

Summary of Contents

- Chapter 1. The Deed of Trust
- Chapter 2. The Trustee
- Chapter 3. Preparing for Sale
- Chapter 4. The Sale
- Chapter 5. Ancillary and Alternate Remedies of the Mortgagee
- Chapter 6. Remedies of the Mortgagor
- Chapter 7. Forms
- Chapter 8. Conclusion

APPENDICES

- APPENDIX A. List of Mississippi Statutes That Relate to Foreclosure
- APPENDIX B. Trustee's Checklist
- APPENDIX C. Customs of Sale By County
- APPENDIX C-1. Adams County
- APPENDIX C-2. Alcorn County
- APPENDIX C-3. Amite County
- APPENDIX C-4. Attala County
- APPENDIX C-5. Benton County
- APPENDIX C-6. Bolivar County 1st JD
- APPENDIX C-7. Bolivar County 2nd JD
- APPENDIX C-8. Calhoun County
- APPENDIX C-9. Carroll County 1st JD
- APPENDIX C-10. Carroll County 2nd JD
- APPENDIX C-11. Chickasaw County 1st JD
- APPENDIX C-12. Chickasaw County 2nd JD
- APPENDIX C-13. Choctaw County
- APPENDIX C-14. Claiborne County
- APPENDIX C-15. Clarke County

MISSISSIPPI REAL ESTATE FORECLOSURE LAW

APPENDIX C-16.	Clay County
APPENDIX C-17.	Coahoma County
APPENDIX C-18.	Copiah County
APPENDIX C-19.	Covington County
APPENDIX C-20.	DeSoto County
APPENDIX C-21.	Forrest County
APPENDIX C-22.	Franklin County
APPENDIX C-23.	George County
APPENDIX C-24.	Greene County
APPENDIX C-25.	Grenada County
APPENDIX C-26.	Hancock County
APPENDIX C-27.	Harrison County 1st JD
APPENDIX C-28.	Harrison County 2nd JD
APPENDIX C-29.	Hinds County 1st JD
APPENDIX C-30.	Hinds County 2nd JD
APPENDIX C-31.	Holmes County
APPENDIX C-32.	Humphreys County
APPENDIX C-33.	Issaquena County
APPENDIX C-34.	Itawamba County
APPENDIX C-35.	Jackson County
APPENDIX C-36.	Jasper County 1st JD
APPENDIX C-37.	Jasper County 2nd JD
APPENDIX C-38.	Jefferson County
APPENDIX C-39.	Jefferson Davis County
APPENDIX C-40.	Jones County 1st JD
APPENDIX C-41.	Jones County 2nd JD
APPENDIX C-42.	Kemper County
APPENDIX C-43.	Lafayette County
APPENDIX C-44.	Lamar County
APPENDIX C-45.	Lauderdale County
APPENDIX C-46.	Lawrence County
APPENDIX C-47.	Leake County

SUMMARY OF CONTENTS

APPENDIX C-48.	Lee County
APPENDIX C-49.	Leflore County
APPENDIX C-50.	Lincoln County
APPENDIX C-51.	Lowndes County
APPENDIX C-52.	Madison County
APPENDIX C-53.	Marion County
APPENDIX C-54.	Marshall County
APPENDIX C-55.	Monroe County
APPENDIX C-56.	Montgomery County
APPENDIX C-57.	Neshoba County
APPENDIX C-58.	Newton County
APPENDIX C-59.	Noxubee County
APPENDIX C-60.	Oktibbeha County
APPENDIX C-61.	Panola County 1st JD
APPENDIX C-62.	Panola County 2nd JD
APPENDIX C-63.	Pearl River County
APPENDIX C-64.	Perry County
APPENDIX C-65.	Pike County
APPENDIX C-66.	Pontotoc County
APPENDIX C-67.	Prentiss County
APPENDIX C-68.	Quitman County
APPENDIX C-69.	Rankin County
APPENDIX C-70.	Scott County
APPENDIX C-71.	Sharkey County
APPENDIX C-72.	Simpson County
APPENDIX C-73.	Smith County
APPENDIX C-74.	Stone County
APPENDIX C-75.	Sunflower County
APPENDIX C-76.	Tallahatchie County 1st JD
APPENDIX C-77.	Tallahatchie County 2nd JD
APPENDIX C-78.	Tate County
APPENDIX C-79.	Tippah County

MISSISSIPPI REAL ESTATE FORECLOSURE LAW

APPENDIX C-80.	Tishomingo County
APPENDIX C-81.	Tunica County
APPENDIX C-82.	Union County
APPENDIX C-83.	Walthall County
APPENDIX C-84.	Warren County
APPENDIX C-85.	Washington County
APPENDIX C-86.	Wayne County
APPENDIX C-87.	Webster County
APPENDIX C-88.	Wilkinson County
APPENDIX C-89.	Winston County
APPENDIX C-90.	Yalobusha County 1st JD
APPENDIX C-91.	Yalobusha County 2nd JD
APPENDIX C-92.	Yazoo County
APPENDIX D.	Internal Revenue Service Instructions for Forms Completion

Table of Laws and Rules

Table of Cases

Index

Table of Contents

CHAPTER 1. THE DEED OF TRUST

- § 1:1 Introduction
- § 1:2 Content of deed of trust
- § 1:3 Execution and recording
- § 1:4 Power of sale
- § 1:5 Mortgage for purchase money of land

CHAPTER 2. THE TRUSTEE

- § 2:1 Qualifications
- § 2:2 Authority
- § 2:3 Duties
- § 2:4 Compensation
- § 2:5 Delegation of power
- § 2:6 Trustee purchasing from himself
- § 2:7 Conflict of interest

CHAPTER 3. PREPARING FOR SALE

- § 3:1 Review of loan documents
- § 3:2 Default
- § 3:3 Acceleration
- § 3:4 Records search
- § 3:5 Substitution of trustee
- § 3:6 Notice to mortgagor
- § 3:7 Notice to second mortgagees
- § 3:8 Junior federal tax liens
- § 3:9 Notice of sale
- § 3:10 Posting requirements
- § 3:11 Advertisement requirements
- § 3:12 Qualifying newspapers
- § 3:13 Ad valorem taxes
- § 3:14 Foreclosure of federally related loans
- § 3:15 Reinstatement
- § 3:16 Redemption

CHAPTER 4. THE SALE

- § 4:1 Moratorium on sale—Declared disaster
- § 4:2 —Death or personal disability of mortgagor
- § 4:3 —Military service

MISSISSIPPI REAL ESTATE FORECLOSURE LAW

- § 4:4 Day of sale
- § 4:5 Time of sale
- § 4:6 Adjournment of sale
- § 4:7 Place of sale
- § 4:8 Persons who may purchase
- § 4:9 The sale
- § 4:10 Loan secured partly by personalty
- § 4:11 Sale in subdivisions or as an entirety
- § 4:12 Sale price
- § 4:13 Method of payment
- § 4:14 Junior lienholders
- § 4:15 Land or junior mortgage owned by Resolution Trust Corporation or Federal Deposit Insurance Corporation
- § 4:16 Priorities of disbursement
- § 4:17 Title evidence or insurance after sale
- § 4:18 Purchaser's potential liability for toxic waste cleanup
- § 4:18.1 Lead-based paint
- § 4:19 Crops, fixtures and timber
- § 4:20 Junior federal tax liens—Right to redeem
- § 4:21 Trustee's deed
- § 4:22 Trustee's accounting
- § 4:23 Rights to income from the property
- § 4:24 Right to possession of property
- § 4:25 Purchaser's potential liability under the Americans with Disabilities Act
- § 4:26 Protecting Tenants At Foreclosure Act of 2009

CHAPTER 5. ANCILLARY AND ALTERNATE REMEDIES OF THE MORTGAGEE

- § 5:1 Deeds in lieu of foreclosure
- § 5:2 Deficiency
- § 5:3 Judicial foreclosure
- § 5:4 Other alternatives

CHAPTER 6. REMEDIES OF THE MORTGAGOR

- § 6:1 Injunction of sale
- § 6:2 Action for wrongful foreclosure
- § 6:3 Limitations
- § 6:4 Bankruptcy—Automatic stay
- § 6:5 —Fraudulent transfer

TABLE OF CONTENTS

§ 6:6 —Voidable preference

CHAPTER 7. FORMS

- § 7:1 Deed of trust
- § 7:2 Resignation of trustee
- § 7:3 Substitution of trustee
- § 7:4 Substitution of trustee (assigned deed of trust)
- § 7:5 Notice to mortgagor
- § 7:6 Notice to second mortgagee
- § 7:7 Notice of sale to I. R. S
- § 7:8 Substituted trustee's notice of sale (first mortgage)
- § 7:9 Trustee's notice of sale (second mortgage)
- § 7:10 Substituted trustee's deed (first mortgage)
- § 7:11 Trustee's deed (second mortgage)
- § 7:12 Affidavit of posting
- § 7:13 Affidavit of foreclosure sale
- § 7:14 Affidavit of no military service
- § 7:15 Estoppel affidavit for deed in lieu of foreclosure
- § 7:16 Complaint for judicial foreclosure and for appointment of a commissioner
- § 7:17 Complaint to lift automatic stay
- § 7:18 Disclosure of information on lead-based paint and lead-based paint hazards—Sample disclosure format for target housing sales
- § 7:19 Attorney employment agreement; Foreclosure—Hourly
- § 7:20 —Flat fee
- § 7:21 Deed in lieu of foreclosure

CHAPTER 8. CONCLUSION

- § 8:1 Closing thoughts

APPENDICES

- APPENDIX A. List of Mississippi Statutes That Relate to Foreclosure
- APPENDIX B. Trustee's Checklist
- APPENDIX C. Customs of Sale By County
- APPENDIX C-1. Adams County
- APPENDIX C-2. Alcorn County
- APPENDIX C-3. Amite County
- APPENDIX C-4. Attala County

MISSISSIPPI REAL ESTATE FORECLOSURE LAW

APPENDIX C-5.	Benton County
APPENDIX C-6.	Bolivar County 1st JD
APPENDIX C-7.	Bolivar County 2nd JD
APPENDIX C-8.	Calhoun County
APPENDIX C-9.	Carroll County 1st JD
APPENDIX C-10.	Carroll County 2nd JD
APPENDIX C-11.	Chickasaw County 1st JD
APPENDIX C-12.	Chickasaw County 2nd JD
APPENDIX C-13.	Choctaw County
APPENDIX C-14.	Claiborne County
APPENDIX C-15.	Clarke County
APPENDIX C-16.	Clay County
APPENDIX C-17.	Coahoma County
APPENDIX C-18.	Copiah County
APPENDIX C-19.	Covington County
APPENDIX C-20.	DeSoto County
APPENDIX C-21.	Forrest County
APPENDIX C-22.	Franklin County
APPENDIX C-23.	George County
APPENDIX C-24.	Greene County
APPENDIX C-25.	Grenada County
APPENDIX C-26.	Hancock County
APPENDIX C-27.	Harrison County 1st JD
APPENDIX C-28.	Harrison County 2nd JD
APPENDIX C-29.	Hinds County 1st JD
APPENDIX C-30.	Hinds County 2nd JD
APPENDIX C-31.	Holmes County
APPENDIX C-32.	Humphreys County
APPENDIX C-33.	Issaquena County
APPENDIX C-34.	Itawamba County
APPENDIX C-35.	Jackson County
APPENDIX C-36.	Jasper County 1st JD
APPENDIX C-37.	Jasper County 2nd JD
APPENDIX C-38.	Jefferson County

TABLE OF CONTENTS

APPENDIX C-39.	Jefferson Davis County
APPENDIX C-40.	Jones County 1st JD
APPENDIX C-41.	Jones County 2nd JD
APPENDIX C-42.	Kemper County
APPENDIX C-43.	Lafayette County
APPENDIX C-44.	Lamar County
APPENDIX C-45.	Lauderdale County
APPENDIX C-46.	Lawrence County
APPENDIX C-47.	Leake County
APPENDIX C-48.	Lee County
APPENDIX C-49.	Leflore County
APPENDIX C-50.	Lincoln County
APPENDIX C-51.	Lowndes County
APPENDIX C-52.	Madison County
APPENDIX C-53.	Marion County
APPENDIX C-54.	Marshall County
APPENDIX C-55.	Monroe County
APPENDIX C-56.	Montgomery County
APPENDIX C-57.	Neshoba County
APPENDIX C-58.	Newton County
APPENDIX C-59.	Noxubee County
APPENDIX C-60.	Oktibbeha County
APPENDIX C-61.	Panola County 1st JD
APPENDIX C-62.	Panola County 2nd JD
APPENDIX C-63.	Pearl River County
APPENDIX C-64.	Perry County
APPENDIX C-65.	Pike County
APPENDIX C-66.	Pontotoc County
APPENDIX C-67.	Prentiss County
APPENDIX C-68.	Quitman County
APPENDIX C-69.	Rankin County
APPENDIX C-70.	Scott County
APPENDIX C-71.	Sharkey County
APPENDIX C-72.	Simpson County

MISSISSIPPI REAL ESTATE FORECLOSURE LAW

APPENDIX C-73.	Smith County
APPENDIX C-74.	Stone County
APPENDIX C-75.	Sunflower County
APPENDIX C-76.	Tallahatchie County 1st JD
APPENDIX C-77.	Tallahatchie County 2nd JD
APPENDIX C-78.	Tate County
APPENDIX C-79.	Tippah County
APPENDIX C-80.	Tishomingo County
APPENDIX C-81.	Tunica County
APPENDIX C-82.	Union County
APPENDIX C-83.	Walthall County
APPENDIX C-84.	Warren County
APPENDIX C-85.	Washington County
APPENDIX C-86.	Wayne County
APPENDIX C-87.	Webster County
APPENDIX C-88.	Wilkinson County
APPENDIX C-89.	Winston County
APPENDIX C-90.	Yalobusha County 1st JD
APPENDIX C-91.	Yalobusha County 2nd JD
APPENDIX C-92.	Yazoo County
APPENDIX D.	Internal Revenue Service Instructions for Forms Completion

Table of Laws and Rules

Table of Cases

Index