

By: Senator(s) Chassaniol

To: Judiciary, Division A

SENATE BILL NO. 2412

1 AN ACT TO AMEND SECTION 89-5-24, MISSISSIPPI CODE OF 1972, TO
2 REVISE DOCUMENT FORMATTING STANDARDS FOR MORTGAGES AND DEEDS OF
3 TRUST FILED ON OR AFTER JANUARY 1, 2019, TO REQUIRE THAT THE LOAN
4 AMOUNT AND MATURITY DATE MUST BE LISTED ON THE FIRST PAGE BELOW
5 THE THREE-INCH MARGIN; AND FOR RELATED PURPOSES.

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

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

9 89-5-24. (1) Except as otherwise provided in subsections
10 (3) and (4), any document or instrument presented to the clerk of
11 the chancery court for recording shall meet the following
12 requirements:

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



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

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

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

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

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



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

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

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



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

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

76 (b) A return address.

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

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

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

85 (f) From and after July 1, 2019, if the document or
86 instrument is a mortgage or deed of trust, the loan amount and
87 final maturity date.

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

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

92 (b) A military separation document or instrument.



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

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

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

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

(g) A federal tax lien.

(h) A filing under the Uniform Commercial Code.

(4) The recorder shall record a document or instrument that does not substantially conform to the format standards specified in subsections (1) and (2) of this section upon payment of an additional recording fee of Ten Dollars (\$10.00) per document or instrument. The fee * * * may not be charged for those documents or instruments specifically exempted in subsection (3).

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2018.

