

By: Representative Boyd

To: Judiciary A

HOUSE BILL NO. 132

1 AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE PARTY THAT DOES NOT PREVAIL IN AN ADVERSE POSSESSION
3 ACTION TO PAY COURT COSTS AND ATTORNEY'S FEES; AND FOR RELATED
4 PURPOSES.

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

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

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



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

29 (3) In any action regarding adverse possession, the court
30 shall assess all court costs and attorney's fees against the party
31 who does not prevail.

32 **SECTION 2.** This act shall take effect and be in force from
33 and after July 1, 2018.

