

By: Senator(s) McDaniel, Watson

To: Judiciary, Division A;
Finance

SENATE BILL NO. 2677

1 AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE SUCCESSFUL PLAINTIFF IN A SUIT TO QUIET AND CONFIRM
3 TITLE THAT IS BASED ON ADVERSE POSSESSION TO REIMBURSE THE
4 DEFENDANT THE FAIR MARKET VALUE PLUS TEN YEARS' OF PROPERTY TAXES;
5 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) A decree in a proceeding that is entered in favor of a
31 person asserting ownership based on actual adverse possession
32 under this section shall require the prevailing party to pay to
33 the defendant both the amount of the property taxes paid by the
34 defendant for the ten (10) years preceding the decree that is
35 attributable to the property adversely possessed, if
36 ascertainable, together with the fair market value of the property
37 adversely possessed.

38 **SECTION 2.** This act shall take effect and be in force from
39 and after July 1, 2012.

