

*****Pending***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 1457

By Senator(s) Committee

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8 **SECTION 1.** Section 65-7-201, Mississippi Code of 1972, is
9 amended as follows:
10 65-7-201. When any person shall desire to have a private
11 road laid out through the land of another, when necessary for
12 ingress and egress, he shall apply by petition, stating the facts
13 and reasons, to the county court of a county that has elected to
14 come under the provisions of Section 9-9-1, and otherwise, to the
15 circuit court of the county where the land is located. The
16 plaintiff shall file a notice of lis pendens in the office of the
17 chancery clerk immediately after filing the petition. The court
18 sitting without a jury shall determine the reasonableness of the
19 application. The owner of the property shall be a necessary party
20 to the proceedings. Trial as to compensation shall be to a jury
21 examined and impaneled in accordance with the Mississippi Rules of
22 Civil Procedure or alternatively, to the court, as provided by the
23 Mississippi Rules of Civil Procedure. If the court finds in favor
24 of the petitioner, all damages that the jury determines that the
25 landowner should be compensated for shall be assessed against and
26 shall be paid by the person applying for the private road, and he
27 shall pay all the costs and expenses incurred in the proceedings.

28 **SECTION 2.** This act shall take effect and be in force from
29 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 65-7-201, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT PROCEEDINGS TO ESTABLISH A PRIVATE WAY OF
3 NECESSITY THROUGH THE LANDS OF ANOTHER FOR THE PURPOSE OF ALLOWING
4 INGRESS AND EGRESS SHALL BE FILED WITH AND DETERMINED BY THE
5 CIRCUIT COURT OF THE COUNTY WHERE THE LAND IS LOCATED; AND FOR
6 RELATED PURPOSES.