stapled together for  
36 presentation for recording. A label that is firmly attached with  
37 a bar code or return address may be accepted for recording.

38 (b) All documents must be printed or typed in a font no  
39 smaller than ten-point in size. If a document or instrument,  
40 other than a plat or survey or a drawing related to a plat or  
41 survey, presented for recording contains type smaller than



42 ten-point type, the document or instrument shall be accompanied by  
43 an exact typewritten or printed copy that meets the requirements  
44 of this section.

45 (c) Each document shall be of sufficient legibility to  
46 produce a clear reproduction. If a document or instrument, other  
47 than a plat or survey or a drawing related to a plat or survey, is  
48 not sufficiently legible to produce a clear reproduction, the  
49 document or instrument shall be accompanied by an exact  
50 typewritten or printed copy that meets the type size requirements  
51 of paragraph (b) and shall be recorded contemporaneously as  
52 additional pages of the document or instrument.

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

58 (e) All signatures on a document or instrument shall be  
59 in black or blue ink and of sufficient color and clarity to ensure  
60 that the signatures are of sufficient legibility to produce a  
61 clear reproduction when the document or instrument is reproduced  
62 from the record. The corresponding name shall be typed, printed  
63 or stamped beneath the original signature. The typing or printing  
64 of a name or the application of an embossed or inked stamp shall  
65 not cover or otherwise materially interfere with any part of the  
66 document or instrument except where provided by law. Failure to



67 print or type signatures as required in this paragraph does not  
68 invalidate the document or instrument.

69 (f) The first page of each document or instrument,  
70 other than a plat or survey or a drawing related to a plat or  
71 survey, shall have a top margin of at least three (3) inches of  
72 vertical space from left to right which shall be reserved for the  
73 recorder's use. All other margins on the document or instrument  
74 shall be a minimum of three-fourths (3/4) of one (1) inch.  
75 Nonessential information including, but not limited to, form  
76 numbers or customer notations may be placed in a margin other than  
77 the top margin. A document may be recorded if a minor portion of  
78 a seal or incidental writing extends into a margin. The recorder  
79 shall not incur any liability for failure to show a seal or  
80 information that extends beyond the margin of the permanent  
81 archival record.

82 (g) Each document must be in the English language.

83 (2) Each document or instrument, other than a plat or survey  
84 or a drawing related to a plat or survey, that is presented for  
85 recording and that contains any of the following information shall  
86 have that information on the first page below the three-inch  
87 margin:

88 (a) The name, physical business mailing address and  
89 business or employment telephone number of the individual who  
90 prepared the document; and the name, mailing address and telephone



91 number of every grantor, grantee, borrower, beneficiary, trustee  
92 or other party to the instrument.

93 (b) A return address.

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

95 (d) Any address and telephone number required by  
96 Section 27-3-51 \* \* \*.

97 (e) The legal description of the property or indexing  
98 instruction per Section 89-5-33(3). If there is insufficient  
99 space on the first page for the entire legal description or the  
100 entire indexing instruction, immediately succeeding pages shall be  
101 used.

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

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

106 (b) A military separation document or instrument.

107 (c) A document or instrument executed outside the  
108 United States.

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

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

113 (f) A document or instrument formatted to meet court  
114 requirements.

115 (g) A federal tax lien.



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

117 (4) The recorder shall record a document or instrument that  
118 does not substantially conform to the format standards specified  
119 in subsections (1) and (2) of this section upon payment of an  
120 additional recording fee of Ten Dollars (\$10.00) per document or  
121 instrument. The fee shall be charged only for documents or  
122 instruments dated on or after July 1, 2009; this fee may not be  
123 charged for those documents or instruments specifically exempted  
124 in subsection (3).

125 (5) Failure to conform to the format standards specified in  
126 this section does not affect the validity or enforceability of the  
127 document or instrument.

128 **SECTION 4.** This act shall take effect and be in force from  
129 and after July 1, 2018.

