

# Index

## ACKNOWLEDGMENTS

- Any business organization, foreign or domestic, **6:139.35**
- Attorney in fact, **6:139.60**
- Business organizations, generally, acknowledgment in the case of, **6:139.14**
- Before commissioned officers of the United States armed forces, **6:139.55**
- Corporations, **6:139.05**
- Executor, **6:139.45**
- Foreign country, **6:139.50**
- General partner of a limited partnership, **6:139.10**
- Limited partnership, acknowledgment in the case of a corporate general partner of a, **6:139.11**
- Manager-managed limited liability company, acknowledgment in the case of a corporate manager of a, **6:139.13, 6:139.20**
- Member-managed limited liability company, **6:139.15**
- Member-managed limited liability company, acknowledgment in the case of a corporate member of a, **6:139.12**
- Natural person acting in their own right, **6:139**
- Persons acting in representative capacities, **6:139.25**
- Short form certificates, **6:139.40**
- Subscribing witness, **6:139.30**

## ACREAGE CONTRACT

- Form, **6:22**

## ADMINISTRATOR'S DEED

- Form, **6:132.1**

## AGENCY

- Dual agency confirmation, form, **6:8.50**
- Exclusive buyer agency agreement, **6:17**

## AGREEMENTS

- Contracts and Agreements, this index

## AMERICAN LAND TITLE ASSOCIATION (ALTA)

- Title insurance forms, **4:92.60**
  - commitment for title insurance, **6:206**
  - consents endorsements, **6:210**
  - endorsement to junior loan policy, **6:214, 6:215**
  - loan policy, **6:207**
  - owner's policy, **6:208**
  - residential limited coverage junior loan policy, **6:212**
  - residential limited coverage mortgage, **6:211**
  - short form, residential limited coverage junior loan policy, **6:213**
  - tribal waivers, **6:210**

## APPEAL

- Partition, **5:29**

## APPRAISAL

- Partition, **5:34**

## ASSIGNMENT

- Contract default rules, **1:38**

MISSISSIPPI REAL ESTATE CONTRACTS AND CLOSINGS

**ATTORNEYS**

Work from home, **5:53**

**BOUNDARY**

Partition, **5:38**

**CANNONS OF CONTRACT  
CONSTRUCTION**

Contract interpretation, **1:39**

**CLOSINGS**

ALTA title insurance forms,  
**4:92.60**

Closing affidavit—rental, invest-  
ment, commercial property,  
form, **6:182.2**

Closing file order, form, **6:104.30**

Contract default rules, date of  
closing, **1:38**

Disbursement sheet, **4:94.1**

Disclosure, **4:93.50**

Earnest money or deposits, **4:2.7**

HUD-1 form (2010), **4:95.50**

Instructions, lender's loan closing  
instructions, **4:33**

IRS form 1099S, **4:15.50**

Lender's loan closing instructions,  
**4:33**

Non-client or third party, duty to,  
**4:2.8**

Occupation after closing, form of  
agreement to occupy, **6:15**

Occupation prior to closing, form  
of agreement to occupy, **6:14**

Post-closing update, **4:90**

Prohibited transactions, **4:2.6**

Refinance closing affidavit, form,  
**6:182.1**

Rental property addendum, form,  
**6:103.4**

Retention schedule, **4:92.50**

Sequential real estate closing  
form, **6:113.50**

Standards and legal authorities,  
**4:2.5**

Termites, wood infestation report  
checklist, **4:36**

**CLOSINGS—Cont'd**

Unrecorded deeds, **4:61.50**

USA Patriot Act

customer identification

worksheet, **4:96, 6:188**

requirements, generally, **4:95**

Wood infestation report (termite  
certificate) checklist, **4:36**

**CLOUD BASED STORAGE**

Generally, **5:53**

**CONFLICT OF INTEREST**

Between buyer and seller, waiver  
of, **6:102.60**

Between owner and real estate  
broker, waiver of, **6:102.80**

**CONSTRUCTION AND  
INTERPRETATION**

Contracts, **1:39**

**CONSTRUCTION CONTRACTS**

Dwelling, construction of, form,  
**6:20**

Newly completed residential  
construction, form, **6:20.1**

**CONTRACTS AND  
AGREEMENTS**

Acreage contract, **6:22**

Commercial property contract,  
generally, **6:21**

Construction Contracts, this index

Contract addendum, generally, **6:8**

Default rules, **1:38**

Dwelling, construction of, form,  
**6:20**

Exclusive buyer agency agree-  
ment, **6:17**

Good faith and fair dealing, **1:40**

Indemnification agreement, **6:10**

Independent contractor agreement,  
**6:12**

Interpretation, **1:39**

Newly completed residential  
construction, form, **6:20.1**

## INDEX

### CONTRACTS AND

#### AGREEMENTS—Cont'd

- Occupation after closing, form of agreement to occupy, **6:15**
- Occupation prior to closing, form of agreement to occupy, **6:14**
- Option contract, **6:5.1**
- Partition, **5:23**
- Property management agreement, **6:13**
- Purchase of real estate, generally, **6:18**
- Release of contract, **6:9**
- Residential real estate purchase and sale contract, **6:7**
- Vacant lot contract, **6:19**

### CORONAVIRUS

- Force majeure clause, **5:51**
- Materials, **App. B**
- Waivers, **5:52**

### COUNTERPARTS CLAUSE

- Forms, **6:90.1**

### COVID-19

- Force majeure clause, **5:51**
- Materials, **App. B**
- Waivers, **5:52**

### CREDIT LINE PAYOFF

- Affidavit, form, **6:192**

### DEATH

- Mississippi Real Property Transfer-on-Death Act, **5:50**

### DEED

- Closings, unrecorded deeds, **4:61.50**
- Default rules, form of deed, **1:38**

### DEEDS

- Transfer-on-death, **6:133.14**

### DEFAULT RULES

- Real estate contracts, **1:38**

### DISBURSEMENT SHEET

- Closings, **4:94.1, 6:113.10**

### DISCHARGE

- Release or Discharge, this index

### DISCLOSURES

- Forms
  - exclusion from completing the property condition disclosure statement, seller's, **6:4.30**
  - lead-based paint disclosure, **6:4.50, 6:4.60**
  - non-residential seller/lessor disclosure statement, **6:4.40**
  - property condition disclosure statement, **6:4.10 et seq.**

### DUAL AGENCY CONFIRMATION

- Form, **6:8.50**

### EARNEST MONEY CONTRACTS

- Default rules, **1:38**

### EASEMENTS

- Partial release of easement, form, **6:187**

### ELECTRONIC DOCUMENT

- Certificate, **6:139.15, 6:139.65**

### EMERGENCY

- State of emergency extension, **5:55**

### EMINENT DOMAIN

- Generally, **5:18**

### ENCROACHMENT AGREEMENT

- Form, **6:107.50**

### ESTIMATES

- Buyer's costs, form, **6:6**

MISSISSIPPI REAL ESTATE CONTRACTS AND CLOSINGS

**ESTOPPEL CERTIFICATE**

Forms, this index

**EXCLUSIVE BUYER AGENCY AGREEMENT**

Form, **6:17**

**EXTRINSIC EVIDENCE**

Contract interpretation, **1:39**

**FAIR AND ACCURATE CREDIT TRANSACTIONS ACT**

Generally, **5:19**

**FINANCING**

Contract default rules, **1:38**

**FIRST HOMES**

Tax exemption, **5:21**

**FIXTURES**

Default rules, **1:38**

**FORCE MAJEURE**

Coronavirus, **5:51**

**FORECLOSURE**

Title examinations, post foreclosure checklist, **3:43.50**

**FORMS**

Acknowledgments, this index

Acreage contract, **6:22**

Administrator's deed, **6:132.1**

Advice to buyer client, notice of, **6:104.50**

Authorization (one prospect listing), **6:11**

Certification form exclusion of principal residence, **6:153.05**

Closed file, letter to client regarding material in, **6:205**

Closing affidavit—rental, investment, commercial property, **6:182.2**

Closing file order, **6:104.30**

Closing info sheet, rental property addendum, **6:103.4**

**FORMS—Cont'd**

Commercial property contract, **6:21**

Conflict of interest

between buyer and seller, waiver of, **6:102.60**

between owner and real estate broker, waiver of, **6:102.80**

Contest of lien, **6:201**

Contract addendum, generally, **6:8**

Counter offer, **6:7.1**

Counterparts clause, **6:90.1**

Credit line payoff, affidavit for, **6:192**

Disbursement sheet, **6:113.10**

Disclosures, this index

Discount on premiums, notification of availability of, **6:194**

Dual agency confirmation, **6:8.50**

Dwelling, contract for construction of, **6:20**

Easement, partial release of, **6:187**

Encroachment agreement, **6:107.50**

Errors, omissions, and correction agreement with limited power of attorney, **6:183**

Estimated buyer's costs, **6:6**

Estoppel certificate

landlord's consolidated, **6:189**

tenant, **6:190**

Exclusive buyer agency agreement, **6:17**

Exclusive right to sell, lease, or exchange listing agreement, **6:2**

Final payment, waiver and release upon, **6:199**

Follow-up letter to old lender, **6:114.2.1**

Form 8300, **6:153.1**

“Grant, bargain, sell,” effect of words, **6:133.13**

HELOC lender, letter from seller to, **6:191**

## INDEX

### FORMS—Cont'd

Indemnification agreement, **6:10**  
Independent contractor agreement, **6:12**  
Inspections, this index  
Interim waiver and release upon payment, **6:198**  
IRS form 1099S, **4:15.50**  
Lease/purchase option addendum, **6:16.1**  
LLC resolution, **6:135.1**  
Missing check, affidavit of, **6:193**  
Newly completed residential construction, contract for, **6:20.1**  
Non-foreign affidavit, **6:153.4**  
Nonpayment, affidavit of, **6:200**  
Occupation after closing, agreement to occupy, **6:15**  
Occupation prior to closing, agreement to occupy, **6:14**  
Omissions affidavit, **6:144.30**  
Option contract, **6:5.1**  
Partial release of easement, **6:187**  
Post-closing file letter to  
  Buyer client, **6:203**  
  seller client, **6:204**  
Power of attorney, limited, **6:183, 6:185**  
Pre-lien notice to owners, **6:202**  
Property management agreement, **6:13**  
Purchase of real estate, contract for, generally, **6:18**  
Refinance closing affidavit, **6:182.1**  
Release  
  contract, release of, **6:9**  
  easement, partial release of, **6:187**  
  final payment, waiver and release upon, **6:199**  
  interim waiver and release upon payment, **6:198**

### FORMS—Cont'd

Rental property addendum, closing info sheet, **6:103.4**  
Representation letter to non-client, **6:101, 6:102.20, 6:102.40**  
Residential lease, **6:16**  
Residential real estate purchase and sale contract, **6:7**  
Scrivener's affidavit, **6:144.50**  
Sequential real estate closing form, **6:113.50**  
Shortage agreement, **6:186**  
Special lien against real estate, notice of claim of, **6:196, 6:197**  
Tax-deferred exchange clause, **6:97, 6:98**  
Tax lien, certificate of discharge from federal tax lien, **6:195**  
Tax proration agreement, **6:184**  
USA Patriot Act customer identification worksheet, **6:188**  
Vacant lot contract, **6:19**

### FOUR CORNERS DOCTRINE

Contract interpretation, **1:39**

### HOMESTEAD STATUTES

Title examinations, **3:21**

### IDENTIFICATION

USA Patriot Act, customer identification worksheet, **6:188**

### INDEMNIFICATION AGREEMENT

Form, **6:10**

### INDEPENDENT CONTRACTOR AGREEMENT

Form, **6:12**

### INSPECTIONS

Final walk through inspection addendum, **6:4.80**

MISSISSIPPI REAL ESTATE CONTRACTS AND CLOSINGS

**INSPECTIONS—Cont'd**

- Forms
  - final walk through inspection addendum, **6:4.80**
  - inspection addendum, generally, **6:4.70**

**INSURANCE**

- ALTA title insurance forms, **4:92.60**

**INTERPRETATION**

- Contracts, **1:39**

**INVITEES**

- Landowners duty, **5:20.50**

**JUDGMENT**

- Partition, **5:43, 5:44**

**JURISDICTION**

- Partition, **5:27**

**LANDOWNERS**

- Duty to invitee, **5:20.50**

**LEAD-BASED PAINT DISCLOSURE**

- Forms, **6:4.50, 6:4.60**

**LEASE/PURCHASE OPTION ADDENDUM**

- Form, **6:16.1**

**LEGAL DESCRIPTIONS**

- Fractional parts of a section, generally, **2:15.50**
- Minimum standards detail requirements for ALTA/NSPS land title surveys standards of practice for surveying, **2:14.50**
- Minimum standards of practice for land surveying in Mississippi, **2:14**
- Rectangular survey system
  - generally, **2:16**
  - common corners, **2:18**
- Roads, **2:4.50**

**LEGAL DESCRIPTIONS**

**—Cont'd**

- Township, **2:17**

**LIENS**

- Contest of lien, **6:201**
- Pre-lien notice to owners, **6:202**
- Special lien against real estate, notice of claim of, **6:196, 6:197**
- Tax lien, certificate of discharge from federal tax lien, **6:195**

**MANAGEMENT**

- Property management agreement, form, **6:13**

**MASTERS**

- Partition, **5:35 to 5:37**

**MISSING CHECK**

- Affidavit of, **6:193**

**MISSISSIPPI REAL PROPERTY TRANSFER-ON-DEATH ACT**

- Generally, **5:50**

**NON-FOREIGN AFFIDAVIT**

- Forms, **6:153.4**

**NONPAYMENT**

- Affidavit of, **6:200**

**NOTARIES**

- Remote notary notification form, **6:139.16, 6:139.70**

**NOTICE**

- Advice to buyer client, notice of, **6:104.50**
- Contest of lien, **6:201**
- Pre-lien notice to owners, **6:202**
- Special lien against real estate, notice of claim of, **6:196, 6:197**
- Title insurance, notification of availability of discount on premiums, **6:194**

## INDEX

### **OATH**

Partition, **5:37**

### **OBJECTIONS**

Partition, **5:29, 5:36**

### **OCCUPATION OF PREMISES**

Agreement to occupy after closing, form, **6:15**

Agreement to occupy prior to closing, form, **6:14**

### **OMISSIONS AFFIDAVIT**

Form, **6:144.30**

### **OPTION CONTRACT**

Form, **6:5.1**

### **PAINT**

Lead-based paint disclosure, forms, **6:4.50, 6:4.60**

### **PAROL EVIDENCE**

Contract interpretation, **1:39**

### **PARTITION**

Generally, **5:22 et seq.**

Action to recover, **5:49**

Agreement, **5:23**

Allotment, **5:39**

Appeal, **5:29**

Appraisal, **5:34**

Boundary other than deed and survey, **5:38**

Chancery court

appeal, **5:29**

illustrative cases, **5:28**

jurisdiction and power, **5:27**

method of partition, **5:24**

objections, hearing on, **5:29**

report, **5:29**

Cotenant's rights, **5:25**

Evicted party's rights, **5:47**

Ex parte petitions, **5:31**

Indivisible land, **5:42**

Joint owner's rights, **5:26**

Judgment, **5:43, 5:44**

### **PARTITION—Cont'd**

Jurisdiction and power of chancery court, **5:27**

In kind partition, **5:33**

Liens, **5:45**

Masters, **5:35 to 5:37**

Method

agreement, **5:23**

chancery court, **5:24**

New partition, right to, **5:48**

Oath, **5:37**

Objections, **5:29, 5:36**

Public sale, **5:32**

Recording of judgment, **5:44**

Report, **5:29, 5:41**

Special commissioners' report, **5:41**

Superior rights, **5:46**

Timing, **5:49**

### **POSSESSION OF PROPERTY**

Contract default rules, **1:38**

### **POWER OF ATTORNEY**

Limited, **6:183, 6:185**

### **PROPERTY MANAGEMENT**

#### **AGREEMENT**

Form, **6:13**

### **RECTANGULAR SURVEY**

#### **SYSTEM**

Generally, **2:16**

Common corners, **2:18**

### **REFINANCE CLOSING**

#### **AFFIDAVIT**

Form, **6:182.1**

### **RELEASE OR DISCHARGE**

Contract, release of, **6:9**

Easements, partial release of easement, **6:187**

Final payment, waiver and release upon, **6:199**

Interim waiver and release upon payment, **6:198**

MISSISSIPPI REAL ESTATE CONTRACTS AND CLOSINGS

**RELEASE OR DISCHARGE**

—Cont'd

- Tax lien, certificate of discharge from federal tax lien, **6:195**
- Waiver and release upon payment, **6:198, 6:199**

**RENTAL PROPERTY**

- Closing affidavit, form, **6:182.2**
- Closing info sheet, form, **6:103.4**

**REPRESENTATION LETTER**

- Non-client, form, **6:101, 6:102.20, 6:102.40**

**RETENTION SCHEDULE**

- Closings, **4:92.50**

**ROADS**

- Legal descriptions, **2:4.50**

**SCRIVENER'S AFFIDAVIT**

- Form, **6:144.50**

**SHORTAGE AGREEMENT**

- Forms, **6:186**

**SPECIFIC PERFORMANCE**

- Contract default rules, **1:38**

**STATE OF EMERGENCY**

- Extension, **5:55**

**TAXATION**

- Certificate of discharge from federal tax lien, **6:195**
- First home tax exemption, **5:21**
- Proration agreement, form, **6:184**
- Tax-deferred exchange clause, form, **6:97, 6:98**

**TERMITES**

- Wood infestation report checklist, **4:36**

**TIDELANDS**

- Generally, **5:15**

**TIMBER**

- Leases, contracts, and deeds, **5:54**
- Warranty timber deed, **6:209**

**TIMING**

- Partition, **5:49**

**TITLE**

- Contract default rules, **1:38**

**TITLE EXAMINATIONS**

- Homestead statutes, **3:21**
- Judgments, **3:38**
- Mississippi Title Examination Standards, **3:57**
- Post foreclosure checklist, **3:43.50**

**TITLE INSURANCE**

- American Land Title Association (ALTA) forms, **4:92.60**
- commitment for title insurance, **6:206**
- endorsement to junior loan policy, **6:214, 6:215**
- loan policy, **6:207**
- owner's policy, **6:208**
- residential limited coverage junior loan policy, **6:212**
- residential limited coverage mortgage, **6:211**
- short form, residential limited coverage junior loan policy, **6:213**
- tribal waivers and consents endorsement, **6:10**
- tribal waivers and consents endorsements, **6:210**
- Discount on premiums, notification of availability of, **6:194**

**TOWNSHIP**

- Legal descriptions, **2:17**

**TRANSFER-ON-DEATH**

- Deed, **6:133.14**
- Mississippi Real Property Transfer-on-Death Act, **5:50**

**TRESPASS**

- Duty of possessor of real property to trespasser, **5:20**

INDEX

**USA PATRIOT ACT**

- Customer identification worksheet, **6:188**
- Requirements, generally, **4:95**

**VACANT LOTS**

- Contracts, **6:19**

**WAIVER**

- Conflict of interest between buyer and seller, waiver of, **6:102.60**

**WAIVER—Cont'd**

- Conflict of interest—Cont'd between owner and real estate broker, waiver of, **6:102.80**
- Release upon payment, waiver and, **6:198, 6:199**

**WAIVERS**

- Coronavirus, **5:52**

**WOOD INFESTATION REPORT CHECKLIST**

- Termite certificate, **4:36**