To: Ways and Means

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Representative Davis

HOUSE BILL NO. 909

AN ACT TO AMEND SECTION 27-41-77, MISSISSIPPI CODE OF 1972, TO PROVIDE THE MANNER IN WHICH AN EXCESS AMOUNT SHALL BE PRORATED IN THE CASE WHERE LAND HAS BEEN SOLD FOR MORE THAN THE AMOUNT OF AD VALOREM TAXES DUE BY A COUNTY WHICH IS COLLECTING THOSE TAXES FOR A MUNICIPALITY OR MUNICIPAL SEPARATE SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 27-41-77, Mississippi Code of 1972, is amended as follows:

27-41-77. If any land be sold for more than the amount of taxes due and all costs, the tax collector shall report the amount of excess to the chancery clerk, and on his receipt warrant therefor, shall pay the same into the county treasury. The board of supervisors is directed to transfer all such funds so received to the general funds of the county. If the land be redeemed, or the title of the purchaser be defeated or set aside in any way or for any reason, such excess shall be retained by the county. If only a part of the land be redeemed, the excess shall be apportioned ratably to the amount of taxes due at the time of the sale on the respective parts. In the case where a county has entered into an interlocal agreement for the collection of taxes for a municipality or municipal separate school district, the excess shall be prorated at the time of redemption, and the chancery clerk shall pay the same to the municipality upon settlement of the redemption, or upon the expiration of the period of redemption. The owner of the land may demand of the tax collector a memorandum or receipt showing the amount of excess if any, and, upon the expiration of the period of redemption, without the property being redeemed, such excess shall, upon the request
of the owner, be paid to said owner. If the owner of the property does not request payment of the excess within two (2) years from the expiration of the period of redemption, the excess shall be retained by the county. Whenever any person shall present a claim against the excess fund, within the time period provided, certified to by the chancery clerk, the board of supervisors shall order a warrant to issue therefor on the general county fund.

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