

By: Representatives Owen, McCarty, Yates,  
Bell (65th), Karriem, Stamps

To: Judiciary A

HOUSE BILL NO. 1367  
(As Passed the House)

1 AN ACT TO ESTABLISH A PROCESS FOR THE REMOVAL OF  
2 DISCRIMINATORY PROVISIONS FROM RECORDED INSTRUMENTS OF CONVEYANCE;  
3 TO AUTHORIZE A PERSON WHO OWNS REAL PROPERTY OR AN INTEREST IN  
4 REAL PROPERTY WHICH INCLUDES IN THE CHAIN OF TITLE A RECORDED  
5 INSTRUMENT OF CONVEYANCE CONTAINING A DISCRIMINATORY PROVISION TO  
6 PETITION THE CHANCERY COURT REQUESTING THE REMOVAL OF THE  
7 DISCRIMINATORY PROVISION; TO CREATE A FORM FOR THE PETITION; TO  
8 AUTHORIZE THE CHANCERY COURT TO MAKE FINDINGS OF FACT AND  
9 CONCLUSIONS OF LAW SOLELY ON A REVIEW OF THE CONVEYANCE  
10 INSTRUMENT; TO CREATE A SUGGESTED FORM FOR THE CHANCELLOR'S  
11 FINDINGS; TO DIRECT THE CHANCERY CLERK TO INDEX AND FILE THE  
12 COURT'S FINDINGS IN THE COUNTY LAND RECORDS USING THE SAME NAMES  
13 USED TO INDEX THE CONVEYANCE INSTRUMENT; TO PROHIBIT THE CHANCERY  
14 CLERK FROM COLLECTING A FEE FOR FILING THE PETITION AND THE  
15 COURT'S FINDINGS; TO AMEND SECTION 37-113-31, MISSISSIPPI CODE OF  
16 1972, TO ELIMINATE THE USE OF THE TERM "NEGRO" IN THE STATUTE  
17 AUTHORIZING THE MISSISSIPPI STATE UNIVERSITY EXTENSION SERVICE TO  
18 ESTABLISH A 4-H CLUB CAMP IN MADISON COUNTY; AND FOR RELATED  
19 PURPOSES.

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

21 **SECTION 1.** (1) In this section, the term "discriminatory  
22 provision" means a restriction or provision that affects real  
23 property, or a provision, whether express or incorporated by  
24 reference, in a deed conveying real property or an interest in  
25 real property, which prohibits the use by or the sale, lease or  
26 transfer to a person or entity because of race, color or national



27 origin. A restriction or provision that is a discriminatory  
28 provision under this subsection is void and has no legal effect.

29 (2) A person who owns real property or an interest in real  
30 property which includes, in the chain of title for the property or  
31 property interest, a recorded conveyance instrument containing a  
32 discriminatory provision may request the removal of the  
33 discriminatory provision from the instrument in the manner  
34 prescribed in this section. The person shall complete and file  
35 with the clerk of the chancery court in the county where the real  
36 property instrument is recorded a petition containing, at a  
37 minimum, the information required under this subsection. In those  
38 counties having two (2) judicial districts, the petition must be  
39 filed in the judicial district where the person's conveyance  
40 instrument is recorded in the land records. The petition must be  
41 presented in substantially the following form:

42 "In Re: Conveyance In \_\_\_\_\_ County, Mississippi  
43 Instrument with \_\_\_\_\_ Judicial District [if  
44 Discriminatory Provision applicable]

45 PETITION FOR JUDICIAL REVIEW OF CONVEYANCE INSTRUMENT ALLEGED TO  
46 CONTAIN A DISCRIMINATORY PROVISION

47 Now Comes \_\_\_\_\_ (name) and files this petition  
48 requesting a judicial determination of the status of a conveyance  
49 instrument that contains a discriminatory provision as defined by  
50 subsection (1) of Section 1, House Bill No. 1367, 2022 Regular  
51 Session of the Mississippi Legislature, filed in the office of the



52 Chancery Clerk of \_\_\_\_\_ (county name) County, Mississippi,  
53 [(in those counties having more than one judicial district) in the  
54 \_\_\_\_\_ (number of the judicial district) Judicial District], and in  
55 support of the petition would show the court as follows:

56 I.  
57 \_\_\_\_\_ (Name), petitioner, is the person who owns  
58 the real property or the interest in real property described in  
59 the conveyance instrument or has been given permission by that  
60 person to file this petition.

61 II.  
62 On \_\_\_\_\_ (date), the Chancery Clerk of  
63 \_\_\_\_\_ (county name) County, Mississippi, received and  
64 filed and recorded the conveyance instrument attached to this  
65 petition and containing \_\_\_\_\_ (number) pages. The instrument is  
66 recorded at Book \_\_\_\_\_ (book number), Page \_\_\_\_\_ (page number), in  
67 the land records of [(in those counties having more than one  
68 judicial district) the \_\_\_\_\_ (number of the judicial district)  
69 Judicial District], \_\_\_\_\_ (county name) County. The  
70 conveyance instrument contains a discriminatory provision as  
71 defined by subsection (1) of Section 1, House Bill No. 1367, 2022  
72 Regular Session of the Mississippi Legislature.

73 III.  
74 Petitioner alleges that the conveyance instrument attached to  
75 this petition contains a discriminatory provision as defined by  
76 subsection (1) of Section 1, House Bill No. 1367, 2022 Regular



77 Session of the Mississippi Legislature, and that the  
78 discriminatory provision should be removed.

79 IV.

80 Petitioner attests that assertions in this petition are true  
81 and correct.

82 V.

83 PRAYER

84 Petitioner requests the court to review the attached  
85 conveyance instrument and enter an order removing the  
86 discriminatory provision as defined by subsection (1) of Section  
87 1, House Bill No. 1367, 2022 Regular Session of the Mississippi  
88 Legislature, together with such other orders as the court deems  
89 appropriate.

90 Respectfully submitted,

91 \_\_\_\_\_  
92 \_\_\_\_\_  
93 \_\_\_\_\_

94 (Signature and typed name and  
95 address) "

96 (3) The completed form of acknowledgment must be as  
97 prescribed under Section 89-3-7 in the case of natural persons  
98 acting in their own right.

99 (4) The owner of the real property or an interest in real  
100 property may grant permission to another person to request the



101 removal of a discriminatory provision from the instrument in the  
102 manner prescribed in this section.

103 (5) A petition under this section may be ruled on by the  
104 chancery court in the county where the subject conveyance  
105 instrument was filed. The court's finding may be made solely on a  
106 review of the conveyance instrument attached to the petition and  
107 without hearing any testimonial evidence. The court's review may  
108 be made ex parte without delay or notice of any kind. If the  
109 court does not rule on the petition on or before fifteen (15) days  
110 after the date the petition is filed, the petition is deemed  
111 granted. An appellate court shall expedite review of a court's  
112 finding under this section.

113 (6) After reviewing the conveyance instrument attached to a  
114 petition filed under this section, the court shall enter an  
115 appropriate finding of fact and conclusion of law.

116 (7) The court's finding of fact and conclusion of law must  
117 be:

118 (a) Transferred by the court clerk to the chancery  
119 clerk for recording and indexing not later than twenty (20) days  
120 after the date the finding of fact and conclusion of law is  
121 entered by the court or deemed granted under subsection (5); and

122 (b) Indexed and filed by the chancery clerk in the same  
123 class of records in which the subject conveyance instrument is  
124 filed, as required under Section 89-5-33. The index entry for a  
125 finding of fact and conclusion of law entered under this section



126 must contain the names of the grantors and grantees stated in the  
127 subject conveyance instrument.

128 (8) A chancery clerk may not collect a filing fee for filing  
129 a petition or a court's finding of fact and conclusion of law  
130 under this section.

131 (9) A suggested form appropriate for the order setting forth  
132 the chancery court's finding of fact and conclusion of law is as  
133 follows:

134 "In Re: Conveyance In \_\_\_\_\_ County, Mississippi  
135 Instrument with \_\_\_\_\_ Judicial District [if  
136 Discriminatory Provision applicable]

137 JUDICIAL FINDING OF FACT AND CONCLUSION OF LAW REGARDING  
138 CONVEYANCE INSTRUMENT ALLEGED TO CONTAIN A DISCRIMINATORY  
139 PROVISION

140 On the \_\_\_\_\_ (number) day of \_\_\_\_\_ (month), \_\_\_\_\_ (year),  
141 in the above entitled and numbered cause, this court reviewed a  
142 petition, verified by affidavit, of \_\_\_\_\_ (name) and  
143 the conveyance instrument attached to the petition. No testimony  
144 was taken from any party, nor was there any notice of the court's  
145 review, the court having made the determination that a decision  
146 could be made solely on review of the conveyance instrument.

147 The court finds as follows (only an item checked and  
148 initialed is a valid court ruling):

149 \_\_\_\_\_ The conveyance instrument recorded at Book  
150 \_\_\_\_\_ (book number), Page \_\_\_\_\_ (page number), in the land records



151 of [(in those counties having more than one judicial district) the  
152 \_\_\_\_\_(number of the judicial district) Judicial District],  
153 \_\_\_\_\_(county name) County, CONTAINS a discriminatory  
154 provision as defined by subsection (1) of Section 1, House Bill  
155 No. 1367, 2022 Regular Session of the Mississippi Legislature. The  
156 discriminatory provision is void and removed from the conveyance  
157 instrument identified in this document.

158 \_\_\_\_\_ The conveyance instrument recorded at Book  
159 \_\_\_\_\_(book number), Page \_\_\_\_\_(page number), in the land records  
160 of [(in those counties having more than one judicial district) the  
161 \_\_\_\_\_(number of the judicial district) Judicial District],  
162 \_\_\_\_\_(county name) County, DOES NOT CONTAIN a  
163 discriminatory provision as defined by subsection (1) of Section  
164 1, House Bill No. 1367, 2022 Regular Session of the Mississippi  
165 Legislature.

166 This court expressly limits its finding of fact and  
167 conclusion of law to the review of a ministerial act. The  
168 chancery clerk shall file this finding of fact and conclusion of  
169 law in the same class of records in which the subject conveyance  
170 instrument is filed, and the court directs the chancery clerk to  
171 index it using the same names used to index the subject conveyance  
172 instrument.

173 SIGNED ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_.

174 \_\_\_\_\_

175 CHANCELLOR



176 \_\_\_\_\_ COUNTY, MISSISSIPPI  
177 \_\_\_\_\_ JUDICIAL DISTRICT [if  
178 applicable]"

179 **SECTION 2.** Section 37-113-31, Mississippi Code of 1972, is  
180 amended as follows:

181 37-113-31. The agricultural extension service of the  
182 Mississippi State University of Agriculture and Applied Science,  
183 by and with the approval and consent of the president of \* \* \* the  
184 university and the Board of Trustees of State Institutions of  
185 Higher Learning, is \* \* \* authorized and empowered to create,  
186 establish, equip and maintain a 4-H Club demonstration camp  
187 for \* \* \* 4-H Club members, located on a designated area in  
188 Madison County, Mississippi, on lands belonging to the State of  
189 Mississippi.

190 It shall be the duty and responsibility of the agricultural  
191 extension service of \* \* \* the university to direct and supervise  
192 the utilization of this facility in carrying out the purposes of  
193 this section. When not in use by the agricultural extension  
194 service for the purpose \* \* \* provided in this section, this  
195 facility may be rented to other \* \* \* organizations for  
196 educational and recreational use only. Any money derived from  
197 such rental shall be used by the agricultural extension service,  
198 by and with the approval of the president of \* \* \* the university  
199 and the Board of Trustees of State Institutions of Higher





200 Learning, for maintaining and further improving such facilities  
201 for use of the 4-H Clubs of Mississippi.

202 The purpose of this section is to authorize the agricultural  
203 extension service of Mississippi, by and with the approval and  
204 consent of the president of \* \* \* the university and the Board of  
205 Trustees of State Institutions of Higher Learning, to establish,  
206 equip and maintain this 4-H Club demonstration camp for the  
207 purpose of teaching the \* \* \* boys and girls of Mississippi  
208 standards of better farm and home making, the importance of and  
209 the methods of conservation of our natural resources, and the  
210 development of character and leadership and training for  
211 citizenship. To accomplish such purposes, the agricultural  
212 extension service, by, and with the approval and consent of the  
213 president of \* \* \* the university and the Board of Trustees of  
214 State Institutions of Higher Learning, is authorized and empowered  
215 to do such things as may be necessary, and to prescribe such rules  
216 and regulations as it may deem proper, to carry out and put into  
217 effect the intent and purpose of this section.

218 **SECTION 3.** This act shall take effect and be in force from  
219 and after July 1, 2022.

