

By: Representative Turner

To: Judiciary A

HOUSE BILL NO. 337

1 AN ACT TO PROVIDE THAT WHEN A LIEN IS PLACED ON THE PROPERTY
2 OF A PROPERTY OWNER AND THE LIEN IS THE RESULT OF A THIRD PARTY'S
3 FRAUDULENT OR OTHERWISE PROHIBITED ACTIVITY RELATED TO THE
4 INCURRING OF DEBT OR OTHER FINANCIAL OBLIGATION IN THE NAME OF THE
5 PROPERTY OWNER AND WITHOUT THE KNOWLEDGE OF THE PROPERTY OWNER,
6 THE BURDEN FOR THE LIEN AND THE UNDERLYING DEBT OR OTHER FINANCIAL
7 OBLIGATION SHALL NOT BE PLACED ON THE PROPERTY OWNER, BUT SHALL BE
8 PLACED ON THE THIRD PARTY; TO BRING FORWARD SECTION 11-7-191,
9 MISSISSIPPI CODE OF 1972, WHICH RELATES TO PROPERTY LIEN ENROLLED
10 JUDGMENTS, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** When a lien is placed on the property of a
14 property owner and the lien is the result of a third party's
15 fraudulent or otherwise prohibited activity related to the
16 incurring of debt or other financial obligation in the name of the
17 property owner and without the knowledge of the property owner,
18 the burden for the lien and the underlying debt or other financial
19 obligation shall not be placed on the property owner, but shall be
20 placed on the third party.

21 **SECTION 2.** Section 11-7-191, Mississippi Code of 1972, is
22 brought forward as follows:



11-7-191. A judgment so enrolled shall be a lien upon and bind all the property of the defendant within the county where so enrolled, from the rendition thereof, and shall have priority according to the order of such enrollment, in favor of the judgment creditor, his representatives or assigns, against the judgment debtor and all persons claiming the property under him after the rendition of the judgment. A judgment shall not be a lien on any property of the defendant thereto unless the same be enrolled. In counties having two (2) judicial districts, a judgment shall operate as a lien only in the district or districts in which it is enrolled. Any judgment for the purpose described in Section 85-3-52 shall not be a lien on any property in this state, real, personal or mixed, that is owned by a resident of this state, and shall not be enforced or satisfied against any such property.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

