

By: Representative Taylor

To: Judiciary A

HOUSE BILL NO. 75

1 AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ADVERSE POSSESSION SHALL NOT APPLY IF THE LANDOWNER
3 IS CURRENT ON ALL TAXES; TO CREATE A PRESUMPTION THAT TITLE TO
4 PROPERTY DOES NOT PASS UPON PAYMENT OF TAXES ON OR AFTER JULY 1,
5 1999; 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) The provisions of subsection (1) shall not apply if the
31 owner of such land is current in the payment of all taxes on such
32 land.

33 (4) Payment of taxes on or after July 1, 2003, by a property
34 owner whose property has been taken by adverse possession shall
35 create a presumption that title to the property did not pass to
36 the person claiming title by adverse possession. Such presumption
37 may be overcome by clear and convincing evidence.

38 **SECTION 2.** This act shall take effect and be in force from
39 and after July 1, 2004.