To: Judiciary B

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Representative Taylor

HOUSE BILL NO. 72

AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR CLAIMS OF ADVERSE POSSESSION, THE PAYMENT OF AD VALOREM TAXES BY THE OWNER OF AN ASSESSED PARCEL OF LAND SHALL CONSTITUTE OCCUPANCY FOR THE YEAR THAT THE TAXES ARE ASSESSED; TO PROVIDE EXCEPTIONS 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, 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, uninterruptedly 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) For claims of adverse possession not matured as of July
1, 2003, 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 cotenant 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, 2003.