MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Rushing To: Judiciary A

HOUSE BILL NO. 482

AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO REQUIRE PERSONS CLAIMING TITLE OF LAND BY ADVERSE POSSESSION TO NOTIFY THE CHANCERY CLERK OF THE CLAIM OF POSSESSION NINETY DAYS BEFORE THE CLAIM WILL MATURE; TO REQUIRE THE CHANCERY CLERK TO FORWARD NOTIFICATION OF AN IMMINENT ADVERSE POSSESSION CLAIM TO THE LAND OWNER OF RECORD; TO PROHIBIT THE TITLE FROM VESTING IN THE ADVERSE POSSESSOR UNLESS THE REQUIRED NOTICE IS SENT TO THE CHANCERY CLERK; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 15-1-13, Mississippi Code of 1972, is amended as follows:

15-1-13. (1) Subject to subsections (2) and (3) of this section, ten (10) years' actual adverse possession by any person claiming to be the owner for that time of any land, uninterruptedly continued for ten (10) years by occupancy, descent, conveyance, or otherwise, in whatever way such occupancy may have commenced or continued, shall vest in every actual occupant or possessor of such land a full and complete title, saving to persons under the disability of minority or unsoundness of mind the right to sue within ten (10) years after the removal of such disability, as provided in Section 15-1-7. However, the

saving in favor of persons under disability of unsoundness of mind shall never extend longer than thirty-one (31) years.

(2) For claims of adverse possession not matured as of July 1, 1998, the provisions of subsection (1) shall not apply to a landowner upon whose property a fence or driveway has been built who files with the chancery clerk within the ten (10) years required by this section a written notice that such fence or driveway is built without the permission of the landowner. Failure to file such notice shall not create any inference that property has been adversely possessed. The notice shall be filed in the land records by the chancery clerk and shall describe the property where *** * *** the fence or driveway is constructed.

(3) For claims of adverse possession not matured as of July 1, 2021, the actual occupant or possessor of the property subject to adverse possession shall send notice, including a description of the property, to the chancery clerk of the jurisdiction where the land is located of the imminent adverse possession claim. Notice must be given to the chancery clerk no less than ninety (90) days before the claim of adverse possession will mature. After receiving notification of the imminent adverse possession claim, the chancery clerk shall forward the notice to the land owner of record via certified mail. If an occupant or possessor does not give notice to the chancery clerk as required by this subsection, title may not vest in the occupant or possessor; however, if the occupant or possessor does give the required

notice, then title will vest upon maturation in accordance with subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

ST: Adverse possession; require possessor to notify chancery clerk before title vests.