

By: Representative Johnson (87th)

To: Judiciary A

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 843

1 AN ACT TO AMEND SECTION 89-7-27, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE A TENANT TO BE REMOVED FROM THE PREMISES WHEN THE TENANT  
3 HOLDS OVER WITHOUT THE LANDLORD'S PERMISSION OR DEFAULTS ON HIS OR  
4 HER RENT PAYMENT; TO ALLOW NOTICE TO A HOLDOVER OR DEFAULTING  
5 TENANT VIA E-MAIL OR TEXT MESSAGE; TO AMEND SECTION 89-7-29,  
6 MISSISSIPPI CODE OF 1972, TO REQUIRE REMOVAL OF A TENANT FOR  
7 NONPAYMENT OF RENT AND ANY LATE FEES; TO BRING FORWARD SECTION  
8 89-7-31, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE  
9 AMENDMENT; TO AMEND SECTION 89-7-39, MISSISSIPPI CODE OF 1972, TO  
10 PROHIBIT ADJOURNMENTS DURING HEARINGS FOR EVICTION DUE TO THE  
11 NONPAYMENT OF RENT FOR ALLOWING THE HEARING TO EXTEND BEYOND A  
12 PERIOD OF MORE THAN 30 DAYS; TO AMEND SECTION 89-7-45, MISSISSIPPI  
13 CODE OF 1972, TO REQUIRE ANY LATE FEES ACCRUED UNDER THE RENTAL  
14 AGREEMENT TO ALSO BE PAID BEFORE THE ISSUANCE OF A WARRANT WILL BE  
15 STAYED; TO REMOVE THE ABILITY OF A TENANT TO GIVE SATISFACTORY  
16 SECURITY INSTEAD OF PAYING THE RENT DUE; TO AMEND SECTION 89-7-49,  
17 MISSISSIPPI CODE OF 1972, TO REMOVE THE DISCRETION OF THE JUSTICE  
18 COURT JUDGE TO PUT THE LANDLORD IN POSSESSION OF THE PREMISES WHEN  
19 A TENANT FAILS TO PAY RENT; TO AMEND SECTION 89-8-7, MISSISSIPPI  
20 CODE OF 1972, TO EXPAND THE DEFINITION OF "RENT" TO INCLUDE ANY  
21 LATE FEES THAT A DEFAULTING TENANT IS REQUIRED TO PAY UNDER THE  
22 RENTAL AGREEMENT; TO AMEND SECTION 89-8-13, MISSISSIPPI CODE OF  
23 1972, TO REVISE THE NOTICE REQUIRED TO BE GIVEN WHEN A RENTAL  
24 AGREEMENT IS BREACHED FROM THIRTY DAYS TO FOURTEEN DAYS; TO BRING  
25 FORWARD SECTIONS 89-7-7, 89-7-23, 89-7-25, 89-7-33, 89-7-35,  
26 89-7-37, 89-7-41, 89-7-43, 89-7-47, 89-8-11, 89-8-17, 11-25-11,  
27 11-25-19, 11-25-21, 11-25-23, 11-25-109, 11-25-111 AND 11-25-113,  
28 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
29 AND FOR RELATED PURPOSES.

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



31           **SECTION 1.** Section 89-7-27, Mississippi Code of 1972, is  
32 amended as follows:

33           89-7-27. A tenant or lessee at will or at sufferance, or for  
34 part of a year, or for one or more years, of any houses, lands, or  
35 tenements, and the assigns, under-tenants, or legal  
36 representatives of such tenant or lessee, \* \* \* shall be removed  
37 from the premises by the judge of the county court, any justice of  
38 the peace of the county, or by the mayor or police justice of any  
39 city, town, or village where the premises, or some part thereof,  
40 are situated, in the following cases, to wit:

41           **First.** Where such tenant shall hold over and continue in  
42 possession of the demised premises, or any part thereof, after the  
43 expiration of his or her term, without the permission of the  
44 landlord.

45           **Second.** After any default in the payment of the rent  
46 pursuant to the agreement under which such premises are held, and  
47 when complete satisfaction of the rent and any late fees due  
48 cannot be obtained by distress of goods, and three (3) days'  
49 notice, in writing or by e-mail or text message if the person who  
50 owes the rent has provided an e-mail address or number to a  
51 cellular phone that is capable of receiving text messages,  
52 requiring the payment of such rent or the possession of the  
53 premises, shall have been served by the person entitled to the  
54 rent on the person \* \* \* who owes the rent. Notice shall be



55 proper and accepted by the court whether given writing, by email  
56 or by text message.

57 **SECTION 2.** Section 89-7-29, Mississippi Code of 1972, is  
58 amended as follows:

59 89-7-29. The landlord or lessor, his or her legal  
60 representatives, agents, or assigns, in order to have the benefit  
61 of such proceedings, shall make oath or affirmation of the facts  
62 which, according to \* \* \* Section 89-7-27, require the removal of  
63 the tenant, describing therein the premises claimed and the amount  
64 of rent and any late fees due and when payable, and that the  
65 necessary notice has been given to terminate such tenancy.

66 **SECTION 3.** Section 89-7-31, Mississippi Code of 1972, is  
67 brought forward as follows:

68 89-7-31. (1) On receiving the affidavit, the county judge,  
69 justice court judge, municipal judge, or other officer shall issue  
70 a summons, directed to the sheriff or any constable of the county,  
71 or the marshal of the municipality in which the premises, or some  
72 part thereof, are situated, describing the premises, and  
73 commanding him to require the person in possession of the same or  
74 claiming the possession thereof, immediately to remove from the  
75 premises, or to show cause before the justice court judge or other  
76 officer, on a day to be named not less than three (3) nor more  
77 than five (5) days from the date of the summons, why possession of  
78 the premises should not be delivered to the applicant.



79 (2) In addition to other information required for the  
80 summons, the summons shall state: "At the hearing, a judge will  
81 determine if the landlord is granted exclusive possession of the  
82 premises. If the judge grants possession of the premises to the  
83 landlord and you do not remove your personal property, including  
84 any manufactured home, from the premises before the date and time  
85 ordered by the judge, then the landlord may dispose of your  
86 personal property without any further legal action."

87 **SECTION 4.** Section 89-7-39, Mississippi Code of 1972, is  
88 amended as follows:

89 89-7-39. The magistrate may, at the request of either party,  
90 adjourn the hearing from time to time, one (1) adjournment not to  
91 exceed ten (10) days, except by consent, and may issue subpoenas  
92 and attachments to compel the attendance of witnesses. However,  
93 in hearings for eviction due to the nonpayment of rent, no  
94 adjournment shall extend the entire hearing beyond a period of  
95 more than thirty (30) days.

96 **SECTION 5.** Section 89-7-45, Mississippi Code of 1972, is  
97 amended as follows:

98 89-7-45. If the proceedings be founded upon the nonpayment  
99 of rent, the issuance of the warrant for the removal of the tenant  
100 shall be stayed if the person owing the rent shall, before the  
101 warrant be actually issued, pay the complete amount of rent due,  
102 including any late fees that have accrued as a result of the  
103 nonpayment of rent, and the costs of the proceedings, \* \* \* to the



104 person entitled to the rent, for the payment thereof and costs in  
105 ten (10) days; and if the rent and costs shall not be paid  
106 accordingly, the warrant shall then issue as if the proceedings  
107 had not been stayed.

108       **SECTION 6.** Section 89-7-49, Mississippi Code of 1972, is  
109 amended as follows:

110       89-7-49. If a tenant of lands, being in arrear for rent,  
111 shall desert the demised premises and leave the same uncultivated  
112 or unoccupied, so that a sufficient distress cannot be had to  
113 satisfy the arrears of rent, any constable of the county may, at  
114 the request of the landlord, and upon due proof by affidavit that  
115 the premises have been deserted, leaving rent in arrear, and not  
116 sufficient distress thereon, go upon and view the premises, and  
117 upon being satisfied that the premises have been so deserted, he  
118 shall affix a notice, in writing, upon a conspicuous part of the  
119 premises, stating what day he will return to take a second view  
120 thereof, not less than five (5) days nor more than fifteen (15)  
121 days thereafter, and requiring the tenant then to appear and pay  
122 the rent due. At the time specified in the notice the constable  
123 shall again view the premises, and if, upon second view, the  
124 tenant shall not pay the rent due, or there shall not be  
125 sufficient distress upon the premises, then the justice  
126 court \* \* \* shall immediately or within forty-eight (48) hours put  
127 the landlord in possession of the premises, and the lease thereof  
128 to such tenant shall become void. The tenant may appeal to the



129 circuit court from the proceedings of the justice court at any  
130 time within thirty (30) days after possession delivered, by  
131 serving notice in writing thereof upon the landlord, and by giving  
132 bond, with sufficient sureties, to be approved by the justice  
133 court, for the payment to the landlord of the costs of appeal,  
134 which may be adjudged against the tenant; and thereupon the  
135 justice court shall return the proceedings before him to the next  
136 term of the circuit court, and said court shall, at the return  
137 term, examine the proceedings in a summary way, and may order  
138 restitution to be made to the tenant, with costs of appeal, to be  
139 paid by the landlord; or in case of affirming the proceedings,  
140 shall award costs against the tenant and sureties in his bond.

141       **SECTION 7.** Section 89-8-7, Mississippi Code of 1972, is  
142 amended as follows:

143       89-8-7. (1) Subject to additional definitions contained in  
144 subsequent sections of this chapter which apply to specific  
145 sections or parts thereof, and unless the context otherwise  
146 requires, in this chapter:

147           (a) "Building and housing codes" includes any law,  
148 ordinance, or governmental regulation concerning fitness for  
149 habitation, construction, maintenance, operation, occupancy or use  
150 of any premises or dwelling unit;

151           (b) "Dwelling unit" means a structure or the part of a  
152 structure that is used as a home, residence or sleeping place by



153 one (1) person who maintains a household or by two (2) or more  
154 persons who maintain a common household;

155 (c) "Good faith" means honesty in fact in the conduct  
156 of the transaction concerned and observation of reasonable  
157 community standards of fair dealing;

158 (d) "Landlord" means the owner, lessor or sublessor of  
159 the dwelling unit or the building of which it is a part, or the  
160 agent representing such owner, lessor or sublessor;

161 (e) "Organization" includes a corporation, government,  
162 governmental subdivision or agency, business trust, estate, trust,  
163 partnership or association, two (2) or more persons having a joint  
164 or common interest, and any other legal or commercial entity;

165 (f) "Owner" means one or more persons, jointly or  
166 severally, in whom is vested (i) all or part of the legal title to  
167 property or (ii) all or part of the beneficial ownership and a  
168 right to present use and enjoyment of the premises, and the term  
169 includes a mortgagee in possession;

170 (g) "Premises" means a dwelling unit and the structure  
171 of which it is a part, facilities and appurtenances therein, and  
172 grounds, areas and facilities held out for the use of tenants  
173 generally or whose use is promised to the tenant;

174 (h) "Rent" means all payments to be made to the  
175 landlord under the rental agreement including any late fees that  
176 are required to be paid under the rental agreement by a defaulting  
177 tenant;



178 (i) "Rental agreement" means all agreements, written or  
179 oral, and valid rules and regulations adopted under Section  
180 89-8-11 embodying the terms and conditions concerning the use and  
181 occupancy of a dwelling unit and premises;

182 (j) "Tenant" means a person entitled under a rental  
183 agreement to occupy a dwelling unit to the exclusion of others;

184 (k) "Qualified tenant management organizations" means  
185 any organization incorporated under the Mississippi Nonprofit  
186 Corporation Act, a majority of the directors of which are tenants  
187 of the housing project to be managed under a contract authorized  
188 by this section and which is able to conform to standards set by  
189 the United States Department of Housing and Urban Development as  
190 capable of satisfactorily performing the operational and  
191 management functions delegated to it by the contract.

192 (2) For purposes of giving any notice required under this  
193 chapter, notice given to the agent of the landlord is equivalent  
194 to giving notice to the landlord. The landlord may contract with  
195 an agent to assume all the rights and duties of the landlord under  
196 this chapter; provided, however, that such a contract does not  
197 relieve the landlord of ultimate liability in regard to such  
198 rights and duties.

199 **SECTION 8.** Section 89-8-13, Mississippi Code of 1972, is  
200 amended as follows:

201 89-8-13. (1) If there is a material noncompliance by the  
202 tenant with the rental agreement or the obligations imposed by





203 Section 89-8-25, the landlord may terminate the tenancy as set out  
204 in subsection (3) of this section or resort to any other remedy at  
205 law or in equity except as prohibited by this chapter.

206 (2) If there is a material noncompliance by the landlord  
207 with the rental agreement or the obligations imposed by Section  
208 89-8-23, the tenant may terminate the tenancy as set out in  
209 subsection (3) of this section or resort to any other remedy at  
210 law or in equity except as prohibited by this chapter.

211 (3) The nonbreaching party may deliver a written notice to  
212 the party in breach specifying the acts and omissions constituting  
213 the breach and that the rental agreement will terminate upon a  
214 date not less than \* \* \* fourteen (14) days after receipt of the  
215 notice if the breach is not remedied within a reasonable time not  
216 in excess of \* \* \* fourteen (14) days; and the rental agreement  
217 shall terminate and the tenant shall surrender possession as  
218 provided in the notice subject to the following:

219 (a) If the breach is remediable by repairs, the payment  
220 of damages, or otherwise, and the breaching party adequately  
221 remedies the breach prior to the date specified in the notice, the  
222 rental agreement shall not terminate;

223 (b) In the absence of a showing of due care by the  
224 breaching party, if substantially the same act or omission which  
225 constituted a prior noncompliance of which notice was given recurs  
226 within six (6) months, the nonbreaching party may terminate the  
227 rental agreement upon at least fourteen (14) days' written notice



228 specifying the breach and the date of termination of the rental  
229 agreement;

230 (c) Neither party may terminate for a condition caused  
231 by his own deliberate or negligent act or omission or that of a  
232 member of his family or other person on the premises with his  
233 consent.

234 (4) If the rental agreement is terminated, the landlord  
235 shall return all prepaid and unearned rent and security  
236 recoverable by the tenant under Section 89-8-21.

237 (5) \* \* \* If the material noncompliance by the tenant is the  
238 nonpayment of rent pursuant to the rental agreement, the landlord  
239 shall not be required to deliver \* \* \* fourteen (14) days' written  
240 notice as provided by subsection (3) of this section. In such  
241 event, the landlord may seek removal of the tenant from the  
242 premises in the manner and with the notice prescribed by Chapter  
243 7, Title 89, Mississippi Code of 1972.

244 (6) Disposition of personal property, including any  
245 manufactured home, of a tenant remaining on the landlord's  
246 premises after the tenant has been removed from the premises shall  
247 be governed by Section 89-7-35(2) or Section 89-7-41(2).

248 **SECTION 9.** Section 89-7-7, Mississippi Code of 1972, is  
249 brought forward as follows:

250 89-7-7. A person having rent in arrear or due upon any lease  
251 or demise of lands for life or lives, for years, at will, or  
252 otherwise, may bring an action for such arrears of rent against



253 the person who ought to have paid the same or his legal  
254 representative.

255         **SECTION 10.** Section 89-7-23, Mississippi Code of 1972, is  
256 brought forward as follows:

257         89-7-23. Notice to quit shall be necessary only where the  
258 term is not to expire at a fixed time. In all cases in which a  
259 notice is required to be given by the landlord or tenant to  
260 determine a tenancy, two (2) months' notice, in writing, shall be  
261 given where the holding is from year to year, and one (1) month's  
262 notice shall be given where the holding is by the half-year or  
263 quarter-year; and where the letting is by the month or by the  
264 week, one (1) week's notice, in writing, shall be given. This  
265 section shall not apply to rental agreements governed by the  
266 Residential Landlord and Tenant Act.

267         **SECTION 11.** Section 89-7-25, Mississippi Code of 1972, is  
268 brought forward as follows:

269         89-7-25. When a tenant, being lawfully notified by his  
270 landlord, shall fail or refuse to quit the demised premises and  
271 deliver up the same as required by the notice, or when a tenant  
272 shall give notice of his intention to quit the premises at a time  
273 specified, and shall not deliver up the premises at the time  
274 appointed, he shall, in either case, thenceforward pay to the  
275 landlord double the rent which he should otherwise have paid, to  
276 be levied, sued for, and recovered as the single rent before the  
277 giving of notice could be; and double rent shall continue to be



278 paid during all the time the tenant shall so continue in  
279 possession.

280         **SECTION 12.** Section 89-7-33, Mississippi Code of 1972, is  
281 brought forward as follows:

282             89-7-33. Such summons shall be served as a summons is served  
283 in other cases, if the tenant can be found; if not, then by  
284 putting up a copy in some conspicuous place on the premises where  
285 the tenant last or usually resided.

286         **SECTION 13.** Section 89-7-35, Mississippi Code of 1972, is  
287 brought forward as follows:

288             89-7-35. (1) If, at the time appointed, it appears that the  
289 summons has been duly served, and if sufficient cause is not shown  
290 to the contrary, the magistrate shall issue his warrant to the  
291 sheriff or any constable of the county, or to a marshal of the  
292 municipality in which the premises, or some part thereof, are  
293 situated, commanding him to remove all persons from the premises,  
294 and to put the applicant into full possession thereof.

295             (2) If the summons complied with the requirements of Section  
296 89-7-31(2) and if the tenant has failed to remove any of tenant's  
297 personal property, including any manufactured home, from the  
298 premises, then, if the judge has not made some other finding  
299 regarding the disposition of any personal property in the vacated  
300 premises, the personal property shall be deemed abandoned and may  
301 be disposed of by the landlord without further notice or  
302 obligation to the tenant.



303           **SECTION 14.** Section 89-7-37, Mississippi Code of 1972, is  
304 brought forward as follows:

305           89-7-37. The person in possession of such premises, or any  
306 person claiming possession thereof, may, at or before the time  
307 appointed in the summons for showing cause, file an affidavit with  
308 the magistrate who issued the same, denying the facts upon which  
309 the summons was issued; and the matters thus controverted may be  
310 tried by the magistrate.

311           **SECTION 15.** Section 89-7-41, Mississippi Code of 1972, is  
312 brought forward as follows:

313           89-7-41. (1) If the decision is in favor of the landlord or  
314 other person claiming the possession of the premises, the  
315 magistrate shall issue his warrant to the sheriff, constable, or  
316 other officer, commanding him immediately to put the landlord or  
317 other person into possession of the premises, and to levy the  
318 costs of the proceedings of the goods and chattels, lands and  
319 tenements, of the tenant or person in possession of the premises  
320 who shall have controverted the right of the landlord or other  
321 person.

322           (2) If the summons complied with the requirements of Section  
323 89-7-31(2) and if the tenant has failed to remove any of tenant's  
324 personal property, including any manufactured home, from the  
325 premises, then, if the judge has not made some other finding  
326 regarding the disposition of any personal property in the vacated  
327 premises, the personal property shall be deemed abandoned and may



328 be disposed of by the landlord without further notice or  
329 obligation to the tenant.

330 **SECTION 16.** Section 89-7-43, Mississippi Code of 1972, is  
331 brought forward as follows:

332 89-7-43. If the decision be in favor of the tenant, he shall  
333 recover costs of the applicant, and the magistrate shall issue  
334 execution therefor.

335 **SECTION 17.** Section 89-7-47, Mississippi Code of 1972, is  
336 brought forward as follows:

337 89-7-47. The magistrate before whom proceedings shall be had  
338 against a tenant holding over, shall keep a full record of his  
339 proceedings, and shall carefully preserve all papers in the cause,  
340 and the same costs shall be taxed and paid as are allowed for  
341 similar service in cases of unlawful entry and detainer, and the  
342 right of appeal shall exist as in such cases.

343 **SECTION 18.** Section 89-8-11, Mississippi Code of 1972, is  
344 brought forward as follows:

345 89-8-11. (1) A landlord may, from time to time, adopt rules  
346 or regulations, however described, concerning the tenant's use and  
347 occupancy of the premises. They are enforceable against the  
348 tenant only if:

349 (a) Their purpose is to promote the convenience, safety  
350 or welfare of the tenants in the premises, preserve the landlord's  
351 property from abuse, or make a fair distribution of services and  
352 facilities provided for the tenants generally;



353 (b) They are reasonably related to the purpose for  
354 which they are adopted;

355 (c) They apply to all tenants in the premises in a fair  
356 manner;

357 (d) They are sufficiently explicit in their  
358 prohibition, direction or limitation of the tenant's conduct to  
359 fairly inform him of what he must or must not do to comply;

360 (e) They are not for the purpose of evading the  
361 obligations of the landlord.

362 (2) A rule or regulation adopted or amended after the tenant  
363 enters into the rental agreement is enforceable against the tenant  
364 if reasonable notice of its adoption or amendment is given to the  
365 tenant and it does not work a substantial modification of the  
366 rental agreement.

367 (3) If the dwelling unit is an apartment in a horizontal  
368 property regime, the tenant shall comply with the bylaws of the  
369 association of the apartment owners; and if the dwelling unit is  
370 an apartment in a cooperative housing corporation, the tenant  
371 shall comply with the bylaws of the corporation.

372 (4) Unless otherwise agreed, the tenant shall occupy his  
373 dwelling unit only as a dwelling unit.

374 **SECTION 19.** Section 89-8-17, Mississippi Code of 1972, is  
375 brought forward as follows:

376 89-8-17. Notwithstanding the provisions of Section 89-8-13,  
377 the landlord may, at any time after the expiration of a rental



378 agreement, recover possession of the dwelling unit, cause the  
379 tenant to quit the dwelling unit involuntarily, demand an increase  
380 in rent or decrease the services to which the tenant has been  
381 entitled in accordance with any other provisions of this chapter,  
382 if such actions by the landlord did not have the dominant purpose  
383 of retaliation against the tenant for his actions authorized under  
384 this chapter and the landlord received written notice of each  
385 condition which was the subject of such actions of the tenant.

386       **SECTION 20.** Section 11-25-11, Mississippi Code of 1972, is  
387 brought forward as follows:

388       11-25-11. The warrant shall be directed to the sheriff or  
389 any constable of the proper county, as the case may require, and  
390 shall be made returnable on a day certain, not less than five (5)  
391 days nor more than twenty (20) days after its date, and shall be  
392 forthwith executed by the proper officer on the defendant, in the  
393 same manner as a summons is required to be served, by delivering a  
394 copy, and he shall make due return to the justice court judge to  
395 whom the case is assigned, at the time and place therein  
396 mentioned, of the manner in which he shall have executed the same.

397       **SECTION 21.** Section 11-25-19, Mississippi Code of 1972, is  
398 brought forward as follows:

399       11-25-19. If on the day of court and at the place  
400 designated, it appears that the defendant has been duly served  
401 with the warrant, the justice court judge shall proceed, without  
402 further pleadings in writing, to the trial of the complaint.





403           **SECTION 22.** Section 11-25-21, Mississippi Code of 1972, is  
404 brought forward as follows:

405           11-25-21. The plaintiff may, on the trial, claim and  
406 establish by evidence, any amount due for arrears of rent of the  
407 land of which possession is sought, or a reasonable compensation  
408 for the use and occupation thereof; and the justice court judge  
409 shall find, upon the evidence, the arrears of rent or reasonable  
410 compensation, and may give judgment against the defendant in the  
411 action for such arrears of rent or reasonable compensation, and  
412 award a writ of fieri facias thereon.

413           **SECTION 23.** Section 11-25-23, Mississippi Code of 1972, is  
414 brought forward as follows:

415           11-25-23. If the finding be for the plaintiff, the justice  
416 court judge shall render judgment in favor of the plaintiff that  
417 he recover possession of the land, with costs, and shall award a  
418 writ of habere facias possessionem; and the justice court judge  
419 may issue alias writs and enforce the judgment and punish for  
420 contempt of process thereon; but a writ of habere facias  
421 possessionem or execution shall not issue within five (5) days  
422 from the date of the judgment.

423           **SECTION 24.** Section 11-25-109, Mississippi Code of 1972, is  
424 brought forward as follows:

425           11-25-109. The warrant shall be directed to the sheriff, or  
426 any constable of the county, and shall be made returnable to the  
427 first term of the county court held after the issuance of the said



428 warrant, unless it shall be issued more than ten (10) days before  
429 the said term of court when it may be made returnable before the  
430 judge of the county court at the usual place of holding the county  
431 court at a day to be named not more than ten (10) days, or less  
432 than five (5) days, after the date of issuance of the said  
433 warrant; and the cause shall be triable at such term, or before  
434 the judge in vacation, (if so returnable), on the day therein,  
435 provided the defendant has been served with process at least five  
436 (5) days before the return day of writ.

437       **SECTION 25.** Section 11-25-111, Mississippi Code of 1972, is  
438 brought forward as follows:

439       11-25-111. The plaintiff may, on the trial, claim and  
440 establish by evidence, any amount due for arrears of rent on the  
441 land of which possession is sought, or a reasonable compensation  
442 for the use and occupation thereof; and the judge of the county  
443 court, shall find upon the evidence the arrears of rent or  
444 reasonable compensation and the judge of the county court may give  
445 judgment against the defendant in the action for such arrears of  
446 rent or reasonable compensation and may award a writ of fieri  
447 facias thereon. All such cases shall be tried by the judge  
448 without the intervention of the jury.

449       **SECTION 26.** Section 11-25-113, Mississippi Code of 1972, is  
450 brought forward as follows:

451       11-25-113. If the finding be for the plaintiff, the judge of  
452 the county court shall render judgment in favor of the plaintiff,



453 that he recover possession of the land, with costs, and shall  
454 award a writ of habere facias possessionem, and said judge may  
455 issue alias writs and enforce the judgment and may punish for  
456 contempt of process thereon; provided, however, that a writ of  
457 habere facias possessionem or execution shall not issue within  
458 five days from the date of judgment.

459         **SECTION 27.** This act shall take effect and be in force from  
460 and after July 1, 2017.

