

# Mississippi Attorney Resolves Client's Title Defect and Avoids Potential of Costly Litigation

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George Gaston of the firm's Mobile office resolved a client mortgage lender's title defect without the necessity of filing potentially drawn-out and costly litigation. The matter concerned a defect with the client's deed of trust. One of the borrowers had signed the deed of trust for the other pursuant to a routine power of attorney instrument. However, under Mississippi law, it is necessary for both spouses to sign the deed of trust when the property to be mortgaged is the couple's homestead property. We were able to avoid the necessity of filing a title curative lawsuit by obtaining the cooperation and an affidavit from the borrowers, who are separated and reside in different cities. When recorded in the land records, this affidavit corrected the execution issue in the deed of trust and resolved the client's title defect.

## Related Practices

[Title Litigation](#)

## Attorneys by State

### ALABAMA

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