

By: Representative Scott

To: Business and Commerce;
Judiciary A

HOUSE BILL NO. 318

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 PURCHASED 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, MISSISSIPPI CODE OF 1972, WHICH RELATE TO
 13 THE STATE PURCHASE AND CONVEYANCE OF LAND, FOR PURPOSES OF
 14 POSSIBLE AMENDMENT; AND FOR 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. _____,
468 to 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

Clerk"

473

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 State Land Commissioner 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 State Land Commissioner, 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 land commissioner shall carefully calculate said fees and
600 shall certify the same to the auditor who, if he finds the same
601 correct, shall issue his warrants therefor to the proper persons;
602 provided, that said fees shall lapse as to any land not sold
603 within ten (10) years after the period of redemption has expired.

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

606 29-1-97. When any land is situated in a drainage district
607 and is subject to any special drainage district assessment which
608 is secured by a lien on said land, such lien shall not be abated
609 or cancelled on account of the sale of such land to the state for
610 delinquent taxes, but such lien shall be held in abeyance during
611 the period the property is owned by the state and, immediately
612 upon the title to the land passing from the state by virtue of a
613 sale, such lien shall again become effective. And, likewise, when
614 any land is situated in a municipality and is subject to any
615 special municipal benefit assessment which is secured by a lien on
616 the land, such lien shall not be abated or cancelled on account of
617 the sale of such land to the state for delinquent taxes, but such
618 lien shall be held in abeyance during the period such property is
619 owned by the state and, immediately upon the title to the state



620 passing from the state by virtue of a sale, such lien shall again
621 become effective.

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

624 29-1-145. The chancery clerk or municipal clerk shall report
625 to the Secretary of State any reasonable costs incurred by the
626 county or municipality in maintaining unredeemed lands sold for
627 taxes while those lands remain unsold. The Secretary of State
628 shall pay the maintenance costs out of the money deposited into
629 the Land Records Maintenance Fund. The Secretary of State shall
630 certify to the Department of Finance and Administration and to the
631 State Treasurer the amount of maintenance costs allowed to the
632 county and municipality, and the Department of Finance and
633 Administration shall issue a warrant in favor of the county or
634 municipality for the amount of those costs. In no event shall the
635 maintenance costs allowed the county or municipality exceed the
636 market value of the lands or the purchase money received from the
637 sale of those lands.

638 **SECTION 31.** This act shall take effect and be in force from
639 and after July 1, 2025.

