

By: Representatives Taylor, Horne

To: Judiciary B

HOUSE BILL NO. 385

1 AN ACT TO REPEAL SECTION 15-1-13, MISSISSIPPI CODE OF 1972,
2 WHICH PROVIDES THAT TEN YEARS' ACTUAL ADVERSE POSSESSION VESTS
3 OCCUPANT WITH TITLE TO LAND; TO AMEND SECTION 89-1-55, MISSISSIPPI
4 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 15-1-13, Mississippi Code of 1972, which
7 provides that ten (10) years' actual adverse possession of land
8 vests occupant or possessor with full title to such land, is
9 repealed.

10 SECTION 2. Section 89-1-55, Mississippi Code of 1972, is
11 amended as follows:

12 89-1-55. All lands comprising a single tract and wholly
13 described by the subdivisions of the governmental surveys, sold
14 under mortgages and deeds of trust, shall be sold in the manner
15 provided by Section 111 of the Constitution for the sale of lands
16 in pursuance of a decree of court or under execution. All lands
17 sold at public outcry under deeds of trust or other contracts
18 shall be sold in the county in which the land is located or in the
19 county of the residence of the grantor, or one (1) of the grantors
20 in the trust deed provided that where the land is situated in two
21 (2) or more counties, the parties may contract for a sale of the
22 whole in any of the counties in which any part of the land lies.
23 Sale of the lands shall be advertised for three (3) consecutive
24 weeks preceding such sale in a newspaper published in the county
25 or, if none is so published, in some paper having a general
26 circulation therein and by posting one (1) notice at the
27 courthouse of the county where the land is situated, for such

28 time, and such notice and advertisement shall disclose the name of
29 the original mortgagor or mortgagors in the deed of trust or other
30 contract. No sale of lands under a deed of trust or mortgage
31 shall be valid unless such sale was advertised as provided
32 herein * * * regardless of any contract to the contrary. An error
33 in the mode of sale such as makes the sale void shall not be cured
34 by any statute of limitations. * * *

35 SECTION 3. This act shall take effect and be in force from
36 and after July 1, 1999.