

By: Representatives Arnold, Hopkins,  
Wallace, Williamson

To: Judiciary A

HOUSE BILL NO. 1236

1 AN ACT TO AMEND SECTION 89-1-23, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT ALIENS AND GOVERNMENTS OF FOREIGN COUNTRIES FROM  
3 ACQUIRING TITLE TO, TAKING OR HOLDING ANY LAND, LEASEHOLD  
4 INTEREST, OR REAL ESTATE IN THE STATE OF MISSISSIPPI BY DESCENT,  
5 DEVISE, PURCHASE OR OTHERWISE; TO BRING FORWARD SECTION 11-31-1,  
6 MISSISSIPPI CODE OF 1972, WHICH RELATES TO ATTACHMENT IN CHANCERY  
7 AGAINST NONRESIDENTS, ABSENT OR ABSCONDING DEBTORS, FOR PURPOSES  
8 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 11-39-3,  
9 MISSISSIPPI CODE OF 1972, WHICH RELATES TO METHOD OF PROCEEDINGS,  
10 FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION  
11 85-3-41, MISSISSIPPI CODE OF 1972, WHICH RELATES TO EXEMPT  
12 PROPERTY AND HOMESTEAD ALLOTMENT, FOR PURPOSES OF POSSIBLE  
13 AMENDMENT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 89-1-23, Mississippi Code of 1972, is  
16 amended as follows:

17 89-1-23. \* \* \* Except as otherwise provided in this  
18 section, aliens and governments of foreign countries are prohibited  
19 from acquiring title to, taking, or holding any land, leasehold  
20 interest, or real estate in the State of Mississippi by descent,  
21 devise, purchase or otherwise. All land held or acquired contrary  
22 to this section shall escheat to the state; but a title to real  
23 estate in the name of a citizen of the United States, \* \* \* if he



24 or she be a purchaser or holder, shall not be forfeited or  
25 escheated by reason of the alienage of any former owner or other  
26 person.

27 Any person who was or is a citizen of the United States and  
28 became or becomes an alien by reason of marriage to a citizen of a  
29 foreign country, may hereafter inherit, or if he or she \* \* \*  
30 inherited or acquired or hereafter inherits, may hold, own,  
31 transmit by descent or transfer land free from any escheat to the  
32 State of Mississippi, if said land has not heretofore escheated by  
33 final valid order or decree of a court of competent jurisdiction.

34 \* \* \*

35 \* \* \* The limitation set forth in this paragraph shall not  
36 apply to corporations in which the stock thereof is partially or  
37 wholly owned by nonresident aliens; and title to real estate  
38 acquired by, and held in the name of, any corporation, limited  
39 partnership, general partnership, limited liability partnership,  
40 limited liability company, joint venture, joint stock company or  
41 business trust organized and existing under the laws of the State  
42 of Mississippi or of any other state or the federal laws of the  
43 United States of America for purposes of development thereon of  
44 one or more projects, as defined in Section 57 75 5(f)(xxxi),  
45 shall not be forfeited or escheated by reason of the alienage of  
46 any former owner or other person if said land has not heretofore  
47 escheated to the State of Mississippi by final valid order or  
48 decree of a court of competent jurisdiction.



49           **SECTION 2.** Section 11-31-1, Mississippi Code of 1972, is  
50 brought forward as follows:

51           11-31-1. The chancery court shall have jurisdiction of  
52 attachment suits based upon demands founded upon any indebtedness,  
53 whether the same be legal or equitable, or for the recovery of  
54 damages for the breach of any contract, express or implied, or  
55 arising ex delicto against any nonresident, absent or absconding  
56 debtor, who has lands and tenements within this state, or against  
57 any such debtor and persons in this state who have in their hands  
58 effects of, or are indebted to, such nonresident, absent or  
59 absconding debtor. The court shall give a decree in personam  
60 against such nonresident, absent or absconding debtor if summons  
61 has been personally served upon him, or if he has entered an  
62 appearance.

63           **SECTION 3.** Section 11-39-3, Mississippi Code of 1972, is  
64 brought forward as follows:

65           11-39-3. The proceedings in the cases set forth in Section  
66 11-39-1 shall be by complaint, in the name of the state, by the  
67 Attorney General or a district attorney, on his own motion or on  
68 relation of another, and, in a case to try the right to an office,  
69 on the relation of the claimant thereof. The complaint shall be  
70 filed in the circuit court of the county of the residence of the  
71 defendant; or, in the case of an officer, where he acts as such;  
72 or, in case of a corporation or pretended corporation, where its  
73 principal office or place of business may be or where it may



74 transact any business and has an agent; or, in case of an alien or  
75 corporation acquiring or holding land contrary to law, where any  
76 of the land is situated.

77 **SECTION 4.** Section 85-3-41, Mississippi Code of 1972, is  
78 brought forward as follows:

79 85-3-41. If a defendant be dissatisfied with the allotment,  
80 he may make affidavit before the sale, which affidavit may be made  
81 before the officer having the execution, that he verily believes  
82 it to be incorrect, specifying wherein he believes it so, and the  
83 officer shall suspend the sale of so much as the defendant so  
84 claims, and return the affidavit with the execution to the court  
85 to which it is returnable; and a summons shall issue for  
86 plaintiff, or, if he be a nonresident of this state, for his  
87 attorney of record in the case, if he have one; and if he be  
88 nonresident, and have no attorney in this state, publication may  
89 be made as in other cases; and when the process shall have been  
90 returned executed, or publication made, an issue shall be made up,  
91 and like proceeding had as when the plaintiff had filed an  
92 affidavit of dissatisfaction; and if the issue, in whole or in  
93 part, be found in favor of defendant, judgment shall be entered  
94 accordingly, and execution may go according to the judgment.

95 **SECTION 5.** This act shall take effect and be in force from  
96 and after July 1, 2023.

