SUMMER MMA 2026
MISSISSIPPI CASE LAW UPDATES
MISSISSIPPI SUPREME COURT AND COURT OF APPEALS
AUGUST 14, 2025-JUNE 4, 2026

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A. MUNICIPAL COURT/CODE ENFORCEMENT:

1. Leon Lakendrick Seals a/k/a Leon L. Seals a/k/a Leon Seals v. State of Mississippi

10/28/2025 NO. 2024-KM-00450-COA

- Code Enforcement due process: "[e]ven though the City's notice was not strictly compliant with the written-notice requirement [of the Ordinance], we find that Seals was provided sufficient notice of the [conditions] and time to cure those conditions . . ."

- Code Enforcement sufficiency of the evidence: [The officer] testified that there were "multiple violations on [the property]. The [judge] heard [the officer] testify in detail about the photographs he took that day depicting the numerous unsightly conditions present on [the] property and observable from the road . . . . These photographs were admitted into evidence. [The officer] was also asked to read aloud the applicable sections of the City's Code, and he testified that he observed violations of each of those ordinances on [the] property.

- Side note: use of citations for code enforcement – only by sworn LEO. See AG OP Mallette 8/23/2013.

- Side note: arrests for code enforcement violations are problematic. See Crook v. City of Madison, 168 So.3rd 1169 (Miss. App. 2014) (reversed on other grounds – the procedural commentary about the arrest is, at a minimum, still "good guidance").

2. Michael A. Pryor v. J. B. Hunt Transport, Inc.

05/07/2026 NO. 2025-CP-00354-SCT

- Six (6) elements of malicious prosecution: "An order of expungement does not terminate a criminal procedure; it removes records after a prosecution has ended. An order of expungement may be used as evidence of a favorable termination, but it cannot itself constitute a favorable termination alone."

- Statute of Limitations – One (1) year. Miss. Code Ann. 15-1-35.

B. **EMPLOYMENT:**

1. Sergeant Joey DeCuir v. City of Laurel, Mississippi

2/10/2026 NO. 2024-CC-01055-COA

- Civil Service case – officers aggrieved by the promotion of others.

- The Court did not rule on an interesting issue raised by the parties – whether a UCRCCC 5.04 notice of appeal is required to perfect an appeal in a civil service case. There is discussion about the difference between a "notice of appeal" and a writ of certiorari in circuit court for civil service appeals.

- Miss. Code Ann. Section 21-31-23 "concerns disciplinary proceedings *and is not applicable to an application for promotion."*

C. **ELECTIONS:**

1. Unshay Randle v. Tommie Ivy, Sr.

3/12/2026 NO. 2025-EC-00299-SCT

- Miss. Code Ann. 23-15-961 – challenge to a political party's determination of candidate qualification.

- Miss. Code Ann. 23-15-921 – challenge to a primary election.

- Miss. Code Ann. 23-15-951 – challenge to a general election.

- Affirms the Two (2)-year residency requirement - Miss. Code Ann. 23-15-300.

2. Comelia Walker v. Tim Scott Taylor

6/4/2026 NO. 2025-EC-00658-SCT

- Annexation proximate in time to an election; SEMS issues.

- Miss. Code Ann. 23-15-39(9) "In any case in which the corporate boundaries of a municipality change, whether by annexation or redistricting, the municipal clerk shall, within ten (10) days after approval of the change in corporate boundaries, provide to the county registrar conforming geographic data that is compatible with [SEMS]."

- "But simply because a voter voted by affidavit does not disenfranchise him or her. As the circuit court properly noted, "[v]oting by affidavit does not deprive a voter of his right to vote, it simply changes his method of voting."

- "[N]o evidence was adduced that the registered voters in the annexed areas who voted by affidavit were "statistically less likely to have their votes counted than voters in other [areas]."

D. PROCUREMENT:

1. Waste Management of Mississippi, Inc. v. Chickasaw County, Mississippi, By and Through Its Board of Supervisors

5/19/2026 NO. 2025-CA-00378-COA

- Miss. Code Ann. 17-17-5(1) "The board of supervisors and/or municipal governing body may enter into contracts related in any manner to the . . . . elimination or disposal of solid wastes for a term of up to thirty (30) years."

- Miss. Code Ann. 31-7-13(r) – RFP for solid waste/garbage collection and disposal expenditures exceeding $75,000.

- "The plain and unambiguous language of the Agreement . . . shows that the thirty-year extension described therein "is not a new contract, but an extension of the first. . . . And because the additional thirty-year term under the Agreement "is plainly an extension of the first," the proposed extension would "create[ ] a [sixty-year] contract, in violation of section 17-17-5[.]"

- A contract may not be extended beyond a statutory term and called a "new contract" in order to avoid the RFP process required by Miss. Code Ann. 31-7-13(r).

E. MINUTE RULE:

1. The Mississippi State Port Authority at Gulfport v. Yilport Holding A.S., Yilport Mississippi Container Terminal Management LLC d/b/a Yilport Mississippi and Yilport Mississippi Container Terminal Management II LLC d/b/a Yilport Gulfport

8/14/2025 NO. 2024-IA-00140-SCT

- Letter of Intent between the Port Authority and an industry – negotiations failed, litigation ensued, including both tort and contract claims. The trial court held that the LOI was not properly spread on the minutes and was thus unenforceable, but that the claims not rooted in the LOI/contract survived.

- "[The] board minutes in this case do not include any term or condition of the LOI. The minutes merely reflect that the board approved *a* letter of intent for an operating agreement. It neither specifies which letter of intent was approved nor contains any information to enable a determination of the liabilities and obligations of the contracting parties."

- “We agree with the trial court’s conclusion that there is neither conflict with nor superseding of the minutes rule by the Open Meetings Act”

- “[The Supreme Court] has . . .repeatedly provided the simple solution: if you deal with public boards, you must assure that your contracts are recorded in the board minutes.”

- “This Court has repeatedly applied the minutes rule in situations in which a public body filed suit to enforce a contract.”

- “Because unjust enrichment is an implied-contract claim, it falls under the minutes rule.”

2. Charles Scott v. City of Aberdeen, Mississippi, Edward Haynes and Lady B. Garth

9/2/2025 NO. 2024-CA-00080-COA

- Board voted 3-2 to reduce the mayor’s salary “because of lack of confidence in Ward Three.”

- Side note – the mayor was discussed in Executive Session under “personnel issues.”

- The Circuit Court affirmed the Board’s vote to reduce the salary, finding that “the Board’s decision to reduce Scott’s mayoral salary was aptly supported in the minutes by reason and judgment – the very opposite of arbitrary and capricious.”

- AG has consistently opined that a board may reduce or increase a mayor’s salary “provided that the salary is set in good faith and is not arbitrary and unreasonable . . . .”

- COA reversed. “[ ] the minutes fail to mention *any* specific misconduct, incompetence, negligence, or dereliction of duty by Scott that would justify the salary reduction.”

- Side note – what about pay increases, particularly ones that are imbedded within a budget adoption? Those increases are approved pursuant to the same authority to “set a salary in good faith” as are the decreases. If decreases now require a finding in the minutes of specific misconduct, then what about increases?

3. Bryan Saliba and Dennis Pierce v. City of Hattiesburg

10/28/2025 NO. 2024-CA-00007-COA

- Sewer case – damage to a sewer line on private property – City installs a "temporary" holding tank serviced by the City. Nearly nine (9) years later, the "temporary tank" is removed and the connection to a sewer main restored.

- "Our law is clear that city representatives do not have the power to contract on behalf of the City and that plaintiffs are imputed with this knowledge."

- The *Welch* tree house case involved application of estoppel against a municipality as to the enforcement of an ordinance, not the formation of a contract.

- "[ ] our courts have never recognized an emergency-based estoppel exception to [the minutes rule]."

- "Inverse condemnation is appropriate only when private property is taken or damaged in respect to public use or use for the public benefit." In this case, the initial damage was caused by a private third-party and the plaintiff's access to [sewer] for their property was not for a public use.

- Side-note – the facts of the case and the Court's ruling on the inverse condemnation claim raise a question about donations. At a minimum, best practice would include a better demarcation of the point at which public and private responsibility for sewer mains and service lines is determined.

4. Haman Construction, LLC v. Marshall County Board of Supervisors

4/7/2026 NO. 2025-CA-00340-COA

- Prior owner obtained a C-2 zoning, and committed verbally at the zoning hearing to not use the property for a gas station. Minutes contain the discussion of the owner and Board about no gas station, but the zoning approval was for conventional C-2 without stated or enumerated conditions, and the zoning map was revised to show only conventional C-2.

- Subsequent owner wishes to proceed with a gas station, is told that a zoning amendment is necessary. Board of Supervisors denies zoning amendment, affirmed by the circuit court.

- "Statements made during discussion-even if recorded in the minutes-are not formal action. [ ] all terms, restrictions, and conditions must be "recorded on the official minutes ***and*** the action of the board." This requirement clearly indicates that minutes of a meeting and action taken at that meeting are not the same, since the Supreme Court has held that *both* are required."

- "Developers and purchasers are entitled to look to the zoning map and ordinances-not to statements made at prior hearings-to determine permissible uses of property. . . . [The County] may not read into their zoning ordinances any restrictions that were not formally and appropriately enacted by Board action."

- Side note – well-drafted minutes should include a narrative that demonstrates the issue was "fairly debatable," as well as action language that incorporates particular parts of the narrative as "findings of fact." The action language should include an enumeration of any applicable conditions that are part of the Board's approval, and the zoning map should be updated every time a zoning change is approved.

- Side note – while "conditional zoning" is allowed in Miss., caution should be exercised when dealing with conventional zones. In this case, the issue could have been avoided if the Board had "kept C-2 as C-2," and if they wanted special conditions or to strike certain uses, they could have proceeded with a planned district of some sort.

F. ZONING/ANNEXATION:

1. Busby Outdoor LLC and Mississippi Department of Agriculture and Commerce v. City of Jackson, Mississippi, The Lamar Company, LLC and Kane Ditto

8/28/2025 NO. 2024-IA-00209-SCT

- Appeal from a Chancery Court action regarding a billboard on state-owned property.

- ". . . the state is only restricted by statute if the statute specifically restricts the state; statutes of general application that do not specifically exempt the state still do not restrict the state.

- "[The zoning statutes are silent] on whether a municipality can enforce zoning ordinances against the state on state property; thus, under the rule that general statutes do not restrict the state, the statutes empowering municipalities to enact and enforce zoning laws are inapplicable to the state itself on its own property."

- Side note – what about the several thousand tax forfeited properties owned by the state/SOS?

2. Corr Properties, LLC v. City of Oxford, Mississippi

8/26/2025 NO. 2024-CC-00665-COA

- Denial of a special variance application by a 4-3 vote.

- "Here, the record amply indicates that the question of whether to grant a special exception [ ] was fairly debatable and was actually debated. The City's 4-3 decision to deny the zoning variance was not arbitrary and capricious."

- Side note – "The City argues that the Land Development code does not confer a mandatory entitlement to receive a variance if certain conditions are met, and that the question of whether to grant the variance was fairly debatable." Mississippi case law appears to currently leave open the question of whether certain zoning actions are "discretionary" or "ministerial." Plat applications that meet the requirements of the ordinance appear to be more ministerial in nature. Fairly debatable rezoning, variance, and conditional use applications appear to remain discretionary, provided that the discretion is not exercised in an arbitrary or capricious manner. However, I'm not aware of a case or cases that make this point with crystal clarity.

3. Elliott Land Developments, LLC, Michael Aguzin and Winona Aguzin v. Board of Supervisors of Jackson County, Mississippi and Marisa Lamey

10/30/2025 NO. 2024-CA-01249-SCT

- Rezoning denial – case turned on the "substantial evidence" standard.

- "We conclude that the issues of [change and public need] are fairly debatable because both sides presented substantial evidence. . . On one hand, [the applicant] presented maps and statistics which demonstrated the changes to the area." The applicant presented evidence of needs for housing which "were also consistent with the county's comprehensive plan." "On the other hand, [the board] properly relied on the thirteen residents who [expressed] a desire to preserve the rural character of the area . . . and objecting to "cookie-cutter" homes."

- Comment made by the supervisor who made the motion to deny that "as long as [he is] Supervisor of that area, [he will] never support or vote for a zoning change," did not render the decision arbitrary and capricious, in part, because he made the comment after the vote.

4. Eamon Mohiuddin v. Jackson County, Mississippi Board of Supervisors and Ocean Springs Islands RV Resort, LLC

11/13/2025 NO. 2024-CA-00759-SCT

- An appeal of the County's approval of a special exception to allow an RV park on property that was not originally zoned for that purpose.

- Bifurcated analysis: interpretation requires a de novo review under *Wheelan;* application requires limited review under the arbitrary and capricious standard.

- The Supreme Court held that the special exception (i.e. "use variance") is contemplated by the Ordinance, and since the proposed use is not "strictly prohibited," that a special exception for an RV park would not render the Ordinance meaningless under a *Wheelan* analysis. Based on the local ordinance, the approval of a special exception was not an end-around the rezoning process.

- Procedural due process: "Further, this Court has held that an objector who receives notice and thereafter attends the hearing "waives objection to the insufficiency of notice because the notice has achieved its purpose."

5. <u>In The Matter of The Enlarging, Extending and Defining The Corporate Limits and Boundaries of The City of Olive Branch, DeSoto County, Mississippi: The City of Olive Branch, Mississippi v. Peggy Dobbins et al</u>

2/26/2026 NO. 2024-AN-00749-SCT

- Affirmed chancellor's denial of an annexation. "Given the significant deference afforded to the chancery court in annexation matters, we cannot say that the chancery court committed manifest error by finding this annexation unreasonable. . . . this Court "must resist the temptation to substitute [its] judgement for that of a Chancellor, even though [it] may have found otherwise, had any one of us been the trial judge."

- ". . . annexation petitions are not barred by res judicata . . ."

- Dissent – ". . . I find that the chancellor's decision – that annexation was impermissible because it amounted to poor manners or was sought too soon after the City's prior annexation – constitutes reversible error."

6. <u>Mark Jefferson Garriga v. City of Ocean Springs, Mississippi</u>

3/10/2026 NO. 2024-CA-00736-COA

- ". . . Mississippi law authorizes a municipality to seek injunctive relief in chancery court to enforce zoning ordinances."

- Miss. Code Ann. 17-1-19 "institute any appropriate action or proceedings."

- Footnote – the Court notes that the appellant did not introduce into evidence the ordinance provisions it relied upon, and that the ordinances were not judicially noticed, and thus were outside the record. See Miss. Code Ann. Section 21-13-17. Trial courts should not take judicial notice of municipal ordinances. Ordinances should be certified by the clerk and introduced into evidence.

7. James Feather and Beverly Feather v. City of Saltillo, Mississippi, Geno Enterprises of Booneville LLC, David Riley and Melanie Riley

3/31/2026 NO. 2024-CA-00831-COA

- Standard "change/public need/spot zone" analysis.

- Although a moot point for this case, the Court misquotes Miss. Code Ann. 17-1-17 – a supermajority is triggered when a sufficient petition is signed "by the owners of twenty percent (20%) or more" of the area within a specified proximity of the subject property. The Court referred to "at least twenty percent of the owners."

8. Theodore Longo, Amy Longo, Joseph Lee, Susan Lee, Gerald Sonnier and Amy Davis v. The City of Waveland and Beach Walk Development, LLC

4/16/2026 NO. 2025-CA-00625-SCT

- Preliminary plat approval case. In 2022, *Desoto County v. Vinson* adopted an elevated notice requirement for plat revisions – must accompany the application with the names of those persons "adversely affected." See Miss. Code Ann. 17-1-23(4).

- In this case, the subject property had never been platted. "Without evidence of a recorded plat, there is no recorded plat to alter, and compliance with the statutory notice procedures under Section 17-1-23(4) is not an issue."

- The city attorney may serve as a "hearing officer," particularly when the role is performed in a merely procedural capacity and the board is not improperly influenced.

G. MTCA/INVERSE CONDEMNATION:

1. Melissa K. Russell v. Booneville Police Department

9/16/2025 NO. 2024-CP-00757-COA

- Noncompliance with mandatory presuit notice requirements requires dismissal.

- Side note – the opinion lists the appellee as the Booneville Police Department "which is a subsidiary agency of the City of Booneville, Mississippi (the City)." The opinion refers to an amended complaint but doesn't state whether the amended complaint properly named the City as the defendant rather than the PD. (see also Barnes v. City of McComb and the City of McComb PD, below).

2. Barbara Slaughter Jones, Individually and as Heir at Law of Thelma Slaughter Jackson, Deceased, and on Behalf of The Estate of Thelma Slaughter Jackson, Deceased v. Madison County Nursing Home

   11/4/2025 NO. 2024-CA-00561-COA

   - Presuit notice to Board of Supervisors, whose attorney responded with a misleading/inaccurate letter distancing the BOS from the defendant/appellee nursing home. Plaintiff understands the letter to mean that the BOS does not own the facility and that the lawsuit therefore does not fall under the MTCA. Suit is filed outside of the one-year statue of limitations and is dismissed. Appellant argues estoppel based on the BOS' misleading representations, since it turns out the County is the owner of the facility.

   - "But ultimately, for equitable estoppel to apply, a party's reliance on the representations of another must be reasonable. Here, MDNH's website states that it is "county owned." "We find that Jones' reliance . . . was not reasonable. This is not an "extraordinary circumstance" warranting application of equitable estoppel."

   - Side note – HB 1397 died in committee during the 2026 session – would have required an online registry of all government entities and the tolling of the SOL if the information available online were incorrect.

3. Jimmie Nell Long v. Jones County, Mississippi, By and Through The Board of Supervisors

   2/3/2026 NO. 2024-CA-00521-COA

   - A city has "a non-delegable duty to maintain its sidewalks and other public ways in a reasonably safe condition. . . .However, no municipality or property owner can be expected to maintain its sidewalks in a perfectly level condition, and where the defect consists of some slight variation between two adjoining paving blocks, no liability is imposed."

   - "The photograph shows that the height differential created by the crack or seam is no more than one inch and probably less. Under settled Mississippi precedent, this sort of minor imperfection in a sidewalk simply is not an unreasonably dangerous condition that will give rise to a premises liability claim."

4. Mary Luckett and Gary Luckett v. Leake County, Mississippi and Chiquitta M. Cooks (Fortune)

2/3/2026 NO. 2024-CA-00269-COA

- Reckless disregard/police pursuit case. Deputy, not the fleeing suspect, collides with third party. Circuit court apportions fault 45% to County, 55% to fleeing suspect who was not a party to the litigation.

- "[A]bsent tortfeasors who contributed to a plaintiff's injuries must be considered by the jury when apportioning fault."

- "[F]ault may be apportioned between the suspect and the [gov't entity] regardless of which party came in actual contact with the plaintiff(s)."

5. Latisha Joiner, As the Administratrix of the Estate of Fredrick Pegues, Deceased v. City of Holly Springs and Columbus Nabors

2/24/2026 NO. 2024-CA-01085-COA

- Miss. Code Ann. 11-1-66 – "No owner . . . of property shall be liable for the death or injury of an independent contractor . . . resulting from dangers of which the contractor knew or reasonably should have known."

- Summary judgment for the City was improper because "Section 11-1-66 does not shield the City from liability for such simple acts of negligence by its employees."

- The dangerous condition section of the MTCA (11-46-9(1)(v) "does *not* exempt [the City] from liability for causing the dangerous condition through the negligent or willful actions of its employees."

6. Stephanie Barnes, Individually and on Behalf of All The Wrongful Death Beneficiaries, and Heirs of Law of Demarcus Brown, Deceased v. The City of McComb, Mississippi and The City of McComb Police Department

3/17/2026 NO. 2024-CA-00989-COA

- Side note – the opinion refers to service of both "the complaint and summons" and "notice of claim" in ways that make the facts difficult to follow. The holding refers specifically to the presuit notice of claim, but the facts section also deals extensively with service of the summons and complaint. See Miss. Code Ann. 11-46-11(2)(a)(i)(2) for mandatory presuit notice of claim service upon the city clerk. See MRCP Rule 4(d)(7) for service of a summons and complaint upon the mayor or municipal clerk.

- Service of a "complaint and summons" on the Deputy City Clerk (apparently, the Deputy City Clerk also received a mailed "notice of claim" at some point prior). No answer by the City, trial court entered a default judgment. City moves to set aside the default, and trial court does so finding that the "service of the notice of claim upon the City of McComb was improper under the [MTCA] in that the notice of claim was not served upon the city clerk as required."

- "Allowing a deputy city clerk to sign for service of process despite the statute stating "city clerk" would be reducing the standard of strict compliance decided by the supreme court to substantial compliance. The Supreme Court has specifically rejected substantial compliance as the standard."

- Dissent – "State law vests deputy clerks with 'all of the power and authority' of the 'city clerk.'" Miss. Code Ann. 21-15-23.

7. Delia Turner and Amy Mood, Co-Executrixes of the Estate of Tommy Turner, Deceased, Individually, Delia Turner and Amy Mood, Co-Executrixes of the Estate of Tommy Turner, Deceased, as Owner, Officer, Stockholder and Successor in Interest to Quality Properties, Inc., Tyler Tucker, Executor of the Estate of Barry Tucker, Individually, Tyler Tucker, Executor of the Estate of Barry Tucker, President, Stockholder, and Successor in Interest to Quality Properties, Inc., and Quality Properties, Inc. v. City of Tupelo, Mississippi

3/17/2026 NO. 2024-CA-01146-COA

- "The MTCA's one-year statute of limitations begins to run when the claimant knows, or by exercise of reasonable diligence should know, of both the damage or injury, and the act or omission which proximately caused it."

- "With respect to cases governed by section 15-1-49 [in this case, breach of contract claims] . . . causes of action accrue upon discovery of the injury, *not discovery of the injury and its cause. Knowledge of the cause of the injury is irrelevant to the analysis;* rather the inquiry is when the plaintiff knew or should have known of an injury."

8. Robin Seale and Lawrence "JR" Seale v. Mississippi Transportation Commission and Pontotoc County Board of Supervisors

3/24/2026 NO. 2024-CA-01100-COA

- Complaint alleging claims for "eminent domain/inverse condemnation, negligence, gross negligence, nuisance, and trespass" arising from a road project adjacent to plaintiff's land.

- Citing *Prystupa v. Rankin County,* 339 So.3d 147 (Miss. Ct. App. 2022) and *Tupelo v. O'Callaghan*, 208 So.3d 556 (Miss. 2017), the Court held "that a

takings claim was subject to the three-year statute of limitations under section 15-1-49. . . . the proper inquiry . . . was no longer the discovery of the causative relationship between the action and the injury, but the discovery of the injury itself."

- "[P]hysical takings under Article 3, Section 17 of the Mississippi Constitution, are not continuous in nature."

9. City of Jackson, Mississippi v. Latoya Lawson

4/2/2026 NO. 2024-CA-01174-SCT

- Pothole case. City had prior knowledge of pothole (eight (8) days before the accident). City claims discretionary function immunity.

- "The decision not to warn of or repair the pothole is not the kind of policy-setting decision that implicates governmental functions and that discretionary-function immunity is intended to insulate from judicial review. Failing to repair or warn about a known dangerous pothole is more akin to 'simple acts of negligence which injure innocent citizens.'"

- Court declines to answer City's request for "an advisory opinion" to determine if Miss. Code Ann. 21-37-3(1) creates a mandatory duty for the city to maintain its streets. Court finds that the duty of a city to provide reasonably safe streets exists regardless of whether that duty arises from 21-37-3(1). City seems to argue that 21-37-3(1) merely grants the City "the power to exercise full jurisdiction" over streets, which presumably would be something different than a duty.

10. Monica Lee, Individually and On Behalf of The Estate of Damien Cameron, Deceased, and All of the Heirs at Law and Wrongful Death Beneficiaries of Damien Cameron v. Rankin County, Mississippi, Hunter Thomas Elward and Luke Aaron Stickman

5/5/2026 NO. 2024-CA-00701-COA

- Circuit court case involving both §1983 claims and MTCA reckless disregard claims. Summary judgment for the County was reversed on appeal. Detailed fact pattern regarding the use of force in taking a suspect into custody.

- Miss Code Ann. 11-46-9(1)(c) – immunity for activities related to police protection unless "the employee acted in reckless disregard of the safety and well-being of any person not engaged in criminal activity at the time of injury;"

- Prior to his restraint, the court found the requisite causal nexus between the force used and the prior criminal activity. "However . . . it would be a question of fact as to whether [the suspect's] *continued* resistance was actually 'resistance' or movement to try to position himself to be able to breathe . . ."

11. Charles Carter v. The State of Mississippi, Mississippi Department of Transportation and Secretary of State for the State of Mississippi

5/12/2026 NO. 2024-SA-01131-COA

- Dead tree located on state-owned, tax-forfeited, SOS inventory property. State stipulated to ownership of the property, absence of any inspection and maintenance, and damages. State argued it owed no duty to maintain a tax-forfeited property or to warn of any dangerous condition. Testimony from SOS staff that nine (9) employees were responsible for an inventory of approximately 7,000 tax-forfeited properties.

- "Based upon the State's stipulations [and expert testimony], we find the State failed in its duty to keep its property in a 'reasonably safe condition' and to 'conduct reasonable inspections' of the property to locate and remove the unreasonably dangerous condition presented by this huge dead tree located adjacent to and overhanging the roadway. This same evidence supports a finding that the State had constructive notice of the danger that the dead tree [presented].

- Footnote to majority opinion, in response to the dissent's "heavy burden" objection: "How the State elects to meet its obligation to protect the public from dangerous conditions on state-owned lands is up to the State."

- Dissent: "[T]he State's evidence demonstrated that there was an *unwriten* policy to rely on the local authorities to note any potential issues *and take care of any maintenance, if needed."*

- Side-note – Miss. Code Ann. 29-1-145 allows the SOS to reimburse a municipality for reasonable costs incurred maintaining tax-forfeited property. However, the fund from which the reimbursement would be made has not been funded by the Legislature in years. Miss. Code Ann. 21-19-11 provides that any penalty authorized by this section shall not be assessed against the State, "nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice."

12. Max Leigh Blair, Individually and on Behalf of the Wrongful Death Statutory Beneficiaries of Heather Michelle Blair and as Administrator of the Estate of Heather Michelle Blair, Deceased v. Jackson County, Mississippi

5/12/2026 NO. 2024-CA-01418-COA

- Pedestrian struck and killed by a motorist. Allegation that County failed to "note and replace the missing speed limit sign." Fact question as to whether there was once a sign that was later missing, or whether no sign was ever erected.

- "[E]ven assuming there was a "missing speed limit sign," [appellant's] claim against Jackson County is precluded by discretionary-function immunity . . ."

- Miss. Code Ann. 63-3-305: "Local authorities in their respective jurisdictions shall place and maintain such traffic control devices . . . as they may deem necessary . . . to regulate, warn, or guide traffic."

- The holding was distinguished from *Wilcher* where the government entities created the dangerous condition. *Wilcher* involved "straight-up negligence." In contrast, "Jackson County's decision regarding the placement or non-placement of a speed limit sign was a discretionary decision carrying with it economic, political, or social concerns."

- Side note – it seems there could be a set of facts that would result in a different holding, perhaps with a stop sign instead of a speed limit sign, and prior notice by the City of the "missing" sign.