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To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2923

1 AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT FOR CLAIMS OF ADVERSE POSSESSION, THE PAYMENT OF AD
3 VALOREM TAXES BY THE OWNER OF AN ASSESSED PARCEL OF LAND SHALL
4 CONSTITUTE OCCUPANCY FOR THE YEAR THAT THE TAXES ARE ASSESSED; TO
5 PROVIDE EXCEPTIONS THERETO; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 15-1-13, Mississippi Code of 1972, is
8 amended as follows:[JMR1]

9 15-1-13. (1) Ten (10) years' actual adverse possession by
10 any person claiming to be the owner for that time of any land,
11 uninterruptedly continued for ten (10) years by occupancy,
12 descent, conveyance, or otherwise, in whatever way such occupancy
13 may have commenced or continued, shall vest in every actual
14 occupant or possessor of such land a full and complete title,
15 saving to persons under the disability of minority or unsoundness
16 of mind the right to sue within ten (10) years after the removal
17 of such disability, as provided in Section 15-1-7. However, the
18 saving in favor of persons under disability of unsoundness of mind
19 shall never extend longer than thirty-one (31) years.

20 (2) For claims of adverse possession not matured as of July
21 1, 1998, the provisions of subsection (1) shall not apply to a
22 landowner upon whose property a fence or driveway has been built
23 who files with the chancery clerk within the ten (10) years
24 required by this section a written notice that such fence or
25 driveway is built without the permission of the landowner.
26 Failure to file such notice shall not create any inference that
27 property has been adversely possessed. The notice shall be filed

28 in the land records by the chancery clerk and shall describe the
29 property where said fence or driveway is constructed.

30 (3) (a) For claims of adverse possession not matured as of
31 July 1, 2000, and except as provided in paragraph (b) of this
32 subsection, the payment of ad valorem taxes on an assessed parcel
33 of land by or for a record owner of such parcel shall conclusively
34 establish occupancy and possession of such land by such record
35 owner for the year that such taxes are assessed. For purposes of
36 this section, "record owner" means the person or entity that holds
37 title to the assessed parcel of land according to the land records
38 of the county in which the land is located and as certified by a
39 qualified attorney or title insurance company licensed to issue
40 title policies in the State of Mississippi.

41 (b) The payment of ad valorem taxes on an assessed
42 parcel of land by or for a record owner of such parcel shall not
43 conclusively establish occupancy or possession of the assessed
44 parcel of land by such record owner:

45 (i) To the extent the land assessment roll's
46 description of the assessed parcel of land overlaps or otherwise
47 conflicts with the land assessment roll's description of another
48 assessed parcel of land;

49 (ii) To the extent an agreement, express or
50 implied, exists between such record owner or his or her
51 predecessors in title and an adjoining landowner or his or her
52 predecessors in title that their common boundary is something
53 other than as described on the land assessment roll;

54 (iii) Against other record owners of the assessed
55 parcel of land; or

56 (iv) Against any person or entities asserting the
57 acquisition of an easement by prescription as to such parcel of
58 land or portion of such parcels of land.

59 SECTION 2. This act shall take effect and be in force from
60 and after July 1, 2000.