

SECOND REGULAR SESSION

HOUSE BILL NO. 1479

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUGGER.

5447H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 443.035, RSMo, and to enact in lieu thereof one new section relating to security instruments for real property.

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

Section A. Section 443.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 443.035, to read as follows:

443.035. 1. Security instruments may be assigned by instrument in writing, acknowledged by the assignor in the manner provided for the acknowledgment of other instruments affecting the title to real property, and may be recorded in the office of the recorder of deeds in the county or counties in which the security instrument being assigned was recorded.

2. Any person who acquires an interest in or a lien upon real property for value and without notice of an unrecorded assignment of a security instrument recorded on or after January 1, 1986, and who has relied upon a release of such security instrument executed by the party last shown of record to be the owner thereof, shall acquire the interest in or lien upon such real property free from the lien of the security instrument to the same extent as if the release upon which reliance was placed had been executed by the lawful holder of the debt or other obligation secured by such security instrument.

3. No recorder of deeds in this state shall accept for record any security instrument or assignment thereof in which the mortgagee, cestui que trust or assignee is named as bearer or the actual identity of the mortgagee, cestui que trust or assignee is otherwise not ascertainable from the face of the security instrument or assignment. All security instruments and assignments thereof presented for record shall contain the mailing address of the mortgagee, cestui que trust

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.

17 or assignee except, that the omission thereof shall not affect the validity of any security
18 instrument or assignment, or the constructive notice imparted by the record thereof.

19 **4. Security instruments, or any assignment or refinancing thereof, securing the**
20 **purchase price of the real property or any present or subsequent improvements thereon**
21 **shall have priority over any subsequently filed or recorded interest, lien, or encumbrance**
22 **upon the real property, except:**

23 **(1) Liens for real estate taxes and similar governmental claims asserted against the**
24 **real property;**

25 **(2) Such interest, liens, or encumbrances arising from an instrument recorded prior**
26 **to the security instrument to the extent that such claim and priority is authorized by**
27 **statute; and**

28 **(3) Such interests, liens, or encumbrances for the provision of labor, services, or**
29 **materials which were rendered or installed on the real property prior to the recording of**
30 **the security instrument, which benefitted the real property and of which the holder of the**
31 **debt secured by the security agreement had actual prior notice.**

✓