

SUPREME COURT OF MISSISSIPPI

City of Jackson, Mississippi v. Willie B. Jordan

202 So. 3d 199 (Miss. 2016) · No. No. 2015-CA-00890-SCT · Decided August 18, 2016

SUMMARY

The Mississippi Supreme Court affirmed a judgment awarding Willie B. Jordan damages after the City of Jackson demolished his property without providing the statutorily required notice of the condemnation hearing. The court held that Jordan had standing, that the statutory appeal period did not bar his claim because notice was inadequate, and that sovereign immunity did not shield the city from a constitutional due-process claim. The court also upheld the damages award because the city failed to properly preserve and brief its challenge to the method of calculating damages.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Presiding Justice; Randolph, P.J.; Coleman, J.; Maxwell, J.
JURISDICTION	Mississippi
DECIDED	August 18, 2016
DOCKET	No. 2015-CA-00890-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	The City of Jackson appealed from a Hinds County Circuit Court judgment entered after a bench trial awarding Willie B. Jordan \$12,513.53 for the demolition of his property without constitutionally adequate notice. The city challenged Jordan's standing, the circuit court's jurisdiction in light of Mississippi Code Section 11-51-75, the denial of immunity-based summary judgment, and the damages award.
STANDARD OF REVIEW	Motions for summary judgment and motions to dismiss are reviewed de novo. A ruling on a motion to alter or amend a judgment is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion
PARTIES	City of Jackson, Mississippi v. Willie B. Jordan

TOPICS

municipal law

procedural due process

due process

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damages

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Jordan lacked standing because his interest in the property derived from a deed executed by his nephew while the nephew was a minor.
2. Whether Jordan's failure to appeal the city's condemnation decision within ten days under Mississippi Code Section 11-51-75 deprived the circuit court of jurisdiction.
3. Whether the city was immune from Jordan's claim based on legislative, judicial, or legislative- or judicial-nature administrative action or inaction.
4. Whether the circuit court erred in calculating and awarding damages.

HOLDINGS

1. A deed conveyed by a minor is voidable rather than void, and the grantor may affirm it after reaching majority. Because Jordan's nephew ratified the deed, Jordan had standing to assert his claim.
2. The statutory appeal remedy and ten-day time bar did not apply because the city failed to provide the notice required before the condemnation hearing. Jordan's separate constitutional claim therefore was not jurisdictionally barred.
3. Sovereign immunity for legislative, judicial, or legislative- or judicial-nature administrative action does not shield a political subdivision from a claim alleging violation of an individual's constitutional rights.
4. The damages award was not an abuse of discretion because the city waived its challenge to the method of calculating damages by failing to make a proper contemporaneous objection and failing to support the issue with relevant authority on appeal.

KEY QUOTATIONS

“However, “sovereign immunity will not protect the political subdivision when there has been a violation by the subdivision of an individual’s constitutional rights.”” (§16)

“An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” (§17)

“Jordan had standing because his deed from his then-minor nephew was voidable, and the nephew affirmed the deed upon majority.” (§22)

FACTUAL BACKGROUND

The City of Jackson sought to condemn and demolish Jordan's house as a menace to public health. Certified-mail notice sent to Jordan's Texas address was returned, and the city then posted and published notice, but the hearing occurred only twelve days after the first publication rather than the two weeks required by statute. Jordan did not attend the hearing, the city ordered the house demolished, and the house was demolished on June 11, 2007.

Jordan claimed ownership through a deed from his nephew, who had been a minor when the conveyance occurred; after reaching majority, the nephew ratified the conveyance.

PROCEDURAL HISTORY

The city condemned and demolished Jordan's house after attempting notice by certified mail and then publishing notice less than the statutorily required two weeks before the hearing. Jordan filed tort and constitutional due-process claims. The circuit court initially granted summary judgment to the city on discretionary-function immunity, reconsidered that ruling, denied a later standing-based summary-judgment motion, conducted a bench trial, and entered judgment for Jordan. The Supreme Court of Mississippi affirmed.

DISPOSITION

affirmed

CASES CITED

- *Borries v. Grand Casino of Mississippi, Inc. Biloxi*, 187 So. 3d 1042 (Miss. 2016)
- *Meeks v. Hologic, Inc.*, 179 So. 3d 1127 (Miss. 2015)
- *Fulton v. Mississippi Farm Bureau Casualty Insurance Co.*, 105 So. 3d 284 (Miss. 2012)
- *Conn v. Boutwell*, 58 So. 105 (Miss. 1912)
- *Brantley v. Wolf*, 60 Miss. 420 (1882)
- *McPhail v. City of Lumberton*, 832 So. 2d 489 (Miss. 2002)
- *Carthan v. Patterson*, 134 So. 3d 374 (Miss. Ct. App. 2014)
- *Cook v. Board of Supervisors of Lowndes County*, 571 So. 2d 932 (Miss. 1990)
- *Williams v. Walley*, 295 So. 2d 286 (Miss. 1974)
- *Scarborough v. City of Petal*, 60 So. 3d 193 (Miss. Ct. App. 2010)
- *Tucker v. Hinds County*, 558 So. 2d 869 (Miss. 1990)
- *Mississippi Power Co., Inc. v. Mississippi Public Service Commission*, 168 So. 3d 905 (Miss. 2015)
- *Memphis Light, Gas & Water Division v. Craft*, 436 U.S. 1 (1978)
- *Potts v. Mississippi Department of Transportation*, 3 So. 3d 810 (Miss. 2009)
- *InTowne Lessee Associates, LLC v. Howard*, 67 So. 3d 711 (Miss. 2011)
- *Glasper v. State*, 914 So. 2d 708 (Miss. 2005)