

By: Representative Scott

To: Judiciary A

HOUSE BILL NO. 1269

1 AN ACT TO AMEND SECTIONS 29-1-33, 29-2-37 AND 29-1-95, TO  
 2 PROVIDE THAT THE FEES AND COSTS ASSOCIATED WITH THE PATENT  
 3 CONFIRMATION PROCESS FOR STATE-FORFEITED TAX LANDS SHALL NOT BE  
 4 MORE THAN THE AMOUNT FOR WHICH A PERSON PURCHASE SUCH LAND; TO  
 5 BRING FORWARD SECTIONS 11-17-1, 11-17-3, 11-17-5, 11-17-7,  
 6 11-17-9, 11-17-11, 11-17-13, 11-17-15, 11-17-17, 11-17-19,  
 7 11-17-21, 11-17-23, 11-17-25, 11-17-27, 11-17-29, 11-17-31,  
 8 11-17-33, 11-17-34, 11-17-35 AND 11-17-37, MISSISSIPPI CODE OF  
 9 1972, WHICH RELATE TO LAWSUITS TO CONFIRM TITLE OR INTEREST AND TO  
 10 REMOVE CLOUDS ON TITLE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
 11 BRING FORWARD SECTIONS 29-1-5, 29-1-35, 29-1-51, 29-1-57, 29-1-93,  
 12 29-1-97 AND 29-1-145, WHICH RELATE TO THE STATE PURCHASE AND  
 13 CONVEYANCE OF LAND, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR  
 14 RELATED PURPOSES.

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

16 **SECTION 1.** Section 29-1-33, Mississippi Code of 1972, is  
 17 amended as follows:

18 29-1-33. The \* \* \* Secretary of State with the approval of  
 19 the Governor is hereby authorized to sell to any bona fide  
 20 purchaser any lands which may have been forfeited to the state for  
 21 the nonpayment of taxes after the time allowed by law for  
 22 redemption shall have expired, for such price as the \* \* \*  
 23 Secretary of State with the approval of the Governor may fix;  
 24 provided, however, that the minimum price for such forfeited tax



25 land shall be Two Dollars (\$2.00) per acre, except as otherwise  
26 provided herein. When the \* \* \* Secretary of State has good  
27 reason to believe, however, that any of said lands are actually  
28 worth more than Two Dollars (\$2.00) per acre, he shall cause a  
29 proper investigation to be made for the purpose of ascertaining  
30 the actual value of such lands, and such lands shall be sold for  
31 such price as the \* \* \* Secretary of State with the approval of  
32 the Governor may fix, provided that such sale price shall not be  
33 less than Two Dollars (\$2.00) per acre as aforesaid. The \* \* \*  
34 Secretary of State may fix different prices for separate tracts of  
35 land, but all such prices shall be subject to the approval of the  
36 Governor.

37 In cases where it reasonably appears that the actual value of  
38 any of said lands is less than Two Dollars (\$2.00) per acre, such  
39 lands may be sold by the \* \* \* Secretary of State, with the  
40 approval of the Governor, at a price less than Two Dollars (\$2.00)  
41 per acre; provided, however, that in no such case shall such lands  
42 be sold for less than the amount of the state, levee board (where  
43 the land is situated in a levee district), and county taxes (not  
44 including, however, the drainage district tax, if any) for which  
45 said lands were sold to the state, plus an amount equal to all  
46 penalties, fees, damages, and costs accrued up to and including  
47 the date of the sale of such lands to the state.

48 In selling or contracting for the sale of state-forfeited tax  
49 lands, it shall not be necessary that the \* \* \* Secretary of State



50 include in the sale price of such lands any state, drainage  
51 district, county, levee, or municipal taxes, or any special  
52 assessment.

53 The fees and costs associated with the patent confirmation  
54 process for state-forfeited tax lands, including the fees and  
55 costs associated with the application to purchase such land, shall  
56 not be more than the amount for which a person purchased the land.

57 **SECTION 2.** Section 29-1-37, Mississippi Code of 1972, is  
58 amended as follows:

59 29-1-37 (1) Except as otherwise provided in subsection (2)  
60 of this section, any person desiring to purchase any  
61 state-forfeited tax land shall make application in writing to the  
62 Secretary of State for the purchase of the land, and shall state  
63 in the application:

64 (a) A correct description of the land sought to be  
65 purchased.

66 (b) The name of the former owner and the name of the  
67 person to whom the land was assessed at the time of the tax sale,  
68 and the post office address of the former owner and the post  
69 office address of the person to whom the land was assessed at the  
70 time of the sale, if known to the applicant.

71 (c) Whether or not the land is occupied at the date of  
72 the filing of such application, and the name of the person  
73 occupying the land, if any.



74 (d) The nature and value of the improvements on the  
75 land.

76 (e) The approximate quantity of the merchantable timber  
77 on the land, if any.

78 (f) Any other special information as the Secretary of  
79 State, with the approval of the Governor, may require.

80 Each application shall be signed by the applicant and shall  
81 contain a declaration that the statements and information  
82 submitted in the application are true and correct and are made  
83 under penalty of perjury. The Secretary of State may require any  
84 additional information with reference to the value of the lands,  
85 the nature and condition of the buildings and improvements on the  
86 lands, and the value of the timber on the lands as he may deem  
87 necessary. The applications shall be filed by the Secretary of  
88 State in the order in which they are received. Each application  
89 shall be given a serial number and shall be entered on a record  
90 book on the day it is received. The record book shall show the  
91 name of the applicant, the serial number of the application, and  
92 the county in which the property is situated.

93 (2) Except as otherwise provided in subsection (3) of this  
94 section, the Secretary of State, with the approval of the  
95 Governor, may dispose of any state-forfeited tax land by sealed  
96 bids after three (3) weeks' advertisement in a newspaper in the  
97 county in which the land is located.



98 (3) The Secretary of State may sell state-forfeited tax land  
99 by online auction. The Secretary of State may enter into an  
100 agreement with an online provider to conduct any such sales by  
101 online auction. The Secretary of State may establish procedures  
102 and adopt administrative rules for the sale of state-forfeited tax  
103 land by online auction.

104 (4) The fees and costs associated with the patent  
105 confirmation process for state-forfeited tax lands, including the  
106 fees and costs associated with the application to purchase such  
107 land, shall not be more than the amount for which a person  
108 purchased the land.

109 **SECTION 3.** Section 29-1-95, Mississippi Code of 1972, is  
110 amended as follows:

111 29-1-95. (1) All taxes due the county, municipality, public  
112 school district, drainage district or levee board on lands sold to  
113 the state for taxes and listed into the Secretary of State's  
114 office shall remain in abeyance until the land be sold, and  
115 thereafter such taxes shall be paid out of the purchase money; but  
116 state, county, municipality, public school district, drainage  
117 district or levee board taxes shall not accrue on such lands after  
118 the fiscal year in which it was certified to the state. Upon the  
119 payment of the purchase money of any tax land into the Treasury,  
120 the Secretary of State shall certify to the Department of Finance  
121 and Administration and to the Treasurer the amount of fees and  
122 costs allowed to the county tax collector and chancery clerk, as



123 in cases of the redemption of lands from tax sales, under the  
124 provisions of Section 25-7-21; and the Department of Finance and  
125 Administration shall issue warrants in favor of such county tax  
126 collector and chancery clerk for the amount of such fees. The  
127 Secretary of State shall also certify to the Department of Finance  
128 and Administration and the Treasurer the amount of the county,  
129 municipality, public school district, drainage district and levee  
130 board taxes for which said land was sold to the state, and all  
131 taxes accruing on said land until the year in which it was  
132 certified to the state; and the Department of Finance and  
133 Administration shall issue warrants in favor of the proper county,  
134 municipality, public school district, drainage district, and levee  
135 board for the said four (4) years' taxes. The balance of the  
136 purchase money shall be deposited into a special fund to be known  
137 as the "Land Records Maintenance Fund," that is hereby created in  
138 the State Treasury. The fund shall be administered by the  
139 Secretary of State. Any amount on hand in said Land Records  
140 Maintenance Fund at the end of the fiscal year that is not  
141 necessary to pay any obligations to local governmental units set  
142 out in this subsection shall, after June 30 of each year, be  
143 transferred to the General Fund, and shall not be authorized for  
144 expenditure by the Secretary of State to reimburse or otherwise  
145 defray the expenses of any office administered by the Secretary of  
146 State.



147           (2) If, after the payment of the fees and costs allowed to  
148 the county tax collector and the chancery clerk, as aforesaid, the  
149 balance of the purchase money of any tax land paid into the  
150 Treasury shall be insufficient to cover the amount of the state,  
151 county, municipality, public school district, drainage district or  
152 levee board taxes due thereon, or if the records of the Secretary  
153 of State fail to show the amount of state, county, municipality,  
154 public school district, drainage district or levee board taxes  
155 accruing for the years until said land was certified to the state,  
156 on lands sold by the Secretary of State, he shall apportion the  
157 balance of the purchase money derived from the sale of such lands  
158 between the state, county, municipality, public school district,  
159 drainage district and levee board upon the basis of the amount of  
160 taxes due the state, county, municipality, public school district,  
161 drainage district and levee board, respectively, at the time said  
162 land was struck off to the state for delinquent taxes by the  
163 sheriff and tax collector, and for which said lands were struck  
164 off to the state.

165           (3) All funds derived from the sale of properties under the  
166 provisions of Sections 7-11-15, 29-1-27, 29-1-29, 29-1-35,  
167 29-1-37, 29-1-53 through 29-1-57, 29-1-73 and 29-1-81 through  
168 29-1-87 shall be handled in the manner provided herein for funds  
169 derived from the sale of lands.

170           (4) From and after July 1, 2016, the expenses of this agency  
171 shall be defrayed by appropriation from the State General Fund and



172 all user charges and fees authorized under this section shall be  
173 deposited into the State General Fund as authorized by law. The  
174 requirements of this subsection (4) shall not apply to  
175 disbursements made to local governmental units from the Land  
176 Records Maintenance Fund, and to any funds which by law are to be  
177 collected and deposited to the Land Records Maintenance Fund.

178 (5) From and after July 1, 2016, no state agency shall  
179 charge another state agency a fee, assessment, rent or other  
180 charge for services or resources received by authority of this  
181 section. This prohibition shall not apply to payments made from  
182 the Land Records Maintenance Fund provided for in subsection (1)  
183 of this section.

184 (6) Notwithstanding any other provision of law to the  
185 contrary, the fees and costs associated with the patent  
186 confirmation process for state-forfeited tax lands, including the  
187 fees and costs associated with the application to purchase such  
188 land, shall not be more than the amount for which a person  
189 purchased the land.

190 **SECTION 4.** Section 11-17-1, Mississippi Code of 1972, is  
191 brought forward as follows:

192 11-17-1. Any person holding or claiming under a tax title  
193 lands heretofore or hereafter sold for taxes, when the period of  
194 redemption has expired, may proceed by sworn complaint in the  
195 chancery court to have such title confirmed and quieted, and shall  
196 set forth in his complaint his claim under the tax sale, and the





197 names and places of residence of all persons interested in the  
198 land, so far as known to plaintiff, or as he can ascertain by  
199 diligent inquiry. Where the names of persons in interest or their  
200 places of residence are unknown and have not been ascertained by  
201 diligent inquiry, the complaint shall so state. Where the name  
202 and places of residence of persons in interest are given they  
203 shall be made parties defendant. Where the complaint shall show  
204 that the persons interested are unknown to plaintiff and that he  
205 has made diligent inquiry for their names and could not obtain  
206 them, all persons interested may be made defendants by a notice  
207 addressed: "To all persons having or claiming any interest in the  
208 following described land, sold for taxes on (inserting date of  
209 sale), viz: (Describing land as described in the tax collector's  
210 conveyance)." The notice shall state the nature of the suit and  
211 it shall be published in accordance with the requirements of the  
212 Mississippi Rules of Civil Procedure. It shall be lawful in all  
213 cases to set forth in the complaint the names of all persons  
214 interested, as far as ascertained, and make them parties and also  
215 to join and make defendants "all persons having or claiming any  
216 legal or equitable interest in" the lands described in the  
217 complaint. Such suits shall be proceeded with as other cases; and  
218 if the complaints be taken for confessed, or if it appear that  
219 plaintiff is entitled to a judgment, it shall be rendered,  
220 confirming the tax title against all persons claiming to hold the  
221 land by title existing at the time of the sale for taxes. Such



222 judgment shall vest in the plaintiff, without any conveyance by a  
223 master or commissioner, a good and sufficient title to said land;  
224 and such judgment shall, in all courts of this state, be held as  
225 conclusive evidence that the title to said land was vested in the  
226 plaintiff, as against all persons claiming the same under the  
227 title existing prior to the sale for taxes.

228         **SECTION 5.** Section 11-17-3, Mississippi Code of 1972, is  
229 brought forward as follows:

230         11-17-3. Any patentee, or any person, firm or corporation,  
231 claiming title or other interest in land under or through any  
232 patentee by virtue of any patent issued by the state for lands  
233 forfeited to the state for nonpayment of taxes, whether such  
234 claimant be in possession or not, or be threatened to be disturbed  
235 in his possession or not, may proceed as party plaintiff against  
236 the state, as a party defendant, by sworn complaint in the  
237 chancery court of the county where the land, or some part thereof,  
238 is situated, to have such title or interest confirmed and quieted.  
239 No deraignment of plaintiff's title in such cases shall be  
240 required.

241         **SECTION 6.** Section 11-17-5, Mississippi Code of 1972, is  
242 brought forward as follows:

243         11-17-5. The attorney general, in proper cases after  
244 investigation, shall file an answer in all such cases setting up  
245 any defense on the part of the State of Mississippi, and all of  
246 the pleadings in such cases shall be the same as in other cases in



247 chancery. The said cause shall be heard and determined as other  
248 cases in chancery.

249 **SECTION 7.** Section 11-17-7, Mississippi Code of 1972, is  
250 brought forward as follows:

251 11-17-7. The court is hereby granted large discretion and  
252 far reaching powers in the matter of establishing and fixing the  
253 validity of land patents issued by the state and title conveyed  
254 thereunder, and the sound discretion of the court in deciding all  
255 such cases shall be the controlling factor in settling the issues  
256 where only state interests are involved. No decree pro confesso  
257 shall be taken against the state, but on failure of the attorney  
258 general to answer within the time required by law, the cause shall  
259 be heard on the bill and proof thereon.

260 **SECTION 8.** Section 11-17-9, Mississippi Code of 1972, is  
261 brought forward as follows:

262 11-17-9. Upon the hearing of such cases, it shall be the  
263 duty of the chancery court to enter a decree validating and  
264 perfecting the title of said land from the State of Mississippi,  
265 unless it shall appear to the court and the court shall find as a  
266 fact that the state has not acquired title to said land by virtue  
267 of said tax sale, or that the title to the said land involved in  
268 the suit was divested out of the State of Mississippi without  
269 payment of purchase price or by reason of actual fraud on the part  
270 of the patentee, or his representatives. In such cases of fraud  
271 and failure to pay purchase price, the chancery court shall enter



272 a decree forever annulling and cancelling the said patent; but no  
273 patent heretofore issued shall be cancelled in such proceeding  
274 because of loss of the application papers to purchase said land,  
275 or because of errors or omissions or incorrect statements in said  
276 application, or other papers in connection with the sale of said  
277 land, such matters not constituting fraud as above defined.

278 **SECTION 9.** Section 11-17-11, Mississippi Code of 1972, is  
279 brought forward as follows:

280 11-17-11. Any of the parties to the suit may appeal as in  
281 other proceedings in chancery, provided any interlocutory appeal  
282 is taken within ten days after the rendition of the decree from  
283 which the appeal is desired, and provided that any final appeal is  
284 taken within sixty days from the date of the rendition of the  
285 final decree.

286 **SECTION 10.** Section 11-17-13, Mississippi Code of 1972, is  
287 brought forward as follows:

288 11-17-13. Any land patent and title perfected by a decree in  
289 a suit under Sections 11-17-3 through 11-17-17 shall forever estop  
290 and preclude the state and other parties from thereafter  
291 questioning the validity of the patent involved in such  
292 proceeding.

293 **SECTION 11.** Section 11-17-15, Mississippi Code of 1972, is  
294 brought forward as follows:

295 11-17-15. It is hereby made the duty of the district  
296 attorneys and county attorneys in their respective jurisdictions



297 to fully cooperate with the Attorney General in the investigation  
298 and trial of all cases filed under Sections 11-17-3 through  
299 11-17-17; and, at the request of the Attorney General, such  
300 officers shall investigate the facts involved and file such  
301 answers and perform such other reasonable services in connection  
302 therewith as the Attorney General may request.

303       **SECTION 12.** Section 11-17-17, Mississippi Code of 1972, is  
304 brought forward as follows:

305       11-17-17. Sections 11-17-3 through 11-17-17 shall be  
306 liberally construed to validate and quiet title to lands  
307 heretofore passing under patent from the state and shall in no way  
308 be construed as repealing or limiting any other statutes now  
309 existing in aid of such titles under patents from the state.

310       **SECTION 13.** Section 11-17-19, Mississippi Code of 1972, is  
311 brought forward as follows:

312       11-17-19. Any person, firm or corporation which claims title  
313 to or a leasehold or other interest in any real property, other  
314 than sixteenth section school lands or lands granted in lieu  
315 thereof, under or by virtue of a sale, conveyance or lease of such  
316 property by any county, municipality, supervisor's district, or  
317 other political subdivision of the State of Mississippi, acting  
318 either separately or jointly, may proceed by sworn complaint in  
319 the chancery court of the county in which such real property, or  
320 some part thereof, is located, to have the title to or leasehold  
321 or other interest in such real property quieted and confirmed.



322 Such action may be brought whether or not such person, firm or  
323 corporation be in possession of such real property, or whether he  
324 or it be threatened to be disturbed in such possession or not. In  
325 such complaint, the person, firm or corporation claiming such  
326 title or leasehold or other interest shall be the party plaintiff  
327 and there shall be made defendants thereto the county,  
328 municipality or other political subdivision which sold, conveyed  
329 or leased said property, the Attorney General of the state and the  
330 district attorney of the county in which said suit is filed. In  
331 any such suit, it shall not be necessary that the plaintiff  
332 therein deraign his title to said property.

333       **SECTION 14.** Section 11-17-21, Mississippi Code of 1972, is  
334 brought forward as follows:

335       11-17-21. All proceedings in said suit shall be governed by  
336 the Mississippi Rules of Civil Procedure. However, no default  
337 judgment shall be entered against the defendants unless the court  
338 determines the truth of the averments after a hearing pursuant to  
339 the Mississippi Rules of Civil Procedure.

340       **SECTION 15.** Section 11-17-23, Mississippi Code of 1972, is  
341 brought forward as follows:

342       11-17-23. In all such proceedings the court shall find  
343 whether the sale, conveyance or lease of such real property was  
344 lawful and valid. Upon the hearing of such case, the chancery  
345 court shall enter a decree validating and confirming the  
346 complainant's title to or leasehold or other interest in such real



347 property as against the defendants in said suit, unless it shall  
348 appear to the court and the court shall find that the title  
349 thereto or leasehold or other interest therein was not lawfully  
350 and validly acquired by virtue of the sale, conveyance or lease  
351 under which such complainant claims, in which latter case the  
352 chancery court shall enter a decree annulling and cancelling such  
353 sale, conveyance or lease, or such other decree as the court may  
354 find to be lawful, just and equitable in such case. When any  
355 sale, conveyance or lease of any such property shall be confirmed  
356 and validated under the provisions of Sections 11-17-19 through  
357 11-17-27 by decree of the chancery court, such decree shall  
358 forever estop and preclude the defendants and all other parties  
359 from thereafter questioning the validity of the sale, conveyance  
360 or lease involved in such proceedings.

361       **SECTION 16.** Section 11-17-25, Mississippi Code of 1972, is  
362 brought forward as follows:

363       11-17-25. Any of the parties to a confirmation suit filed  
364 under the provisions of Sections 11-17-19 through 11-17-27 may  
365 appeal from the decree of the chancery court in the manner and  
366 within the time provided by law, and such appeals shall be heard  
367 as are other cases of appeals from the decrees of the chancery  
368 court.

369       **SECTION 17.** Section 11-17-27, Mississippi Code of 1972, is  
370 brought forward as follows:



371 11-17-27. Sections 11-17-19 through 11-17-27 shall be  
372 applicable to all sales, conveyances and leases of real property,  
373 other than sixteenth section school lands or lands granted in lieu  
374 thereof, made by any county, municipality, supervisor's district  
375 or other political subdivision of the State of Mississippi, acting  
376 either jointly or separately, to any person, firm or corporation,  
377 including, but not being limited to, sales, conveyances and leases  
378 made under the authority of Sections 57-1-1 through 57-1-51, any  
379 other statute of the State of Mississippi, whether same be  
380 general, special or local and private, and sales, conveyances and  
381 leases made under the general authority of counties,  
382 municipalities, and other political subdivisions, whether same  
383 were authorized by a specific statute or not.

384 **SECTION 18.** Section 11-17-29, Mississippi Code of 1972, is  
385 brought forward as follows:

386 11-17-29. The owner in possession of any land, or the owner  
387 thereof who may be out of possession, if there be no adverse  
388 occupancy thereof, may file a bill in the chancery court to have  
389 his title confirmed and quieted. The law for notice, process,  
390 proceedings, and practice, as provided for confirming and quieting  
391 tax titles shall apply, no matter by what tenure the complainant  
392 may hold. Unknown and nonresident parties may be made defendants  
393 as they are made defendants to proceedings to confirm tax titles.  
394 If on the final hearing of any such suit, the court shall be  
395 satisfied that the complainant is the real owner of the land, it





396 shall so adjudge, and its decree shall be conclusive evidence of  
397 title as determined from the date of the decree as against all  
398 parties defendant.

399         **SECTION 19.** Section 11-17-31, Mississippi Code of 1972, is  
400 brought forward as follows:

401         11-17-31. When a person not the rightful owner of any real  
402 estate, shall have any conveyance or other evidence of title  
403 thereto, or shall assert any claim, or pretend to have any right  
404 of title thereto, which may cast doubt, or suspicion on the title  
405 of the real owner, such real owner may file a bill in the chancery  
406 court to have such conveyance or other evidence or claim of title  
407 cancelled, and such cloud, doubt or suspicion removed from said  
408 title, whether such real owner be in possession or not, or be  
409 threatened to be disturbed in his possession or not, and whether  
410 the defendant be a resident of this state or not. Any person  
411 having the equitable title to land may, in like cases, file a bill  
412 to divest the legal title out of the person in whom the same may  
413 be vested, and to vest the same in the equitable owner. Any  
414 person holding or claiming under a tax title lands heretofore or  
415 hereafter sold for taxes may proceed hereunder in like manner and  
416 may include, as a defendant, any political subdivision of the  
417 state, having or asserting any evidence or claim of title adverse  
418 to such tax title.

419         **SECTION 20.** Section 11-17-33, Mississippi Code of 1972, is  
420 brought forward as follows:



421 11-17-33. (1) To encourage the exploration and development  
422 of the state's mineral resources, upon application, accompanied by  
423 sworn affidavit, of one or more persons, firms or corporations  
424 claiming or owning any mineral interest in a tract of land and  
425 upon which mineral production is desired, the chancery court of  
426 the county in which the land, or any part thereof, is located  
427 shall have the authority to appoint the chancery clerk as receiver  
428 of any mineral interest claimed or owned by any person, or  
429 persons, whose whereabouts or identity is unknown, if the court is  
430 satisfied after hearing and proof that the said person, or  
431 persons, could not be found after diligent search and inquiry and  
432 that petitioners will suffer loss, damage or injury unless such  
433 receiver is appointed.

434 (2) Such receiver shall have power and authority, under  
435 court order, to execute and deliver to a lessee, determined by the  
436 court, a mineral lease on any such outstanding mineral interest,  
437 upon such terms and conditions as may be prescribed by the court;  
438 provided, however, that the court affirmatively find that the  
439 lease taken as a whole shall be at least as favorable to the  
440 absent person as other leases in the same tract of land and shall  
441 be in the best interest of all parties. It shall be conclusively  
442 presumed in every court in this state that the terms and  
443 conditions of said lease are reasonable, fair and represent the  
444 fair market value of the interests leased. The moneys, if any,  
445 paid to such receiver for execution, delay rentals, royalties or



446 any other proceeds of such lease shall be paid immediately upon  
447 accrual to the receiver and shall be impounded by said receiver  
448 for the use and benefit of such person. The receiver shall hold,  
449 preserve and invest any such money so received in the same manner  
450 as other moneys held by the chancery clerk and on order of the  
451 court shall pay any money so held, with any interest accrued less  
452 costs of the receivership, to any person holding a valid claim  
453 thereto when said claim is asserted within ten (10) years of the  
454 date of the decree establishing the receivership. The official  
455 bond of the chancery clerk shall cover any money paid him as such  
456 receiver and the chancellor may prescribe such additional bond as  
457 he may think proper.

458 (3) No receiver shall be appointed under the provisions of  
459 this section unless all interested parties who are not parties to  
460 the petition shall be made defendants and all such defendants  
461 shall have been served with process of the court provided by law  
462 for cases in chancery court. The summons by publication shall be  
463 substantially in the following form:

464 "THE STATE OF MISSISSIPPI

465 \_\_\_\_ (inserting names of defendants)

466 You are summoned to appear before the Chancery Court of the County  
467 of \_\_\_\_ in said state, on the \_\_\_\_ Monday of \_\_\_\_, A.D. \_\_\_\_, to  
468 defend the suit of \_\_\_\_ (et al.) praying the appointment of a  
469 receiver of an undivided mineral interest claimed to be owned by



470 you in and under \_\_\_\_ (here describe the land) wherein you are a  
471 defendant. This the \_\_\_\_ day of \_\_\_\_, A.D.

472 \_\_\_\_\_

473 Clerk"

474 (4) The costs of the action for appointment of the receiver  
475 shall be taxed against the petitioners if they fail to prove their  
476 case.

477 (5) The receivership, once established, shall continue,  
478 unless dissolved by the court for good cause, for a period of at  
479 least ten (10) years.

480 (6) This section shall not alter or change any laws now in  
481 effect relating to suits for the removal of clouds upon title or  
482 the appointment of receivers under any other law, but is  
483 cumulative thereof.

484 (7) The term "tract of land" as used herein shall not be  
485 limited to property wherein petitioner owns an undivided interest;  
486 but may include any geographic boundary upon which mineral  
487 exploration and/or production may be conducted even though the  
488 tract may include property in which petitioner has no property  
489 interest or any other geographic boundary the court, in its  
490 discretion, may deem appropriate.

491 **SECTION 21.** Section 11-17-34, Mississippi Code of 1972, is  
492 brought forward as follows:

493 11-17-34. Unless otherwise released by the court, the  
494 receiver appointed in Section 11-17-33 shall hold all net proceeds



495 paid in connection with such lease for a period of ten (10) years  
496 from the date of the decree establishing the receivership. If, at  
497 the end of that period of ten (10) years, no valid claim has been  
498 made for such moneys and said mineral interests, all moneys and  
499 mineral interests held by the receiver shall immediately escheat  
500 to the state in the same manner as if the absent person had died  
501 intestate leaving no heirs capable of inheriting as set forth in  
502 Chapter 11, Title 89, Mississippi Code of 1972. Provided,  
503 however, any person who is not concluded as a party or privy by a  
504 decree in favor of the state in proceedings to establish an  
505 escheat, may recover of the state, by suit, the net proceeds  
506 derived from any lease and from the sale of such minerals and paid  
507 into the state treasury, if the party shall establish his right to  
508 such minerals and that the same had not properly escheated to the  
509 state; but the title of the purchaser of such minerals shall not  
510 be thereby disturbed.

511 **SECTION 22.** Section 11-17-35, Mississippi Code of 1972, is  
512 brought forward as follows:

513 11-17-35. In bills to confirm title to real estate, and to  
514 cancel and remove clouds therefrom, the complainant must set forth  
515 in plain and concise language the deraignment of his title. If  
516 title has passed out of the sovereign more than seventy-five (75)  
517 years prior to the filing of the bill, then the deraignment shall  
518 be sufficient if it show title out of the sovereign and a  
519 deraignment of title for not less than sixty (60) years prior to



520 the filing of the bill. A mere statement therein that complainant  
521 is the real owner of the land shall be insufficient, unless good  
522 and valid reason be given why he does not deraign his title. In  
523 all such cases, final decrees in the complainant's favor shall be  
524 recorded in the record of deeds, and shall be indexed as if a  
525 conveyance of the land from the defendant or each of them, if more  
526 than one, to the complainant or complainants, if more than one.

527 **SECTION 23.** Section 11-17-37, Mississippi Code of 1972, is  
528 brought forward as follows:

529 11-17-37. In suits to try title, to cancel deeds and other  
530 clouds upon title, and to confirm title to real estate, the  
531 chancery court shall have jurisdiction to decree possession and to  
532 displace possession, to decree rents and compensation for  
533 improvements and taxes. In all cases where said courts heretofore  
534 exercised jurisdiction auxiliary to courts of common law, it may  
535 exercise such jurisdiction to grant the relief sought, although  
536 the legal remedy may not have been exhausted or the legal title  
537 established by a suit at law.

538 **SECTION 24.** Section 29-1-5, Mississippi Code of 1972, is  
539 brought forward as follows:

540 29-1-5. Whenever the \* \* \* Secretary of State shall need  
541 information as to the value of any lands belonging to or claimed  
542 by the state, whether the title thereto shall have been acquired  
543 by tax sale or otherwise, it shall be the duty of the county tax  
544 collector and the county assessor, in response to written inquiry



545 by the \* \* \* Secretary of State, to make written certificate as to  
546 the value of such land and the improvements thereon, if any, to  
547 the best of their knowledge and belief.

548 Any assessor or tax collector failing to prepare and mail  
549 said certificates shall be guilty of a misdemeanor and on  
550 conviction shall be fined in any sum not exceeding One Hundred  
551 Dollars (\$100.00) or be imprisoned in the county jail not  
552 exceeding ten (10) days, or be punished by both such fine and  
553 imprisonment.

554 **SECTION 25.** Section 29-1-35, Mississippi Code of 1972, is  
555 brought forward as follows:

556 29-1-35. Where buildings and improvements situated on  
557 tax-forfeited lands have been removed or destroyed by fire,  
558 windstorm, or flood, the Secretary of State may, in his  
559 discretion, sell the tax-forfeited lands for any amount he may  
560 deem reasonable, irrespective of the amount of taxes for which the  
561 property was sold to the state. The Secretary of State, in  
562 determining the sales price for the land, may take into account  
563 the cost of cleanup and removal of debris from destroyed buildings  
564 and improvements situated thereon, or may contract with the  
565 purchaser for cleanup and removal of debris from destroyed  
566 buildings as part of the consideration for sale of the land.

567 **SECTION 26.** Section 29-1-51, Mississippi Code of 1972, is  
568 brought forward as follows:



569           29-1-51. The Secretary of State, with the approval of the  
570 Governor, is hereby authorized to sell state forfeited tax lands  
571 situated within the corporate limits of a municipality to the  
572 governing authorities of such municipality in the manner provided  
573 by law. If a municipality makes an application to purchase those  
574 lands, the municipality shall have priority over all other  
575 applicants except the original owner, his heirs or assigns.

576           As an alternative method to disposing of tax lands situated  
577 within a municipality, the Secretary of State, with the approval  
578 of the Governor, may transfer those lands to the municipality,  
579 which then may retain or dispose of the lands as provided by law.

580           **SECTION 27.** Section 29-1-57, Mississippi Code of 1972, is  
581 brought forward as follows:

582           29-1-57. Where tax-forfeited lands have situated thereon  
583 buildings or personal property which are deteriorating, the  
584 Secretary of State may sell and dispose of the buildings, personal  
585 property and land for any consideration he may deem reasonable,  
586 irrespective of the amount of taxes for which same was sold.  
587 Where the buildings or personal property have deteriorated to the  
588 condition they are unsafe or constitute a nuisance, the Secretary  
589 of State, in determining the sales price for the land, may take  
590 into account the cost of cleanup and removal of the buildings and  
591 personal property situated thereon, or may contract with the  
592 purchaser for cleanup and removal of the buildings and personal  
593 property as part of the consideration for sale of the land.





594           **SECTION 28.** Section 29-1-93, Mississippi Code of 1972, is  
595 brought forward as follows:

596           29-1-93. The fees of all county officers allowed by law in  
597 connection with land sold to the state for taxes shall be paid by  
598 the state when such land shall be sold by the state. Upon such  
599 sale, the \* \* \* Secretary of State shall carefully calculate said  
600 fees and shall certify the same to the auditor who, if he finds  
601 the same correct, shall issue his warrants therefor to the proper  
602 persons; provided, that said fees shall lapse as to any land not  
603 sold within ten (10) years after the period of redemption has  
604 expired.

605           **SECTION 29.** Section 29-1-97, Mississippi Code of 1972, is  
606 brought forward as follows:

607           29-1-97. When any land is situated in a drainage district  
608 and is subject to any special drainage district assessment which  
609 is secured by a lien on said land, such lien shall not be abated  
610 or cancelled on account of the sale of such land to the state for  
611 delinquent taxes, but such lien shall be held in abeyance during  
612 the period the property is owned by the state and, immediately  
613 upon the title to the land passing from the state by virtue of a  
614 sale, such lien shall again become effective. And, likewise, when  
615 any land is situated in a municipality and is subject to any  
616 special municipal benefit assessment which is secured by a lien on  
617 the land, such lien shall not be abated or cancelled on account of  
618 the sale of such land to the state for delinquent taxes, but such



619 lien shall be held in abeyance during the period such property is  
620 owned by the state and, immediately upon the title to the state  
621 passing from the state by virtue of a sale, such lien shall again  
622 become effective.

623         **SECTION 30.** Section 29-1-145, Mississippi Code of 1972, is  
624 brought forward as follows:

625         29-1-145. The chancery clerk or municipal clerk shall report  
626 to the Secretary of State any reasonable costs incurred by the  
627 county or municipality in maintaining unredeemed lands sold for  
628 taxes while those lands remain unsold. The Secretary of State  
629 shall pay the maintenance costs out of the money deposited into  
630 the Land Records Maintenance Fund. The Secretary of State shall  
631 certify to the Department of Finance and Administration and to the  
632 State Treasurer the amount of maintenance costs allowed to the  
633 county and municipality, and the Department of Finance and  
634 Administration shall issue a warrant in favor of the county or  
635 municipality for the amount of those costs. In no event shall the  
636 maintenance costs allowed the county or municipality exceed the  
637 market value of the lands or the purchase money received from the  
638 sale of those lands.

639         **SECTION 31.** This act shall take effect and be in force from  
640 and after July 1, 2023.

