HOUSE BILL NO. 139

AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ADVERSE POSSESSION SHALL NOT APPLY IF THE LANDOWNER IS CURRENT ON ALL TAXES; TO CREATE A PRESUMPTION THAT TITLE TO PROPERTY DOES NOT PASS UPON PAYMENT OF TAXES ON OR AFTER JULY 1, 1999; 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, is amended as follows:

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

(2) For claims of adverse possession not matured as of July 1, 1998, the provisions of subsection (1) shall not apply to a landowner upon whose property a fence or driveway has been built who files with the chancery clerk within the ten (10) years required by this section a written notice that such fence or driveway is built without the permission of the landowner. Failure to file such notice shall not create any inference that property has been adversely possessed. The notice shall be filed...
in the land records by the chancery clerk and shall describe the
property where said fence or driveway is constructed.

(3) The provisions of subsection (1) shall not apply if the
owner of such land is current in the payment of all taxes on such
land.

(4) Payment of taxes on or after July 1, 2000, by a property
owner whose property has been taken by adverse possession shall
create a presumption that title to the property did not pass to
the person claiming title by adverse possession. Such presumption
may be overcome by clear and convincing evidence.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2001.