

# SENATE BILL NO. 495

## 101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

2226S.01H

ADRIANE D. CROUSE, Secretary

### AN ACT

To repeal sections 59.310, 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.825, 92.840, 92.852, 92.855, and 442.130, RSMo, and to enact in lieu thereof sixteen new sections relating to property regulations in certain cities and counties, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 59.310, 92.720, 92.740, 92.750, 2 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.825, 92.840, 3 92.852, 92.855, and 442.130, RSMo, are repealed and sixteen new 4 sections enacted in lieu thereof, to be known as sections 5 59.310, 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 6 92.810, 92.815, 92.817, 92.825, 92.840, 92.852, 92.855, and 7 442.130, to read as follows:

59.310. 1. The county recorder of deeds may refuse 2 any document presented for recording that does not meet the 3 following requirements:

4 (1) The document shall consist of one or more 5 individual pages printed only on one side and not 6 permanently bound nor in a continuous form. The document 7 shall not have any attachment stapled or otherwise affixed 8 to any page except as necessary to comply with statutory 9 requirements, provided that a document may be stapled 10 together for presentation for recording; a label that is 11 firmly attached with a bar code or return address may be 12 accepted for recording;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13           (2) The size of print or type shall not be smaller  
14 than eight-point type and shall be in black or dark ink.  
15 Should any document presented for recording contain type  
16 smaller than eight-point type, such document shall be  
17 accompanied by an exact typewritten copy not smaller than  
18 eight-point type to be recorded contemporaneously as  
19 additional pages of the document;

20           (3) The document must be of sufficient legibility to  
21 produce a clear and legible reproduction thereof. Should  
22 any document not be of sufficient legibility to produce a  
23 clear and legible reproduction, such document shall be  
24 accompanied by an exact typewritten copy not smaller than  
25 eight-point type to be recorded contemporaneously as  
26 additional pages of the document;

27           (4) The document shall be on white paper or light-  
28 colored of not less than twenty-pound weight without  
29 watermarks or other visible inclusions, except for plats and  
30 surveys, which may be on materials such as Mylar or velum.  
31 All text within the document shall be of sufficient color  
32 and clarity to ensure that when the text is reproduced from  
33 record, it shall be readable;

34           (5) All signatures on a document shall be in black or  
35 dark ink, such that such signatures shall be of sufficient  
36 color and clarity to ensure that when the text is reproduced  
37 from record, it shall be readable, and shall have the  
38 corresponding name typed, printed or stamped underneath said  
39 signature. The typing or printing of any name or the  
40 applying of an embossed or inked stamp shall not cover or  
41 otherwise materially interfere with any part of the document  
42 except where provided for by law;

43           (6) The documents shall have a top margin of at least  
44 three inches of vertical space from left to right, to be

45 reserved for the recorder of deeds' certification and use.  
46 All other margins on the document shall be a minimum of  
47 three-fourths of one inch on all sides. Nonessential  
48 information such as form numbers, page numbers or customer  
49 notations may be placed in the margin. A document may be  
50 recorded if a minor portion of a seal or incidental writing  
51 extends beyond the margins. The recorder of deeds will not  
52 incur any liability for not showing any seal or information  
53 that extends beyond the margins of the permanent archival  
54 record.

55 2. Every document containing any of the items listed  
56 in this subsection that is presented for recording, except  
57 plats and surveys, shall have such information on the first  
58 page below the three-inch horizontal margin:

- 59 (1) The title of the document;
- 60 (2) The date of the document;
- 61 (3) All grantors' names **and marital status**;
- 62 (4) All grantees' names;
- 63 (5) Any statutory addresses;
- 64 (6) The legal description of the property; and
- 65 (7) Reference book and pages for statutory  
66 requirements, if applicable.

67 If there is not sufficient room on the first page for all of  
68 the information required by this subsection, the page  
69 reference within the document where the information is set  
70 out shall be stated on the first page.

71 3. From January 1, 2002, documents which do not meet  
72 the requirements set forth in this section may be recorded  
73 for an additional fee of twenty-five dollars, which shall be  
74 deposited in the recorders' fund established pursuant to  
75 subsection 1 of section 59.319.

76 4. Documents which are exempt from format requirements  
77 and which the recorder of deeds may record include the  
78 following:

79 (1) Documents which were signed prior to January 1,  
80 2002;

81 (2) Military separation papers;

82 (3) Documents executed outside the United States;

83 (4) Certified copies of documents, including birth and  
84 death certificates;

85 (5) Any document where one of the original parties is  
86 deceased or otherwise incapacitated; and

87 (6) Judgments or other documents formatted to meet  
88 court requirements.

89 5. Any document rejected by a recorder of deeds shall  
90 be returned to the preparer or presenter accompanied by an  
91 explanation of the reason it could not be recorded.

92 6. Recorders of deeds shall be allowed fees for their  
93 services as follows:

94 (1) For recording every deed or instrument: five  
95 dollars for the first page and three dollars for each page  
96 thereafter except for plats and surveys;

97 (2) For copying or reproducing any recorded  
98 instrument, except surveys and plats: a fee not to exceed  
99 two dollars for the first page and one dollar for each page  
100 thereafter;

101 (3) For every certificate and seal, except when  
102 recording an instrument: one dollar;

103 (4) For recording a plat or survey of a subdivision,  
104 outlets or condominiums: twenty-five dollars for each sheet  
105 of drawings or calculations based on a size not to exceed  
106 twenty-four inches in width by eighteen inches in height.

107 For recording a survey of one or more tracts: five dollars

108 for each sheet of drawings or calculations based on a size  
109 not to exceed twenty-four inches in width by eighteen inches  
110 in height. Any plat or survey larger than eighteen inches  
111 by twenty-four inches shall be counted as an additional  
112 sheet for each additional eighteen inches by twenty-four  
113 inches, or fraction thereof, plus five dollars per page of  
114 other material;

115 (5) For copying a plat or survey of one or more  
116 tracts: a fee not to exceed five dollars for each sheet of  
117 drawings and calculations not larger than twenty-four inches  
118 in width and eighteen inches in height and one dollar for  
119 each page of other material;

120 (6) For a document which releases or assigns more than  
121 one item: five dollars for each item beyond one released or  
122 assigned in addition to any other charges which may apply;

123 (7) For every certified copy of a marriage license or  
124 application for a marriage license: two dollars;

125 (8) For duplicate copies of the records in a medium  
126 other than paper, the recorder of deeds shall set a  
127 reasonable fee not to exceed the costs associated with  
128 document search and duplication; and

129 (9) For all other use of equipment, personnel services  
130 and office facilities, the recorder of deeds may set a  
131 reasonable fee.

92.720. 1. If any of the lands or town lots contained  
2 in the back tax book or list of delinquent lands or lots  
3 remain unredeemed on the first day of January, the collector  
4 may file suit in the circuit court against such lands or  
5 lots to enforce the lien of the state and city as herein  
6 provided in sections 92.700 to 92.920.

7 2. The collector shall note opposite such tract in the  
8 back tax book the fact that suit has been commenced.

9           3. The collector shall compile lists of all state,  
10 city, school and other tax bills collectible by him which  
11 are delinquent according to his records and he shall assign  
12 a serial number to each parcel of real estate in each list  
13 and if suit has been filed in the circuit court of the city  
14 on any delinquent tax bill included in any list, the  
15 collector shall give the court docket number of each suit.

16           4. The sheriff may appoint the collector and the  
17 collector's deputies as deputy sheriffs, and when so  
18 appointed they may serve all process in matters pertaining  
19 to sections 92.700 to 92.920 with like effect as the sheriff  
20 himself might do.

21           5. No action for recovery of taxes against real estate  
22 shall be commenced, had or maintained, unless action  
23 therefor shall be commenced within five years after  
24 delinquency.

25           **6. For any improved parcel identified by a city**  
26 **operating under the provisions of sections 92.700 to 92.920**  
27 **as being vacant, the collector shall, within no more than**  
28 **two years after delinquency, file suit in the circuit court**  
29 **against such lands or lots to enforce the lien of the state**  
30 **and the city as provided in sections 92.700 to 92.920.**  
31 **Failure of the collector to bring suit within the time frame**  
32 **proscribed herein shall not constitute a defense or bar an**  
33 **action for the collection of taxes as otherwise provided by**  
34 **this section.**

92.740. 1. A suit for the foreclosure of the tax  
2 liens herein provided for shall be instituted by filing in  
3 the appropriate office of the circuit clerk and with the  
4 land reutilization authority a petition, which petition  
5 shall contain a caption, a copy of the list prepared by the

6 collector, and a prayer. Such petition without further  
7 allegation shall be deemed to be sufficient.

8 2. The caption shall be in the following form:

9 In the Circuit Court of \_\_\_\_\_ Missouri,

10 In the Matter of

11 Foreclosure of Liens for Delinquent Land Taxes

12 By Action in Rem.

13 Collector of Revenue of \_\_\_\_\_, Missouri,  
14 Plaintiff

15 -vs-

16 Parcels of Land Encumbered with Delinquent Tax  
17 Liens, Defendants

18 3. The petition shall conclude with a prayer that all  
19 tax liens upon such real estate be foreclosed; that the  
20 court determine the amounts and priorities of all tax bills,  
21 together with interest, penalties, costs, and attorney's  
22 fees; that the court order such real estate to be sold by  
23 the sheriff at public sale as provided by sections 92.700 to  
24 92.920 and that thereafter a report of such sale be made by  
25 the sheriff to the court for further proceedings under the  
26 provisions of sections 92.700 to 92.920.

27 4. The petition when so filed shall have the same  
28 force and effect with respect to each parcel of real estate  
29 therein described as a separate suit instituted to foreclose  
30 the tax lien or liens against any one of said parcels of  
31 real estate.

32 **5. The circuit clerk shall assign petitions filed**  
33 **under this section to a single judge in a circuit division**  
34 **and not to any associate division.**

35           **6. For each petition filed, the collector shall make**  
36 **available to the public a list detailing each parcel**  
37 **included in the suit.**

          92.750. 1. **Notwithstanding the provisions of**  
2 **subsection 4 of this section,** any person having any right,  
3 title or interest in, or lien upon, any parcel of real  
4 estate described in such petition may redeem such parcel of  
5 real estate by paying to the collector all of the sums  
6 mentioned therein, including principal, interest, penalties,  
7 attorney's fees and costs then due, at any time prior to the  
8 time of the foreclosure sale of such real estate by the  
9 sheriff.

10           2. In the event of failure to redeem prior to the time  
11 of the foreclosure sale by the sheriff, such person shall be  
12 barred and forever foreclosed of all his right, title and  
13 interest in and to the parcels of real estate described in  
14 such petition.

15           3. Upon redemption, as permitted by this section, the  
16 person redeeming shall be entitled to a certificate of  
17 redemption from the collector describing the property in the  
18 same manner as it is described in such petition, and the  
19 collector shall thereupon note on his records the word  
20 "redeemed" and the date of such payment opposite the  
21 description of such parcel of real estate.

22           **4. For any improved non-homestead parcel, any person**  
23 **having any right, title or interest in, or lien upon, any**  
24 **parcel of real estate described in such petition may redeem**  
25 **such parcel of real estate at any time prior to the time of**  
26 **the foreclosure sale of such real estate by the sheriff by**  
27 **paying to the collector all of the sums due as of the date**  
28 **of redemption mentioned therein, including principal,**  
29 **interest, penalties, attorney's fees, and costs then due,**



30 including but not limited to all debts owed to the city, and  
31 known to the collector, such as water, forestry, nuisance  
32 abatement, special tax bills, and vacant building  
33 assessments.

92.760. 1. The collector shall also cause to be  
2 prepared and mailed in an envelope with postage prepaid,  
3 within thirty days after the filing of such petition, a  
4 brief notice of the filing of the suit, to the persons named  
5 in the petition as [being the owners] **having an interest in**  
6 **the parcel**, according to the records of the assessor, **or**  
7 **otherwise known to the collector**, for the respective parcels  
8 of real estate described in the petition. The notices shall  
9 be sent to the addresses [of such persons upon the records  
10 of the assessor] **most likely to apprise the parties of the**  
11 **proceedings as provided**, and in the event that any name or  
12 address does not appear on the records of the assessor, with  
13 respect to any parcel of real estate, the collector shall so  
14 state in an affidavit, giving the serial number of each  
15 parcel of real estate affected. Such affidavit shall be  
16 filed in the suit with the circuit clerk not later than  
17 sixty days after the date of the first publication of the  
18 notice of foreclosure. The failure of the collector to mail  
19 the notice as provided in this section shall invalidate any  
20 proceedings brought pursuant to the provisions of sections  
21 92.700 to 92.920. The failure of the collector to file the  
22 affidavit as provided in this section shall not affect the  
23 validity of any proceedings brought pursuant to the  
24 provisions of sections 92.700 to 92.920.

25 2. Such notice shall be substantially as follows:

26 To the person to whom this notice is addressed:

27 According to the records in the assessor's office,  
28 you are the record owner as to one or more parcels  
29 of real estate described in a certain petition  
30 bearing cause No. \_\_\_\_\_ (fill in number of case)  
31 filed in the Circuit Court of \_\_\_\_\_, Missouri, at  
32 \_\_\_\_\_ (fill in city), on \_\_\_\_\_, 20\_\_\_\_\_,  
33 wherein a foreclosure of the lien of various  
34 delinquent tax bills is sought and a court order  
35 asked for the purpose of selling such real estate  
36 at a public sale for payment of all delinquent tax  
37 bills, together with interest, penalties,  
38 attorney's fees and costs. Publication of notice  
39 of such foreclosure was commenced on the \_\_\_\_\_  
40 day of \_\_\_\_\_, 20\_\_\_\_\_, in \_\_\_\_\_ (here insert  
41 name of city), Missouri.

42 THE COLLECTOR OF THE CITY OF \_\_\_\_\_ (Insert name  
43 of city) HAS FILED A LAWSUIT AGAINST YOUR  
44 PROPERTY. THE LAWSUIT SAYS THAT YOU ARE BEHIND ON  
45 YOUR PROPERTY TAXES. YOU COULD LOSE YOUR PROPERTY  
46 IF YOU DON'T DO ANYTHING ABOUT THIS.

47 YOU HAVE A RIGHT TO ENTER INTO AN AGREEMENT WITH  
48 THE COLLECTOR TO BRING YOUR TAXES UP TO DATE. YOU  
49 MAY CONTACT THE COLLECTOR BY CALLING \_\_\_\_\_  
50 (Insert telephone number of collector). IF YOU DO  
51 NOT UNDERSTAND THIS NOTICE, OR YOU DO NOT KNOW  
52 WHAT TO DO, YOU MAY CALL THIS OFFICE FOR FURTHER  
53 EXPLANATION OR SEE A LAWYER RIGHT AWAY.

54 Unless all delinquent taxes be paid upon the  
55 parcels of real estate described in such petition  
56 and such real estate redeemed prior to the time of  
57 the foreclosure sale of such real estate by the  
58 sheriff, the owner or any person claiming any  
59 right, title or interest in or to, or lien upon,  
60 any such parcels of real estate shall be forever  
61 barred and foreclosed of all right, title and  
62 interest and equity of redemption in and to such  
63 parcels of real estate; except that any such  
64 persons shall have the right to file an answer in  
65 said suit on or before the \_\_\_\_\_ day of \_\_\_\_\_,  
66 20\_\_\_\_\_, in the office of the Circuit Clerk and a  
67 copy thereof to the Collector, setting forth in  
68 detail the nature and amount of the interest and

69 any defense or objection to the foreclosure. Dated  
70 \_\_\_\_\_

71 \_\_\_\_\_  
72 Collector of Revenue  
73 \_\_\_\_\_, Missouri  
74 (Name of City)  
75 Address \_\_\_\_\_

92.765. Affidavits of publication of notice of  
2 foreclosure, and of posting, mailing, or other acts required  
3 by the provisions of sections 92.700 to 92.920 shall be  
4 filed in the office of the circuit clerk prior to the trial,  
5 and when so filed shall constitute part of the evidentiary  
6 documents in the foreclosure suit. Such affidavits shall be  
7 prima facie evidence of the performance of acts therein  
8 described, and may be so used in the trial of the suit,  
9 unless challenged by verified answer duly filed in the  
10 suit. **The collector shall file with the court an affidavit**  
11 **of compliance with notice requirements of sections 92.700 to**  
12 **92.920 prior to any sheriff's sale. The affidavit shall**  
13 **include the identities of all parties to whom notice was**  
14 **attempted and by what means. In the case of mailed notice**  
15 **returned undeliverable, the collector's affidavit shall**  
16 **certify that additional notice was attempted and by what**  
17 **means.**

92.770. 1. The collector may employ such attorneys as  
2 he deems necessary to collect such taxes and to prosecute  
3 suits for taxes **subject to the competitive bidding process**  
4 **of the city.**

5 2. Such attorneys shall receive as total compensation  
6 a sum, not to exceed six percent of the amount of taxes

7 actually collected and paid into the treasury, and an  
8 additional sum not to exceed two dollars for each suit filed  
9 when publication is not necessary and not to exceed five  
10 dollars where publication is necessary, as may be agreed  
11 upon in writing and approved by the collector, before such  
12 services are rendered.

13 3. The attorney fees shall be taxed as costs in the  
14 suit and collected as other costs.

92.775. 1. Upon the trial of the cause upon the  
2 question of foreclosure, the tax bill shall be prima facie  
3 proof that the tax described in the tax bill has been  
4 validly assessed at the time indicated by the tax bill and  
5 that the tax is unpaid. Any person alleging any  
6 jurisdictional defect or invalidity in the tax bill or in  
7 the sale thereof must particularly specify in his answer the  
8 defect or basis of invalidity, and must, upon trial,  
9 affirmatively establish such defense.

10 2. After the court has first determined the validity  
11 of the tax liens of all tax bills affecting parcels of real  
12 estate described in the petition, the priorities of the  
13 respective tax bills and the amounts due thereon, including  
14 principal, interest, penalties, attorney's fees, and costs,  
15 the court shall thereupon enter judgment of foreclosure of  
16 such liens and fix the time and place of the foreclosure  
17 sale. The petition shall be dismissed as to any parcel of  
18 real estate redeemed prior to the time fixed for the  
19 sheriff's foreclosure sale as provided in sections 92.700 to  
20 92.920. If the parcel of real estate auctioned off at  
21 sheriff's foreclosure sale is sold for a sum sufficient to  
22 fully pay the principal amount of all tax bills included in  
23 the judgment, together with interest, penalties, attorney's  
24 fees and costs, and for no more, and such sale is confirmed

25 by the court, then all other proceedings as to such parcels  
26 of real estate shall be finally dismissed as to all parties  
27 and interests other than tax bill owners or holders;  
28 provided, however, that any parties seeking relief other  
29 than an interest in or lien upon the real estate may  
30 continue with said suit to a final adjudication of such  
31 other issues; provided, further, an appeal may be had as to  
32 any claim attacking the validity of the tax bill or bills or  
33 the priorities as to payment of proceeds of foreclosure  
34 sale. If the parcel of real estate auctioned off at  
35 sheriff's foreclosure sale is sold for a sum greater than  
36 the total amount necessary to pay the principal amount of  
37 all tax bills included in the judgment, together with  
38 interest, penalties, attorney's fees and costs, and such  
39 sale is confirmed by the court, and no appeal is taken by  
40 any person claiming any right, title or interest in or to or  
41 lien upon said parcel of real estate or by any person or  
42 taxing authority owning or holding or claiming any right,  
43 title or interest in or to any tax bills within the time  
44 fixed by law for the filing of notice of appeal, the court  
45 shall thereupon order the sheriff to make distribution to  
46 the owners or holders of the respective tax bills included  
47 in the judgment of the amounts found to be due and in the  
48 order of priorities. Thereafter all proceedings in the suit  
49 shall be ordered by the court to be dismissed as to such  
50 persons or taxing authorities owning, holding or claiming  
51 any right, title or interest in any such tax bill or bills  
52 so paid, and the case shall proceed as to any parties  
53 claiming any right, title, or interest in or lien upon the  
54 parcel of real estate affected by such tax bill or bills as  
55 to their respective claims to such surplus funds then  
56 remaining in the hands of the sheriff. **The receipt of such**

57 **surplus funds shall constitute a bar to any claim of right,**  
58 **title or interest in, or lien upon said parcel of real**  
59 **estate, by the fund recipient.**

60 3. Whenever an answer is filed to the petition, as  
61 herein provided, a severance of the action as to all parcels  
62 of real estate affected by such answer shall be granted, and  
63 the issues raised by the petition and such answer shall be  
64 tried separate and apart from the other issues in the suit,  
65 but the granting of such severance shall not delay the trial  
66 or other disposition of any other issue in the case. A  
67 separate appeal may be taken from any other issue in the  
68 case. A separate appeal may be taken from any action of the  
69 court affecting any right, title or interest in or to, or  
70 lien upon, such real estate, other than issues of law and  
71 fact affecting the amount or validity of the lien of tax  
72 bills, but the proceeding to foreclose the lien of any tax  
73 bills shall not be stayed by such appeal. The trial shall  
74 be conducted by the court without the aid of a jury and the  
75 suit shall be in equity. This action shall take precedence  
76 over and shall be triable before any other action in equity  
77 affecting the title to such real estate, upon motion of any  
78 interested party.

92.810. 1. After the judgment of foreclosure has been  
2 entered, or, after a motion for a new trial has been  
3 overruled, or, if an appeal be taken from such judgment and  
4 the judgment has been affirmed, after the sheriff shall have  
5 been notified by any party to the suit that such judgment  
6 has been affirmed on appeal and that the mandate of the  
7 appellate court is on file with the circuit clerk, there  
8 shall be a waiting period of six months before any  
9 advertisement of sheriff's sale shall be published.

10           2. If any such parcel of real estate be not redeemed,  
11 or if no written contract providing for redemption be made  
12 within six months after the date of the judgment of  
13 foreclosure, if no motion for rehearing be filed, and, if  
14 filed, within six months after such motion may have been  
15 overruled, or, if an appeal be taken from such judgment and  
16 the judgment be affirmed, within six months after the  
17 sheriff shall have been notified by any party to the suit  
18 that such judgment has been affirmed on appeal and that the  
19 mandate of the appellate court is on file with the circuit  
20 clerk, the sheriff shall, after giving the notice required  
21 by subsection 3 of this section, commence to advertise the  
22 real estate described in the judgment and shall fix the date  
23 of sale within thirty days after the date of the first  
24 publication of the notice of sheriff's sale as herein  
25 provided, and shall at such sale proceed to sell the real  
26 estate.

27           **3. No later than one hundred twenty days prior to the**  
28 **sheriff's sale, the collector shall obtain a title abstract**  
29 **or report on any unredeemed parcels, such title abstract or**  
30 **report to be obtained from a licensed title company or**  
31 **attorney and subject to the competitive bidding process of**  
32 **the city. The title report shall include all conveyances,**  
33 **liens, and charges against the real estate, and the names**  
34 **and mailing addresses of any interested parties and**  
35 **lienholders. The charges of said abstract or report shall**  
36 **be taxed as costs and shall be paid as other costs in the**  
37 **case.**

38           **4. No later than twenty days prior to the sheriff's**  
39 **sale, the collector shall send notice of the sale to the**  
40 **lienholders and interested parties, as disclosed upon the**  
41 **title abstract or report of the real estate for which tax**

42 bills thereon are delinquent. The notice shall provide the  
43 date, time, and place of the sale. The notice shall also  
44 state that the parcel may be redeemed prior to the sale as  
45 specified in section 92.750 or by entering into an agreement  
46 with the collector to pay the taxes included in the  
47 foreclosure suit under section 92.740. The notice required  
48 by this subsection shall be mailed in an envelope with  
49 postage prepaid. The cost of the mailing and notice as  
50 required by this subsection shall be included as costs in  
51 the case.

52 5. No later than [twenty] **forty** days prior to the  
53 sheriff's sale, the [sheriff] **collector** shall send notice of  
54 the sale to the [owner or owners,] **parties having interest**  
55 **in the parcel** as disclosed upon the records of the assessor,  
56 **or otherwise known to the collector**, of the real estate for  
57 which tax bills thereon are delinquent. [The search of the  
58 records of the assessor must be made not more than forty  
59 days prior to the sending of this notice] **The notice shall**  
60 **be sent to the addresses best most likely to apprise the**  
61 **parties of the proceedings as provided.** The notice shall  
62 provide the date, time and place of the sale. The notice  
63 shall also state that the property owner may avoid the sale  
64 by redeeming such parcel of real estate prior to the sale as  
65 specified in section 92.750 or by entering into an agreement  
66 with the collector to pay the taxes included in the  
67 foreclosure suit under section 92.740. The notice required  
68 by this subsection shall be mailed in an envelope with  
69 postage prepaid. The cost of [the title search,] mailing  
70 and notice as required by this subsection shall be included  
71 as costs [at the sale of the real estate] **in the case.**

72 6. No later than **twenty days** prior to the **sheriff's**  
73 **sale, the sheriff shall enter upon the parcel subject to**



74 foreclosure of these tax liens and post a written  
75 informational notice in a conspicuous location, attached to  
76 a structure, and intended to be visible by the nearest  
77 public right-of-way. This notice shall describe the  
78 property and advise that it is the subject of delinquent  
79 land tax collection proceedings brought pursuant to sections  
80 92.700 to 92.920 and that it may be sold for the payment of  
81 delinquent taxes at a sale to be held a certain time, date,  
82 and place, and shall also contain the serial number and the  
83 phone number and address of the collector, as well as a  
84 prohibition against removal unless the parcel has been  
85 redeemed. The notice shall be not less than eight inches by  
86 ten inches and shall be laminated or otherwise sufficiently  
87 weatherproof to withstand normal exposure to rain, snow, and  
88 other conditions. The sheriff shall document, by time-  
89 stamped photograph, compliance with this section, make said  
90 documentation generally available upon request, and provide  
91 verification by affidavit of compliance with this section.  
92 The cost of notice as required by this subsection shall be  
93 included as costs in the case.

94 7. In addition to the other notice requirements of  
95 this section, no later than twenty days prior to the  
96 sheriff's sale, the sheriff shall attempt in-person notice  
97 that shall describe the property and advise that it is the  
98 subject of delinquent land tax collection proceedings  
99 brought pursuant to sections 92.700 to 92.920 and that it  
100 may be sold for the payment of delinquent taxes at a sale to  
101 be held a certain time, date, and place, and shall also  
102 contain the serial number and phone number and address of  
103 the collector. In-person notice may be provided to any  
104 person found at the property. The sheriff shall note the  
105 date and time of attempted notice and the name, description,

106 or other identifying information regarding the person to  
107 whom notice was attempted. The sheriff shall document  
108 compliance with this section, make said documentation  
109 generally available upon request, and provide verification  
110 by affidavit of compliance with this section. The cost of  
111 notice as required by this subsection shall be included as  
112 costs in the case.

113 [4.] 8. Notwithstanding the provisions of this section  
114 to the contrary, any residential property which has not been  
115 redeemed by the end of the waiting period required by this  
116 section which has been determined to be of substandard  
117 quality or condition under the standards established by the  
118 residential renovation loan commission pursuant to sections  
119 67.970 to 67.983 may, upon the request of the residential  
120 renovation loan commission, be transferred to the  
121 residential renovation loan commission for the purpose of  
122 renovation of the property. Any such property transferred  
123 pursuant to this subsection shall be renovated and sold by  
124 the residential renovation loan commission in the manner  
125 prescribed in sections 67.970 to 67.983. The residential  
126 renovation loan commission shall reimburse the land  
127 reutilization authority for all expenses directly incurred  
128 in relation to such property under sections 92.700 to 92.920  
129 prior to the transfer.

92.815. 1. During such waiting period and at any time  
2 prior to the time of foreclosure sale by the sheriff, any  
3 interested party may redeem any parcel of real estate as  
4 provided by sections 92.700 to 92.920; except that during  
5 such time and at any time prior to the time of foreclosure  
6 sale by the sheriff, the collector shall enter into a  
7 written redemption contract with the owner of any real  
8 estate occupied as a homestead and who has not previously

9 defaulted upon any such written redemption contract,  
10 provided that in no instance shall such installments exceed  
11 twelve in number or extend more than twenty-four months next  
12 after any agreement for such installment payments shall have  
13 been entered into; provided further, that upon good cause  
14 being shown by the owner of any parcel of real estate  
15 occupied as a homestead, or in the case of improved real  
16 estate with a total assessed valuation of not more than five  
17 thousand dollars, owned by an individual, the income from  
18 such property being a major factor in the total income of  
19 such individual, or by anyone on his behalf, the court may,  
20 in its discretion, fix the time and terms of payment in such  
21 contract to permit all of such installments to be paid  
22 within not longer than forty-eight months after any order or  
23 agreement as to installment payments shall have been made.

24 **The collector shall not enter into a redemption contract**  
25 **with respect to any improved parcel not occupied as a**  
26 **homestead.**

27 2. So long as such installments be paid according to  
28 the terms of the contract, the six months' waiting period  
29 shall be extended, but if any installment be not paid when  
30 due, the extension of the waiting period shall be ended and  
31 the real estate shall immediately be advertised for sale or  
32 included in the next notice of sheriff's foreclosure sale.  
33 Notice shall also be sent to the redemption contract payor  
34 as specified in subsection 3 of section 92.810.

35 3. **On an annual basis, the collector shall make**  
36 **publically available the number of parcels under redemption**  
37 **contract under this section.**

92.817. 1. **The court shall stay the sale of any**  
2 **parcel to be sold under execution of a tax foreclosure**  
3 **judgment obtained under this chapter, which is the subject**

4 of an action filed under sections 447.620 to 447.640,  
5 provided that the party which has brought such an action  
6 has, upon an order of the court, paid into the circuit court  
7 the principal amount of all land taxes then due and owing  
8 under the tax foreclosure judgment, exclusive of penalties  
9 and interest, prior to the date of any proposed sale under  
10 execution.

11 2. Upon the granting by the court of temporary  
12 possession of any property under section 447.632, upon  
13 order, the circuit court shall direct payment to the  
14 collector of all principal land taxes theretofore paid to  
15 the circuit court. In addition, in any order granting a  
16 final judgment or deed under section 447.625 or 447.640, the  
17 court shall also order the permanent extinguishment of  
18 penalties and interest arising from actions to collect  
19 delinquent land taxes due on the parcel against the grantee  
20 of said deed, and all successors in interest; excepting  
21 however, any defendant in such action.

22 3. If an owner of the parcel moves the court for  
23 restoration of possession under section 447.638, the owner  
24 shall pay into the circuit court all land tax amounts  
25 currently due and owing on the property, including all  
26 statutory penalties, interest, attorney fees, and court  
27 costs retroactive to the date of accrual. Upon an order  
28 granting the restoration of possession to an owner under  
29 section 447.638, the court shall order that the funds paid  
30 to the court under subsection 2 of this section, be returned  
31 to the payor, and that the funds paid to the court under  
32 this section be paid out to the collector.

33 4. If the party which brought the action under  
34 sections 447.620 to 447.640 dismisses its action prior to  
35 gaining temporary possession of the property, it shall

36 **recover any amounts paid into the circuit court prior to**  
37 **that date for principal land taxes.**

92.825. 1. The sale shall be conducted, the sheriff's  
2 return thereof made, and the sheriff's deed pursuant to the  
3 sale executed, all as provided in the case of sales of real  
4 estate taken under execution except as otherwise provided in  
5 sections 92.700 to 92.920, and provided that such sale need  
6 not occur during the term of court or while the court is in  
7 session.

8 2. Such sale shall convey the whole interest of every  
9 person having or claiming any right, title or interest in or  
10 lien upon such real estate, whether such person has answered  
11 or not, subject to rights-of-way thereon of public utilities  
12 upon which tax has been otherwise paid, and subject only to  
13 the tax lien thereon, if any, of the United States of  
14 America.

15 3. The collector shall advance from current tax  
16 collections the sums necessary to pay for the publication of  
17 all advertisements required by the provisions of sections  
18 92.700 to 92.920 and shall be allowed credit therefor in his  
19 accounts with the taxing authorities on a pro rata basis.  
20 He shall give credit in such accounts for all such advances  
21 recovered by him. Such expenses of publication shall be  
22 apportioned pro rata among and taxed as costs against the  
23 respective parcels of real estate described in the judgment;  
24 provided, however, that none of the costs herein enumerated,  
25 including the costs of publication, shall constitute any  
26 lien upon the real estate after such sale.

27 4. **No person shall be eligible to bid at the time of**  
28 **the sheriff's sale unless such person has, no later than ten**  
29 **days before the sale date, demonstrated to the satisfaction**  
30 **of the collector or sheriff that they are not the owner of**

31 any parcel of real estate in the city which is subject to  
32 delinquent property taxes, unpaid special tax bills, or  
33 vacant building fees. A prospective bidder shall be  
34 prohibited from participating in the delinquent land tax  
35 sale if they have previously bid at a sheriff's sale and  
36 failed to pay bid amounts, confirm the sale, or sign a  
37 sheriff's deed. The collector or sheriff may require  
38 prospective bidders to submit an affidavit attesting to the  
39 requirements of this section and is expressly authorized to  
40 permanently preclude any prospective bidder from  
41 participating in the sale for failure to comply with this  
42 section. Notwithstanding the provisions of this section,  
43 any taxing authority or land reutilization authority shall  
44 be eligible to bid at any sale conducted under this section  
45 without making such a demonstration. The purchaser at a  
46 sale conducted by the sheriff shall pay cash immediately at  
47 the end of bidding of each parcel on the day of the sale in  
48 an amount including all taxes due and owing and other costs  
49 [as otherwise provided by law].

92.840. 1. **Within six months** after the sheriff sells  
2 any parcel of real estate, the court shall, upon its own  
3 motion or upon motion of any interested party, set the cause  
4 down for hearing to confirm **or set aside** the foreclosure  
5 sale of the real estate, even though such parcels are not  
6 all of the parcels of real estate described in the notice of  
7 sheriff's foreclosure sale. Notice of the hearing shall be  
8 sent by any interested party, or the court, moving to  
9 confirm the foreclosure sale, to each person who [received]  
10 **was sent** notice of sale as specified in subsection 3 of  
11 section 92.810 **and to any other necessary parties as**  
12 **required by prevailing notions of due process.** At the time  
13 of such hearing, the sheriff shall make report of the sale,

14 and the court shall hear evidence of the value of the  
15 property offered on behalf of any interested party to the  
16 suit, and shall immediately determine whether an adequate  
17 consideration has been paid for each such parcel. **Any**  
18 **parcel deemed to have been purchased by the land**  
19 **reutilization authority pursuant to section 92.830 shall not**  
20 **require any inquiry as to value. The court's judgment shall**  
21 **include a specific finding that adequate notice was provided**  
22 **to all necessary parties pursuant to prevailing notions of**  
23 **due process and sections 92.700 to 92.920, reciting the**  
24 **notice efforts of the collector, sheriff, and tax sale**  
25 **purchaser. Nothing in this section shall be interpreted to**  
26 **preclude a successful tax sale purchaser from asserting a**  
27 **claim to quiet title to the bid upon parcel pursuant to**  
28 **section 527.150.**

29 2. For this purpose, the court shall have power to  
30 summon any city official or any private person to testify as  
31 to the reasonable value of the property, and if the court  
32 finds that adequate consideration has been paid, he shall  
33 confirm the sale and order the sheriff to issue a deed with  
34 restriction as provided herein to the purchaser subject to  
35 the application of an occupancy permit for all parcels as  
36 provided in subsection 5 of this section. If the court  
37 finds that the consideration paid is inadequate, the  
38 purchaser may increase his bid to such amount as the court  
39 may deem to be adequate, whereupon the court may confirm the  
40 sale. If, however, the purchaser declines to increase his  
41 bid and make such additional payment, then the sale shall be  
42 disapproved, the lien of the judgment continued, and such  
43 parcel of real estate shall be again advertised and offered  
44 for sale by the sheriff to the highest bidder at public

45 auction for cash at any subsequent sheriff's foreclosure  
46 sale.

47 3. If the sale is confirmed, the court shall order the  
48 proceeds of the sale applied in the following order:

49 (1) To the payment of the costs of the publication of  
50 the notice of foreclosure and of the sheriff's foreclosure  
51 sale;

52 (2) To the payment of all costs including appraiser's  
53 fee and attorney's fees;

54 (3) To the payment of all tax bills adjudged to be due  
55 in the order of their priority, including principal,  
56 interest and penalties thereon. If, after such payment,  
57 there is any sum remaining of the proceeds of the sheriff's  
58 foreclosure sale, the court shall thereupon try and  
59 determine the other issues in the suit in accordance with  
60 section 92.775. If any answering parties have specially  
61 appealed as provided in section 92.845, the court shall  
62 retain the custody of such funds pending disposition of such  
63 appeal, and upon disposition of such appeal shall make such  
64 distribution. If there are not sufficient proceeds of the  
65 sale to pay all claims in any class described, the court  
66 shall order the same to be paid pro rata in accordance with  
67 the priorities.

68 4. If there are any funds remaining of the proceeds  
69 after the sheriff's sale and after the distribution of such  
70 funds as set out in this section and no person entitled to  
71 any such funds, whether or not a party to the suit, shall,  
72 within two years after such sale, appear and claim the  
73 funds, they shall be distributed **ten percent to the**  
74 **affordable housing trust fund or equivalent of such city**  
75 **operating under sections 92.700 to 92.920 for purposes that**  
76 **promote the reduction and prevention of vacant properties,**



77 **with the remainder to be distributed** to the appropriate  
78 taxing authorities.

79       5. **Any city operating under the provisions of sections**  
80 **92.700 to 92.920, by ordinance, may elect to allocate a**  
81 **portion of its share of the proceeds of the sheriff's sale**  
82 **towards a fund for the purpose of defending against claims**  
83 **challenging the sufficiency of notice provisions under this**  
84 **section.**

85       6. For the purpose of this section, the term  
86 "occupancy permit" shall mean the certificate of [use and]  
87 **inspection or occupancy permit for residential or commercial**  
88 **structures** as provided for in the revised municipal code of  
89 any city not within a county, which now has or may hereafter  
90 have a population in excess of three hundred thousand  
91 inhabitants.

92       [6.] 7. If there is a building or structure on the  
93 parcel, the purchaser shall apply for an occupancy permit  
94 from the city or appropriate governmental agency within ten  
95 days after the confirmation hearing. Any purchaser who is a  
96 public corporation acting in a governmental capacity shall  
97 not be required to acquire the occupancy permit. When a  
98 parcel, acquired at a sheriff sale, containing a building is  
99 sold from a public corporation acting in a governmental  
100 capacity, the subsequent purchaser shall be required to  
101 apply for the occupancy permit. Failure to apply for such  
102 occupancy permit within ten days after confirmation shall  
103 result in the sale and confirmation being immediately set  
104 aside by the motion of any interested party and that parcel  
105 shall again be advertised and offered for sale by the  
106 sheriff to the highest bidder at public auction for cash at  
107 any subsequent sheriff foreclosure sale.

108           [7.] 8. The sheriff shall include a deed restriction  
109 in the sheriff's deed, issued after confirmation and after  
110 the application of an occupancy permit for any parcel  
111 containing a building or structure. The deed restriction  
112 shall state that the purchasers at the sheriff's sale who  
113 had the property confirmed and who applied for an occupancy  
114 permit shall obtain an occupancy permit for the building or  
115 structure from the appropriate governmental agency prior to  
116 any subsequent transfer or sale of this property. This deed  
117 restriction shall **not** exist as a lien against such real  
118 estate [while the purchasers hold same in the amount of five  
119 thousand dollars]. The purchasers of the property at the  
120 sheriff sale who had the property confirmed and applied for  
121 the occupancy permit shall agree that in the event of their  
122 failure to obtain an occupancy permit prior to any  
123 subsequent transfer of the property, they shall pay to the  
124 sheriff the sum of five thousand dollars as fixed,  
125 liquidated and ascertained damages without proof of loss or  
126 damages. **These damages shall not constitute a lien on**  
127 **property, and** the sheriff shall have the discretionary power  
128 to file a lawsuit against such purchaser for collection of  
129 these liquidated damages. These liquidated damages shall be  
130 distributed on a prorated basis to the appropriate taxing  
131 authority after the sheriff deducts all costs, expenses and  
132 attorney fees for such lawsuits. The sheriff may employ  
133 attorneys as he deems necessary to collect liquidated  
134 damages.

135           **9. If any purchaser applies for an occupancy permit or**  
136 **certificate of inspection from a city operating under**  
137 **sections 92.700 to 92.920 but allows the application to**  
138 **expire, where inspectors do not inspect the parcel in the**  
139 **period of one hundred twenty days following said**

140 application, the cost of the application shall be dedicated  
141 to the sheriff for the purpose of providing notice to  
142 interested parties under subsection 6 of section 92.810.

143 10. If any sale is not confirmed within six months  
144 after the sale, any set-aside of the sale shall include a  
145 penalty of twenty-five percent of the bid amount over and  
146 above the opening bid amount, and such penalty shall be  
147 directed to the affordable housing trust fund or the  
148 equivalent, if any, of a city operating under sections  
149 92.700 to 92.920.

150 11. Any interested party, other than the sheriff's  
151 sale purchaser, who moves the court to set aside a sheriff's  
152 sale after the issuance of a sheriff's deed made under the  
153 provisions of sections 92.700 to 92.920 shall be required to  
154 pay into the court the redemption amount otherwise necessary  
155 under section 92.750 prior to the court hearing any such  
156 motion to set aside. The court may hear any motion to  
157 confirm brought under the terms of this section should the  
158 redemption amount not be paid by the interested party moving  
159 the court to set aside the sale.

92.852. Any sheriff's deed given pursuant to the  
2 municipal land reutilization law shall be subject to a  
3 recording fee for the costs of recording the deed that shall  
4 be assessed and collected from the purchaser of the property  
5 at the same time the proceeds from the sale are collected.  
6 All such deeds shall be recorded at the office of the  
7 recorder of deeds within two months after the [sheriff's  
8 deed is given] **court confirms the sale, if no proceeding to**  
9 **set aside the confirmation judgment is before the court.**

92.855. Each sheriff's deed given pursuant to the  
2 provisions of the municipal land reutilization law shall be  
3 [presumptive] **prima facie** evidence that the suit and all

4 proceedings therein and all proceedings prior thereto from  
5 and including assessment of the lands affected thereby and  
6 all notices required by law were regular and in accordance  
7 with all provisions of the law relating thereto. [After two  
8 years from the date of the recording of such sheriff's deed,  
9 the presumption shall be conclusive, unless at the time that  
10 this section takes effect the two-year period since the  
11 recording of such sheriff's deed has expired, or less than  
12 six months of such period of two years remains unexpired, in  
13 which latter case the presumption shall become conclusive  
14 six months after September 28, 1971. No suit to set aside  
15 or to attack the validity of any such sheriff's deed shall  
16 be commenced or maintained unless the suit is filed prior to  
17 the time that the presumption becomes conclusive, as  
18 aforesaid.]

442.130. 1. All deeds or other conveyances of lands,  
2 or of any estate or interest therein, shall be subscribed by  
3 the party granting the same, or by his lawful agent, and  
4 shall be acknowledged or proved and certified in the manner  
5 herein prescribed.

6 **2. All written instruments conveying real estate or**  
7 **any interest in real estate executed and offered for**  
8 **recording shall state whether any natural person acting as**  
9 **grantors, mortgagors, or other parties executing the**  
10 **instrument are married or unmarried. The recorder of deeds**  
11 **of the county in which the instrument is offered for**  
12 **recording shall refuse to receive the instrument for**  
13 **recording unless it conforms to this requirement.**

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