MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Boyd To: Judiciary A

HOUSE BILL NO. 666

AN ACT TO AMEND SECTION 15-1-13, MISSISSIPPI CODE OF 1972, TO REQUIRE THE PARTY THAT DOES NOT PREVAIL IN AN ADVERSE POSSESSION ACTION TO PAY COURT COSTS AND ATTORNEY'S FEES; 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) 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 said fence or driveway is constructed.

(3) In any action regarding adverse possession, the court shall assess all court costs and attorney's fees against the party who does not prevail.

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