

By: Representative Taylor

To: Judiciary B

HOUSE BILL NO. 72

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:

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) For claims of adverse possession not matured as of July
31 1, 2003, and except as provided in subsection (4), the payment of
32 ad valorem taxes by the owner of an assessed parcel of land shall
33 constitute occupancy or possession of the assessed parcel of land
34 for purposes of subsection (1) for the year that such taxes are
35 assessed. For purposes of this section, "owner" shall mean the
36 person or entity that is the record title owner of the property,
37 as certified by a qualified attorney or title insurance company
38 licensed to issue title policies in the State of Mississippi.

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

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2003.

