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To: Finance

SENATE BILL NO. 2923  
(As Passed the Senate)

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.