

SECOND REGULAR SESSION

# HOUSE BILL NO. 1750

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WALTON GRAY.

4655L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 447, RSMo, by adding thereto one new section relating to abandoned property.

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

Section A. Chapter 447, RSMo, is amended by adding thereto one new section, to be known as section 447.750, to read as follows:

**447.750. 1. As used in this section, the term "abandonment" means the following:**

**(1) The intentional or purposeful relinquishment or renunciation of any and all ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property; or**

**(2) The intent to never again resume or reassert, in whole or in part, any ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property; or**

**(3) The voluntary relinquishment of any and all ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property by the owner or any person claiming any ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property; or**

**(4) The intent to terminate any and all ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property, and without the intention of vesting any ownership, title, interest, claim, privilege, possession, or right in any other person, grantee, beneficiary, agent, representative, heir, or devisee; or**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **(5) The giving up of any and all ownership, title, interest, claim, privilege,**  
17 **possession, or right in land, buildings, real estate, or real property absolutely, without any**  
18 **reference to any particular person or purpose.**

19           **2. Any abandonment may take the form of a discontinuance or waiver of any and**  
20 **all ownership, title, interest, claim, privilege, possession, or right and shall include but not**  
21 **be limited to the relinquishment of any and all ownership, title, interest, claim, privilege,**  
22 **possession, or right in such land, buildings, real estate, or real property by the owner or**  
23 **any person claiming any ownership, title, interest, claim, privilege, possession, or right in**  
24 **such land, buildings, real estate, or real property, without any regard to future possession**  
25 **by such owner or any other person, grantee, beneficiary, agent, representative, heir, or**  
26 **devisee, and with the intention to forsake or desert any and all ownership, title, interest,**  
27 **claim, privilege, possession, or right in such land, buildings, real estate, or real property.**

28           **3. Any person having, in whole or in part, any ownership, title, interest, claim,**  
29 **privilege, possession, or right in such land, buildings, real estate, or real property may, by**  
30 **filing a notarized notice of abandonment with the recorder of deeds of the county in which**  
31 **such land, buildings, real estate, or real property is located, relieve such person of any and**  
32 **all obligation or legal liability arising out of or pertaining to the maintenance or condition**  
33 **of such land, buildings, real estate, or real property for the following:**

34           **(1) To keep, control, oversee, secure, supervise, monitor, maintain, improve, or**  
35 **repair such land, buildings, real estate, or real property; or**

36           **(2) To any person, private or public entity, taxing, or regulatory body.**

37           **4. The notice provided for in subsection 3 of this section shall state such facts as**  
38 **constitute an abandonment under this section. Any abandonment shall be prospective and**  
39 **shall only relieve such person of any and all obligation or legal liability arising out of or**  
40 **pertaining to the maintenance or condition of such land, buildings, real estate, or real**  
41 **property arising after the recording of such notice, and shall relieve such person of any and**  
42 **all obligation or legal liability arising out of or pertaining to the maintenance or condition**  
43 **of such land, buildings, real estate, or real property on any actions brought by any public**  
44 **taxing, administrative, or regulatory entity, agency, or body that were not commenced**  
45 **before the recording of such notice. No abandonment shall relieve any person of any**  
46 **personal obligation or liability vesting before the filing of the notice of abandonment, but**  
47 **shall relieve such person only of any obligation or liability in rem, or running against such**  
48 **land, buildings, real estate, or real property arising out of or pertaining to the maintenance**  
49 **or condition of such land, buildings, real estate, or real property.**

50           **5. Except as otherwise provided in this section and subject to any liens of record,**  
51 **possession shall vest in the following order:**

52           (1) Any and all ownership, title, interest, claim, privilege, possession, or right of the  
53 person abandoning such person's ownership, title, interest, claim, privilege, possession, or  
54 right in such abandoned land, buildings, real estate, or real property shall, upon the filing  
55 of the notice of abandonment of real estate, vest in any joint or co-owners or persons with  
56 joint or co-ownership, title, interest, claim, privilege, possession, or right in such  
57 abandoned land, buildings, real estate, or real property, if there is any, not filing or joining  
58 in the filing of a notice of abandonment;

59           (2) If there are no joint or co-owners or persons with any joint or co-ownership,  
60 title, interest, claim, privilege, possession, or right in such abandoned land, buildings, real  
61 estate, or real property, any and all ownership, title, interest, claim, privilege, possession,  
62 or right in such abandoned land, buildings, real estate, or real property shall be vested in  
63 any tenants or joint tenants in possession of such land, buildings, real estate, or real  
64 property if such tenant or joint tenants elect in writing to take ownership, title, interest,  
65 claim, privilege, possession, and right to such abandoned land, buildings, real estate, or  
66 real property no later than forty-five days after the mailing of the notice of abandonment;

67           (3) If there are no tenants or joint tenants in possession of such abandoned land,  
68 buildings, real estate, or real property, or if no tenants or joint tenants in possession of  
69 such abandoned land, buildings, real estate, or real property elect to take ownership, title,  
70 interest, claim, privilege, possession, and right in such abandoned land, buildings, real  
71 estate, or real property, any and all ownership, title, interest, claim, privilege, possession,  
72 or right in such abandoned land, buildings, real estate, or real property shall be vested in  
73 any owners or joint owners of land, buildings, real estate, or real property immediately  
74 abutting and adjoining such abandoned land, buildings, real estate, or real property if the  
75 abutting and adjoining landowner or joint landowners elect in writing to take ownership,  
76 title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real  
77 estate, or real property no later than forty-five days after the mailing of the notice of  
78 abandonment. If there are two or more lands, buildings, real estate, or real property  
79 abutting and adjoining the abandoned land, buildings, real estate, or real property, and  
80 two or more of such abutting or adjoining landowners elect to take ownership, title,  
81 interest, claim, privilege, possession, and right to such abandoned land, buildings, real  
82 estate, or real property, then the recorder of deeds shall cast lots to determine which of the  
83 abutting or adjoining landowners shall take ownership, title, interest, claim, privilege,  
84 possession, and right to such abandoned land, buildings, real estate, or real property;

85           (4) If no abutting or adjoining landowners elect to take ownership, title, interest,  
86 claim, privilege, possession, and right in such abandoned land, buildings, real estate, or  
87 real property, any and all ownership, title, interest, claim, privilege, possession, or right in

88 such abandoned land, buildings, real estate, or real property shall be vested in any owners  
89 or joint owners of land, buildings, real estate, or real property situated in the same block  
90 as such abandoned land, buildings, real estate, or real property if such same block  
91 landowner or joint landowners elect in writing to take ownership, title, interest, claim,  
92 privilege, possession, and right in such abandoned land, buildings, real estate, or real  
93 property no later than forty-five days after the mailing of the notice of abandonment. If  
94 two or more of the same block landowners elect to take ownership, title, interest, claim,  
95 privilege, possession, and right to such abandoned land, buildings, real estate, or real  
96 property, then the recorder of deeds shall cast lots to determine which of the same block  
97 landowners shall take ownership, title, interest, claim, privilege, possession, and right to  
98 such abandoned land, buildings, real estate, or real property;

99 (5) If no same block landowners elect to take ownership, title, interest, claim,  
100 privilege, possession, and right in such abandoned land, buildings, real estate, or real  
101 property, any and all ownership, title, interest, claim, privilege, possession, or right in such  
102 abandoned land, buildings, real estate, or real property shall be vested in any  
103 condominium association or subdivision trustees in which the abandoned land, buildings,  
104 real estate, or real property is situated if such condominium association or subdivision  
105 trustees elect in writing to take ownership, title, interest, claim, privilege, possession, and  
106 right in such abandoned land, buildings, real estate, or real property no later than forty-  
107 five days after the mailing of the notice of abandonment. If both the condominium  
108 association and subdivision trustees elect to take ownership, title, interest, claim, privilege,  
109 possession, and right to such abandoned land, buildings, real estate, or real property, then  
110 the recorder of deeds shall cast lots to determine which of the condominium association or  
111 subdivision trustees shall take ownership, title, interest, claim, privilege, possession, and  
112 right to such abandoned land, buildings, real estate, or real property;

113 (6) If no condominium association or subdivision trustees elect to take ownership,  
114 title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real  
115 estate, or real property, any and all ownership, title, interest, claim, privilege, possession,  
116 or right in such abandoned land, buildings, real estate, or real property shall be vested in  
117 any holder of a lien against such abandoned land, buildings, real estate, or real property  
118 is situated if such holder of such lien elects in writing to take ownership, title, interest,  
119 claim, privilege, possession, and right in such abandoned land, buildings, real estate, or  
120 real property no later than forty-five days after the mailing of the notice of abandonment.  
121 If two or more lienholders of equal priority elect to take ownership, title, interest, claim,  
122 privilege, possession, and right to such abandoned land, buildings, real estate, or real  
123 property, then the recorder of deeds shall cast lots to determine which of the lienholders

shall take ownership, title, interest, claim, privilege, possession, and right to such abandoned land, buildings, real estate, or real property, provided that an electing lienholder with superiority shall take ownership, title, interest, claim, privilege, possession, and right to such abandoned land, buildings, real estate, or real property;

(7) If no lienholder elects to take ownership, title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real estate, or real property, any and all ownership, title, interest, claim, privilege, possession, or right in such abandoned land, buildings, real estate, or real property shall be vested in the city, town, village, or municipality in which the abandoned land, buildings, real estate, or real property is situated if such city, town, village, or municipality elects in writing to take ownership, title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real estate, or real property no later than forty-five days after the mailing of the notice of abandonment;

(8) If no city, town, village, or municipality elects to take ownership, title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real estate, or real property, any and all ownership, title, interest, claim, privilege, possession, or right in such abandoned land, buildings, real estate, or real property shall be vested in the county in which the abandoned land, buildings, real estate, or real property is situated. The county shall publish a notice in a newspaper of general circulation once a week for four successive weeks annually during the month of June, and shall by lot, upon the payment of one hundred dollars, grant ownership, title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real estate, or real property to such members of the public that elect to take ownership, title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real estate, or real property;

(9) An election to take title to such abandoned land, buildings, real estate, or real property shall be made in writing, be notarized, and shall be submitted to the recorder of deeds, along with any fees for recording and with a one hundred dollar fee for any person or entity taking ownership, title, interest, claim, privilege, possession, and right under subdivisions (2) to (6) of this subsection. The recorder of deeds shall, upon satisfaction that the land, buildings, real estate, or real property has been abandoned and that the elector is entitled to take ownership, title, interest, claim, privilege, possession, and right of such abandoned land, buildings, real estate, or real property as provided in this section, record the election to take ownership, title, interest, claim, privilege, possession, and right of such abandoned land, buildings, real estate, or real property. Title shall vest in a joint or co-owner under subdivision (1) of this subsection, or in the county under subdivision (8) of

159 this subsection, by operation of law and without the recording of a title or deed of election  
160 or the payment of any additional fees;

161 (10) An elector taking ownership, title, interest, claim, privilege, possession, and  
162 right of such abandoned land, buildings, real estate, or real property shall enjoy all  
163 ownership, title, interest, claim, privilege, possession, and right of such abandoned land,  
164 buildings, real estate, or real property, and shall have all obligations, liabilities, and duties,  
165 in rem, running with such land, buildings, real estate, or real property or arising out of or  
166 pertaining to the ownership, maintenance, or condition of such land, buildings, real estate,  
167 or real property, prospectively, effective upon the date of recording of the election to take  
168 ownership, title, interest, claim, privilege, possession, and right of such abandoned land,  
169 buildings, real estate, or real property.

170 6. (1) Immediately upon either the filing of a notice under this section or the entry  
171 of a declaratory judgment of abandonment by a court of competent jurisdiction, the  
172 recorder of deeds shall:

173 (a) Post a notice of abandonment on the subject land, buildings, real estate, or real  
174 property; and

175 (b) Mail a notice of abandonment to the following:

176 a. All lienholders of record against the abandoned land, buildings, real estate, or  
177 real property;

178 b. All owners and occupiers of the abandoned land, buildings, real estate, or real  
179 property situated in the same block as the abandoned land, buildings, real estate, or real  
180 property, including any joint owners, tenants, or occupiers of the abandoned land,  
181 buildings, real estate, or real property; and

182 c. The city and the county, respectively, in which the abandoned land, buildings,  
183 real estate, or real property is located.

184 (2) The notice shall include a reprint of the this section. In addition to paying the  
185 cost of recording the notice of abandonment, the abandoning party shall pay fifty dollars  
186 to cover the cost of posting and mailing such notices.

187 7. Nothing in this section shall be construed to prevent or prohibit the filing of an  
188 action with a court of competent jurisdiction for a declaration of abandonment as provided  
189 in this section. A declaratory action may be brought by any persons or entities listed in  
190 subsection 5 of this section.

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