

By: Representative Moak

To: Ways and Means

HOUSE BILL NO. 314

1 AN ACT TO AMEND SECTIONS 27-45-3 AND 27-45-7, MISSISSIPPI
2 CODE OF 1972, TO DECREASE THE RATE OF INTEREST ON TAXES AND COSTS
3 WHEN LAND SOLD FOR TAXES IS REDEEMED; TO AMEND SECTION 27-45-27,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT THAT SHALL BE A
5 LIEN IN FAVOR OF THE PURCHASER ON LAND SOLD AT A TAX SALE; AND FOR
6 RELATED PURPOSES.

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

8 SECTION 1. Section 27-45-3, Mississippi Code of 1972, is
9 amended as follows:

10 27-45-3. The owner, or any persons for him with his consent,
11 or any person interested in the land sold for taxes, may redeem
12 the same, or any part of it, where it is separable by legal
13 subdivisions of not less than forty (40) acres, or any undivided
14 interest in it, at any time within two (2) years after the day of
15 sale, by paying to the chancery clerk, regardless of the amount of
16 the purchaser's bid at the tax sale, the amount of all taxes for
17 which the land was sold, with all costs incident to the sale, and
18 five percent (5%) damages on the amount of taxes for which the
19 land was sold, and interest on all such taxes and costs at the
20 rate of three-fourth of one percent (0.75%) per month, or any
21 fractional part thereof, from the date of such sale, and all
22 costs that have accrued on the land since the sale, with interest
23 thereon from the date such costs shall have accrued, at the rate
24 of three-fourths of one percent (0.75%) per month, or any
25 fractional part thereof; saving only to infants who have or may
26 hereafter inherit or acquire land by will and persons of unsound
27 mind whose land may be sold for taxes, the right to redeem the
28 same within two (2) years after attaining full age or being

29 restored to sanity, from the state or any purchaser thereof, on
30 the terms herein prescribed, and on their paying the value of any
31 permanent improvements on the land made after the expiration of
32 two (2) years from the date of the sale of the lands for taxes.
33 Upon such payment to the chancery clerk as hereinabove provided,
34 he shall execute to the person redeeming the land a release of all
35 claim or title of the state or purchaser to such land, which said
36 release shall be attested by the seal of the chancery clerk and
37 shall be entitled to be recorded without acknowledgment, as deeds
38 are recorded. Said release when so executed and attested shall
39 operate as a quitclaim on the part of the state or purchaser of
40 any right or title under said tax sale.

41 SECTION 2. Section 27-45-7, Mississippi Code of 1972, is
42 amended as follows:

43 27-45-7. If there exist upon a portion of a tract of land
44 sold for taxes a lien, either of a deed of trust or mortgage of
45 any kind, the mortgagee or holder of the notes secured by such
46 deed of trust, or any person interested in such real estate may
47 redeem that portion of the land so sold in solido upon which
48 portion such mortgagee or owner of notes secured by deed of trust
49 holds such lien in the following manner, to-wit:

50 Such mortgagee or owner of notes secured by a deed of trust
51 or any person interested in such real estate may apply, in
52 writing, to the chancery clerk of the county in which the land was
53 sold, within the time provided by law, for redemption from the
54 sale for taxes of such portion of the entire tract so sold in
55 solido. Upon the application being filed with him, it shall be
56 the duty of the chancery clerk to give ten (10) days' notice, in
57 writing, of such application, by registered mail, to the last
58 known post office address with return receipt requested, to the
59 owner and to the purchaser at the tax sale, and to all persons
60 holding mortgages or other liens of record on the land so sold in
61 solido or any part thereof, which notice shall designate a time
62 not less than ten (10) days from the mailing thereof when such
63 clerk shall hear and perform the duties hereinafter provided for.

64 The clerk shall enter on the record of such tax sale notations
65 giving the date when such notices were mailed and the names and

66 post office addresses of persons to whom mailed. On the date
67 named for such hearing, the chancery clerk shall make such
68 investigation as he may deem necessary to ascertain the relative
69 value which that portion of the land on which the lien of such
70 mortgage or deed of trust is held by the applicant, or by any
71 other person, bears to the value of the entire land sold in solido
72 for taxes, and the chancery clerk shall apportion the taxes due
73 upon such portion at the ratio which said portion, upon which the
74 lien exists, bears to the entire value of the property sold in
75 solido for taxes. Upon such apportionment, the mortgagee or
76 holder of the deed of trust, or any person interested in such real
77 estate, shall be entitled to redeem that part of the land by
78 payment of the sum apportioned thereon to the chancery clerk,
79 regardless of the amount of the purchaser's bid at the tax sale,
80 with its proportionate part, calculated as above provided, of all
81 costs, damages and interest consequent upon the sale, and also all
82 state and county taxes that have accrued upon that portion of said
83 land since the sale, apportioned by the chancery clerk in the
84 manner hereinabove provided, together with interest thereon, at
85 the rate of three-fourths of one percent (0.75%) per month, or any
86 fractional part thereof, from the date such taxes shall have
87 accrued.

88 SECTION 3. Section 27-45-27, Mississippi Code of 1972, is
89 amended as follows:

90 27-45-27. (1) The amount paid by the purchaser of land at
91 any tax sale thereof for taxes, either state and county, levee or
92 municipal, and interest on the amount paid by the purchaser at the
93 rate of three-fourths of one percent (0.75%) per month, or any
94 fractional part thereof, and all expenses of the sale and
95 registration, thereof shall be a lien on the land in favor of the
96 purchaser and the holder of the legal title under him, by descent
97 or purchase, if the taxes for which the land was sold were due,
98 although the sale was illegal on some other ground. The purchaser

99 and the holder of the legal title under him by descent or
100 purchase, may enforce the lien by bill in chancery, and may obtain
101 a decree for the sale of the land in default of payment of the
102 amount within some short time to be fixed by the decree. In all
103 suits for the possession of land, the defendant holding by descent
104 or purchase, mediately or immediately, from the purchaser at tax
105 sale of the land in controversy, may set off against the
106 complainant the above-described claim, which shall have the same
107 effect and be dealt with in all respects as provided for
108 improvements in a suit for the possession of land. But the term
109 "suits for the possession of land," as herein used, does not
110 include an action of unlawful entry and detainer.

111 (2) No county or municipal officer shall be liable to any
112 purchaser at a tax sale or any recipient of a tax deed for any
113 error or inadvertent omission by such official during any tax
114 sale.

115 SECTION 4. This act shall take effect and be in force from
116 and after July 1, 1999.