

By: Senator(s) Thames

To: Fees, Salaries and Administration

SENATE BILL NO. 2470

1 AN ACT TO AMEND SECTION 27-43-3, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE FEE CHARGED BY THE CHANCERY CLERK TO ASCERTAIN THE
3 RECORD OWNER OF PROPERTY SUBJECT TO TAX SALE FOR DELINQUENT TAXES;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 27-43-3, Mississippi Code of 1972, is
7 amended as follows:

8 27-43-3. The clerk shall issue the notice to the sheriff of
9 the county of the reputed owner's residence, if he be a resident
10 of the State of Mississippi, and the sheriff shall be required to
11 serve personal notice as summons issued from the courts are
12 served, and make his return to the chancery clerk issuing same.
13 The clerk shall also mail a copy of same to the reputed owner at
14 his usual street address, if same can be ascertained after
15 diligent search and inquiry, or to his post office address if only
16 that can be ascertained, and he shall note such action on the tax
17 sales record. The clerk shall also be required to publish the
18 name and address of the reputed owner of the property and the
19 legal description of such property in a public newspaper of the
20 county in which the land is located, or if no newspaper is
21 published as such, then in a newspaper having a general
22 circulation in such county. Such publication shall be made at
23 least forty-five (45) days prior to the expiration of the
24 redemption period.

25 If said reputed owner is a nonresident of the State of
26 Mississippi, then the clerk shall mail a copy of said notice
27 thereto in the same manner as hereinabove set out for notice to a
28 resident of the State of Mississippi, except that personal notice

29 served by the sheriff shall not be required.

30 Notice by mail shall be by registered or certified mail. In
31 the event the notice by mail is returned undelivered and the
32 personal notice as hereinabove required to be served by the
33 sheriff is returned not found, then the clerk shall make further
34 search and inquiry to ascertain the reputed owner's street and
35 post office address. If the reputed owner's street or post office
36 address is ascertained after the additional search and inquiry,
37 the clerk shall again issue notice as hereinabove set out. If
38 personal notice is again issued and it is again returned not found
39 and if notice by mail is again returned undelivered, then the
40 clerk shall file an affidavit to that effect and shall specify
41 therein the acts of search and inquiry made by him in an effort to
42 ascertain the reputed owner's street and post office address and
43 said affidavit shall be retained as a permanent record in the
44 office of the clerk and such action shall be noted on the tax
45 sales record. If the clerk is still unable to ascertain the
46 reputed owner's street or post office address after making search
47 and inquiry for the second time, then it shall not be necessary to
48 issue any additional notice but the clerk shall file an affidavit
49 specifying therein the acts of search and inquiry made by him in
50 an effort to ascertain the reputed owner's street and post office
51 address and said affidavit shall be retained as a permanent record
52 in the office of the clerk and such action shall be noted on the
53 tax sale record.

54 For examining the records to ascertain the record owner of
55 the property, the clerk shall be allowed a fee of Fifty Dollars
56 (\$50.00); for issuing the notice the clerk shall be allowed a fee
57 of Two Dollars (\$2.00) and, for mailing same and noting such
58 action on the tax sales record, a fee of One Dollar (\$1.00); and
59 for serving the notice, the sheriff shall be allowed a fee of Four
60 Dollars (\$4.00). For issuing a second notice, the clerk shall be
61 allowed a fee of Five Dollars (\$5.00) and, for mailing same and

62 noting such action on the tax sales record, a fee of Two Dollars
63 and Fifty Cents (\$2.50), and for serving the second notice, the
64 sheriff shall be allowed a fee of Four Dollars (\$4.00). The clerk
65 shall also be allowed the actual cost of publication. Said fees
66 and cost shall be taxed against the owner of said land if the same
67 is redeemed, and if not redeemed, then said fees are to be taxed
68 as part of the cost against the purchaser. The failure of the
69 landowner to actually receive the notice herein required shall not
70 render the title void, provided the clerk and sheriff have
71 complied with the duties herein prescribed for them.

72 Should the clerk inadvertently fail to send notice as
73 prescribed in this section, then such sale shall be void and the
74 clerk shall not be liable to the purchaser or owner upon refund of
75 all purchase money paid.

76 **SECTION 2.** The Attorney General of the State of Mississippi
77 shall submit this act, immediately upon approval by the Governor,
78 or upon approval by the Legislature subsequent to a veto, to the
79 Attorney General of the United States or to the United States
80 District Court for the District of Columbia in accordance with the
81 provisions of the Voting Rights Act of 1965, as amended and
82 extended.

83 **SECTION 3.** This act shall take effect and be in force from
84 and after the date it is effectuated under Section 5 of the Voting
85 Rights Act of 1965, as amended and extended, or October 1, 2005,
86 whichever occurs later.