HOUSE BILL NO. 250

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
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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9 SECTION 1. Section 15-1-13, Mississippi Code of 1972, is
10 amended as follows:
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12 15-1-13. (1) Ten (10) years' actual adverse possession by
13 any person claiming to be the owner for that time of any land,
14 uninterrupted continued for ten (10) years by occupancy,
15 descent, conveyance, or otherwise, in whatever way such occupancy
16 may have commenced or continued, shall vest in every actual
17 occupant or possessor of such land a full and complete title,
18 saving to persons under the disability of minority or unsoundness
19 of mind the right to sue within ten (10) years after the removal
20 of such disability, as provided in Section 15-1-7. However, the
21 saving in favor of persons under disability of unsoundness of mind
22 shall never extend longer than thirty-one (31) years.
23
24 (2) For claims of adverse possession not matured as of July
25 1, 1998, the provisions of subsection (1) shall not apply to a
26 landowner upon whose property a fence or driveway has been built
27 who files with the chancery clerk within the ten (10) years
28 required by this section a written notice that such fence or
29 driveway is built without the permission of the landowner.
30 Failure to file such notice shall not create any inference that
31 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) For claims of adverse possession not matured as of July
1, 2002, and except as provided in subsection (4), the payment of
ad valorem taxes by the owner of an assessed parcel of land shall
constitute occupancy or possession of the assessed parcel of land
for purposes of subsection (1) for the year that such taxes are
assessed. For purposes of this section, "owner" shall mean the
person or entity that is the record title owner of the property,
as certified by a qualified attorney or title insurance company
licensed to issue title policies in the State of Mississippi.

(4) The payment of ad valorem taxes shall not constitute
occupancy of land for purposes of subsection (1) by the owner if:
(a) the tax assessment on the parcel of land is inconclusive; (b)
the taxes are paid by a co-tenant or joint tenant owner of the
parcel of land; or (c) the owner owns adjoining land and an
agreement exists between such owner, or his predecessors in title,
and the adjoining landowner, or his predecessors in title, that
their common boundary is something other than as depicted on the
tax assessment.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.