

By: Representative Rushing

To: Judiciary A

HOUSE BILL NO. 546

1 AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE PERSONS CLAIMING TITLE OF LAND BY ADVERSE POSSESSION TO  
 3 NOTIFY THE CHANCERY CLERK OF THE CLAIM OF POSSESSION NINETY DAYS  
 4 BEFORE THE CLAIM WILL MATURE; TO REQUIRE THE CHANCERY CLERK TO  
 5 FORWARD NOTIFICATION OF AN IMMINENT ADVERSE POSSESSION CLAIM TO  
 6 THE LAND OWNER OF RECORD; TO PROHIBIT THE TITLE FROM VESTING IN  
 7 THE ADVERSE POSSESSOR UNLESS THE REQUIRED NOTICE IS SENT TO THE  
 8 CHANCERY CLERK; AND FOR RELATED PURPOSES.

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

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

12 15-1-13. (1) Subject to subsections (2) and (3) of this  
 13 section, ten (10) years' actual adverse possession by any person  
 14 claiming to be the owner for that time of any land,  
 15 uninterruptedly continued for ten (10) years by occupancy,  
 16 descent, conveyance, or otherwise, in whatever way such occupancy  
 17 may have commenced or continued, shall vest in every actual  
 18 occupant or possessor of such land a full and complete title,  
 19 saving to persons under the disability of minority or unsoundness  
 20 of mind the right to sue within ten (10) years after the removal  
 21 of such disability, as provided in Section 15-1-7. However, the



22 saving in favor of persons under disability of unsoundness of mind  
23 shall never extend longer than thirty-one (31) years.

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

34 (3) For claims of adverse possession not matured as of July  
35 1, 2018, the actual occupant or possessor of the property subject  
36 to adverse possession shall send notice, including a description  
37 of the property, to the chancery clerk of the jurisdiction where  
38 the land is located of the imminent adverse possession claim.  
39 Notice must be given to the chancery clerk ninety (90) days before  
40 the claim of adverse possession will mature. After receiving  
41 notification of the imminent adverse possession claim, the  
42 chancery clerk shall forward the notice to the land owner of  
43 record via certified mail. If an occupant or possessor does not  
44 give notice to the chancery clerk as required by this subsection,  
45 title may not vest in the occupant or possessor; however, if the  
46 occupant or possessor does give the required notice, then title



47 will vest upon maturation in accordance with subsection (1) of  
48 this section.

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

