

By: Representatives Sanford, Burnett

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 246

1 AN ACT TO PROVIDE THAT A RIGHT OF FIRST REFUSAL IN REAL  
2 PROPERTY IS EXTINGUISHED UPON THE DEATH OF THE GRANTEE UNLESS THE  
3 INSTRUMENT GRANTING THE RIGHT OR A MEMORANDUM OF THE CONTRACTUAL  
4 AGREEMENT OR INSTRUMENT CLEARLY STATES THAT UPON THE GRANTEE'S  
5 DEATH, IT SHALL INURE TO THE BENEFIT OF THE GRANTEE'S HEIRS AND  
6 ASSIGNS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** A right of first refusal in real property granted  
9 through a contractual agreement or any other written instrument of  
10 conveyance is extinguished upon the death of the grantee  
11 right-holder unless the contractual agreement or instrument of  
12 conveyance, or a memorandum of the contractual agreement or  
13 instrument of conveyance, is filed for recording in the land  
14 records of the county in which the real property lies and  
15 unambiguously states that upon the death of the grantee  
16 right-holder, the right of first refusal shall be binding upon and  
17 inure to the benefit of the heirs and assigns of the grantee  
18 right-holder.

19 **SECTION 2.** Section 1 of this act shall be codified as a new  
20 section in Chapter 1, Title 89, Mississippi Code of 1972.



21           **SECTION 3.** This act shall take effect and be in force from  
22 and after July 1, 2023.

