To: Judiciary B

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001

By: Representative Taylor

To: Judiciary B

HOUSE BILL NO. 132

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

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

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that ten (10) years' actual adverse possession of land vests occupant or possessor with full title to such land, is repealed.

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

89-1-55. All lands comprising a single tract and wholly described by the subdivisions of the governmental surveys, sold under mortgages and deeds of trust, shall be sold in the manner provided by Section 111 of the Constitution for the sale of lands in pursuance of a decree of court or under execution. All lands sold at public outcry under deeds of trust or other contracts shall be sold in the county in which the land is located or in the county of the residence of the grantor, or one (1) of the grantors in the trust deed provided that where the land is situated in two or more counties, the parties may contract for a sale of the whole in any of the counties in which any part of the land lies. Sale of the lands shall be advertised for three (3) consecutive weeks preceding such sale in a newspaper published in the county or, if none is so published, in some paper having a general circulation therein and by posting one (1) notice at the courthouse of the county where the land is situated, for such time, and such notice and advertisement shall disclose the name of
the original mortgagor or mortgagors in the deed of trust or other contract. No sale of lands under a deed of trust or mortgage shall be valid unless such sale was advertised as provided herein * * * regardless of any contract to the contrary. An error in the mode of sale such as makes the sale void shall not be cured by any statute of limitations. * * *

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.