

By: Representative Snowden

To: Judiciary A

HOUSE BILL NO. 600
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 89-5-24, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT MINIMUM FONT FOR CERTAIN LEGAL TYPED INSTRUMENTS TO
3 BE PRESENTED FOR RECORDING BE INCREASED FROM 8-POINT TO 10-POINT
4 FONT SIZE; TO CLARIFY THE CONTENT OF THE RECORDING INFORMATION TO
5 BE PLACED ON THE FIRST PAGE OF THE DOCUMENT; AND FOR RELATED
6 PURPOSES.

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

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

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

14 (a) Each document or instrument shall consist of one or
15 more individual pages printed only on one (1) side. The document
16 or instrument shall not consist of pages that are permanently
17 bound or in a continuous form and shall not have any attachment
18 stapled or otherwise affixed to any page except as necessary to
19 comply with statutory requirements. However, the individual pages
20 of a document or instrument may be stapled together for
21 presentation for recording. A label that is firmly attached with
22 a bar code or return address may be accepted for recording.

23 (b) All documents must be printed or typed in a font no
24 smaller than ten (10) point in size. If a document or instrument,
25 other than a plat or survey or a drawing related to a plat or
26 survey, presented for recording contains type smaller than
27 ten-point type, the document or instrument shall be accompanied by



28 an exact typewritten or printed copy that meets the requirements
29 of this section.

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

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

43 (e) All signatures on a document or instrument shall be
44 in black or blue ink and of sufficient color and clarity to ensure
45 that the signatures are of sufficient legibility to produce a
46 clear reproduction when the document or instrument is reproduced
47 from the record. The corresponding name shall be typed, printed
48 or stamped beneath the original signature. The typing or printing
49 of a name or the application of an embossed or inked stamp shall
50 not cover or otherwise materially interfere with any part of the
51 document or instrument except where provided by law. Failure to
52 print or type signatures as required in this paragraph does not
53 invalidate the document or instrument.

54 (f) The first page of each document or instrument,
55 other than a plat or survey or a drawing related to a plat or
56 survey, shall have a top margin of at least three (3) inches of
57 vertical space from left to right which shall be reserved for the
58 recorder's use. All other margins on the document or instrument
59 shall be a minimum of three-fourths (3/4) of one (1) inch.
60 Nonessential information including, but not limited to, form



61 numbers or customer notations may be placed in a margin other than
62 the top margin. A document may be recorded if a minor portion of
63 a seal or incidental writing extends into a margin. The recorder
64 shall not incur any liability for failure to show a seal or
65 information that extends beyond the margin of the permanent
66 archival record.

67 (2) Each document or instrument, other than a plat or survey
68 or a drawing related to a plat or survey, that is presented for
69 recording and that contains any of the following information shall
70 have that information on the first page below the three-inch
71 margin:

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

76 (b) A return address.

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

78 * * *

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

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

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

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

90 (b) A military separation document or instrument.

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



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

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

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

99 (g) A federal tax lien.

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

101 (4) The recorder shall record a document or instrument that
102 does not substantially conform to the format standards specified
103 in subsections (1) and (2) of this section upon payment of an
104 additional recording fee of Ten Dollars (\$10.00) per document or
105 instrument. The fee shall be charged only for documents or
106 instruments dated on or after July 1, 2009; this fee may not be
107 charged for those documents or instruments specifically exempted
108 in subsection (3).

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

112 **SECTION 2.** This act shall take effect and be in force from
113 and after July 1, 2012.

