

By: Representative Hamilton (109th)

To: Judiciary A

HOUSE BILL NO. 301

1 AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO
2 REVISE CERTAIN EXCEPTIONS TO THE DOCTRINE OF ADVERSE POSSESSION;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 15-1-13, Mississippi Code of 1972, is
6 amended as follows:

7 15-1-13. (1) Ten (10) years' actual adverse possession by
8 any person claiming to be the owner for that time of any land,
9 uninterruptedly continued for ten (10) years by occupancy,
10 descent, conveyance, or otherwise, in whatever way such occupancy
11 may have commenced or continued, shall vest in every actual
12 occupant or possessor of such land a full and complete title,
13 saving to persons under the disability of minority or unsoundness
14 of mind the right to sue within ten (10) years after the removal
15 of such disability, as provided in Section 15-1-7. However, the
16 saving in favor of persons under disability of unsoundness of mind
17 shall never extend longer than thirty-one (31) years.

18 (2) For claims of adverse possession not matured as of July
19 1, 1998, the provisions of subsection (1) shall not apply to a
20 landowner upon whose property a useable fence or useable driveway
21 has been built who files with the chancery clerk within the ten
22 (10) years required by this section a written notice that such
23 useable fence or useable driveway is built without the permission
24 of the landowner. Failure to file such notice shall not create
25 any inference that property has been adversely possessed. The
26 notice shall be filed in the land records by the chancery clerk

27 and shall describe the property where said fence or driveway is
28 constructed.

29 **SECTION 2.** This act shall take effect and be in force from
30 and after July 1, 2006.