

New chancery court document filing requirements

Recent change in Mississippi law affects all instruments filed in land records in Mississippi

Effective July 1, 2009 all documents presented to a chancery court clerk in Mississippi for recording must comply with new mandatory formatting and content statutes to be recorded without an additional fee. For more information, see Miss. Code Ann. Section 89-5-24 and Senate Bill No. 3106 of 2009 Regular Session. Documents include deeds, timber deeds, deeds of trusts, memorandum of timber contracts and other instruments that do not fall within narrow exceptions authorized by the statutes. If the document fails to meet the requirements the statutes, the clerk may still record the document if paid an additional recording fee of \$10.00 per instrument.

Some of the requirements have been custom and practice for many years by some attorneys, but not previously required. They include:

- only using one side of a page;
- type font must not be smaller than 8 point in size (if smaller font is on a survey, it shall be accompanied by an exact copy that is at least 8 point type);
- each document must produce a clear reproduction (e.g. old illegible legal descriptions should be retyped if they will not produce a clear copy);
- the paper (other than a plat or survey or drawing) must be on white paper of not less than 20-pound weight;
- signatures must be in black or blue ink with the name typed, printed or stamped beneath the original signature.

Other requirements are similar to those mandated in other states but are new to Mississippi.

(1) The first page (other than a plat or survey or drawing) must have a three inch top margin for the recorder's use and side and bottom margins must be at least 3/4 of one inch.

(2) The first page must contain the following information below the three-inch top margin:

- Name, address and telephone number of who prepared it (and if prepared by an attorney, the Mississippi Bar number of the Mississippi attorney);
- return address;
- title of the document;
- all grantors' names;
- all grantees' names;
- for deeds only, the current mailing address and current address and phone number of each grantor and grantee;

- legal description or indexing instructions (unless there is not room for indexing instructions and then they can be on immediately succeeding pages).

There are exceptions to this statute for instruments executed before July 1, 2009 including military documents; documents executed outside the United States; certified copies of documents; documents where one of the original parties is deceased or incapacitated; documents formatted to meet court requirements; federal tax liens; and UCC filings. Otherwise, all documents should meet the requirements to avoid the extra \$10.00 fee.