

## House Amendments to Senate Bill No. 2638

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

5           **SECTION 1.** Section 89-3-1, Mississippi Code of 1972, is  
6 amended as follows:

7           \* \* \*

8           89-3-1. (1) A document concerning real property or  
9 conveying personal property may not be recorded unless, in the  
10 case of a paper document, it contains an original signature or  
11 signatures, or in the case of an electronic document, contains an  
12 electronic signature or signatures that comply with the Uniform  
13 Real Property Electronic Recording Act (Article 3, Chapter 5,  
14 Title 89, Mississippi Code of 1972). For purposes of this  
15 section, the terms "document," "paper document" and "electronic  
16 document" have the meaning given in the Uniform Real Property  
17 Electronic Recording Act. A document concerning real property or  
18 conveying personal property which conforms to this subsection may  
19 be recorded if it is acknowledged or proved according to law, or  
20 in the case of a document that is an affidavit, verified upon oath  
21 or affirmation.

22           (2)   (a)   A tangible copy of an electronic document that is  
23 otherwise eligible for recording under the laws of this state may  
24 be recorded if the tangible copy of the electronic document has  
25 been certified to be a true and correct copy of the electronic  
26 document as required in paragraph (b) of this subsection (2).

27                   (b)   The certificate must be transmitted with and be  
28 recorded as a part of the tangible copy of the electronic document  
29 being recorded and must:

30                           (i)   Contain an original signature of a licensed  
31 attorney or custodian of the electronic document that is verified  
32 upon oath or affirmation;

33                           (ii)   Identify the jurisdiction in which the  
34 certification is performed;

35                           (iii)   Contain the title of the notarial officer;

36                           (iv)   Indicate the date of expiration, if any, of  
37 the notarial officer's commission; and

38                           (v)   Include an official seal of the notary public  
39 affixed to the certificate.

40                   (c)   The following form of certificate is sufficient for  
41 purposes of this subsection if completed with the information  
42 required in paragraph (b) of this subsection:

43                   "CERTIFICATE OF ELECTRONIC DOCUMENT

44                   I, \_\_\_\_\_, [the custodian of the electronic document],

45 hereby certify that the attached document, \_\_\_\_\_ (insert

46 title), on \_\_\_\_\_ (date), and containing \_\_\_\_\_

47 pages, is a true and correct copy of an electronic document  
48 printed by me or under my supervision.

49 \_\_\_\_\_  
50 (Signature of person making certification)

51 STATE OF

52 COUNTY OF

53 Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date)  
54 by \_\_\_\_\_ (name(s) of individual(s)  
55 making statement).

56 \_\_\_\_\_  
57 (Signature of Notarial Officer)

58 \_\_\_\_\_  
59 (Title of officer)

60 My commission expires:

61 \_\_\_\_\_

62 (Affix official seal, if applicable)"

63 (d) All tangible copies of electronic documents  
64 eligible for recording under this subsection (2) are validly  
65 recorded when accepted for recording by the chancery clerk's  
66 office. Tangible copies of electronic documents recorded by a  
67 chancery clerk before the effective date of the Revised  
68 Mississippi Law on Notarial Acts shall be considered validly  
69 recorded with or without the certification provided in paragraph  
70 (b) of this subsection (2).

71 (e) The person making the certification provided in  
72 this section must:

73                   (i) Confirm that the electronic document contains  
74 an electronic signature that is capable of independent  
75 verification and renders any subsequent changes or modifications  
76 to the electronic document evident;

77                   (ii) Personally print or supervise the printing of  
78 the electronic document onto paper; and

79                   (iii) Not make any changes or modifications to the  
80 electronic document other than the certification described in this  
81 subsection (2).

82                   (f) If a certificate is completed with the information  
83 required by paragraph (b) of this subsection (2) and is attached  
84 to or made part of a tangible copy of an electronic document, the  
85 certificate is prima facie evidence that the requirements of  
86 paragraph (e) of this subsection (2) have been satisfied.

87                   (g) This section does not apply to maps or plats that  
88 are subject to the requirements of Section 19-27-23, 19-27-25 or  
89 19-27-27.

90                   ( \* \* \*3) The chancery clerk's office may refuse to record a  
91 document that does not satisfy \* \* \* the requirements of this  
92 section. However, if a document does not satisfy subsection (1)  
93 or (2) of this section, but is otherwise admitted to record, then  
94 all persons shall be on constructive notice of the contents of the  
95 document.

96                   ( \* \* \*4) If the relative priorities of conflicting claims  
97 to real property were established before July 1, 2011, then the

98 law applicable to those claims at the time those claims were  
99 established shall determine their priority.

100 ( \* \* \*5) This section does not require the acknowledgement  
101 or verification upon oath or affirmation or prohibit the recording  
102 of any of the following filed for record under the Uniform  
103 Commercial Code or otherwise specially provided for by law:

104 (a) A financing statement;

105 (b) A security agreement filed as a financing  
106 statement; or

107 (c) A continuation statement.

108 **SECTION 2.** This act shall take effect and be in force from  
109 and after July 1, 2021, and shall stand repealed on June 30, 2021.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 89-3-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE A RECORDING PROCEDURE FOR ELECTRONIC DOCUMENTS IN COUNTIES  
3 THAT DO NOT HAVE ELECTRONIC CAPABILITY; AND FOR RELATED PURPOSES.

HR43\SB2638A.1J

Andrew Ketchings  
Clerk of the House of Representatives