

Chapter No. 461
13/HR40/R1436SG
JOB / CST

3/25/13
6:13pm

HOUSE BILL NO. 928

Originated in House  Clerk

HOUSE BILL NO. 928

AN ACT TO AMEND SECTION 89-5-8, MISSISSIPPI CODE OF 1972, TO ALLOW RECORDATION OF AN AFFIDAVIT OF SCRIVENER'S ERROR TO CORRECT CERTAIN ERRORS IN INSTRUMENTS AFFECTING TITLE TO REAL ESTATE; AND FOR RELATED PURPOSES.

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

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

89-5-8. (1) Any affidavit relating to the identification, the marital status, the heirship, the relation, the death, or the time of death, of any person who is a party to any instrument affecting the title to real estate, or any affidavit relating to the identification of any corporation or other legal entity which is a party to any instrument affecting the title to real estate, duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state, shall be recordable in the land records in the office of the chancery clerk in the county where the real estate is situated.

(2) (a) Notice of a typographical or other minor error in an instrument affecting the title to real estate may be given by recording an affidavit of scrivener's error. If an affidavit is conspicuously identified as an affidavit of scrivener's error, the chancery clerk shall index the affidavit in the general index under the names of the original parties to the instrument if they are identified in the affidavit, and in the sectional index as provided in the indexing instructions of the affidavit. Notice of the corrective information provided by the affiant is effective upon recordation. An affidavit under this paragraph (a) may be prepared only by an attorney licensed to practice law in this state who prepared any instrument in the chain of title to the subject real estate.

(b) The affidavit of scrivener's error shall be sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state, and shall be recordable in the land records in the office of the chancery clerk in the county where the real estate is situated.

(c) If requested, the chancery clerk shall make a marginal notation on the instrument to which the affidavit refers.

(* * *3) Any affidavit so recorded, or a certified copy thereof, shall be admissible as evidence in any action involving the instrument to which it relates or the title to the real estate affected by the instrument and shall be prima facie evidence of

the facts stated therein and the marketability of the title to real estate.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 13, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 7, 2013



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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