

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 297, Page 1, Section A, Line 3, by
2 inserting after said section and line the following:

3
4 "443.320. 1. The notice required by section 443.310 shall set forth the date and book and
5 page of the record of such mortgages or deeds of trust, the grantors, the time, terms and place of
6 sale, and a description of the property to be sold, and shall be given by advertisement, inserted for at
7 least twenty times, and continued to the day of the sale, in some daily newspaper, in counties having
8 cities of fifty thousand inhabitants or more, and in all other counties such notice shall be given by
9 advertisement in some weekly newspaper published in such county for four successive issues, the
10 last insertion to be not more than one week prior to the day of sale, or in some daily, triweekly or
11 semiweekly paper published in such county at least once a week for four successive weeks. Such
12 notice shall appear on the same day of each week, the last insertion to be not more than one week
13 prior to the day of sale, and if there be no newspaper published in such county or city, such notice
14 shall be published in the nearest newspaper thereto in this state. Nothing in this section shall be
15 construed to authorize the giving of any shorter notice than that required by such mortgage or deed
16 of trust. Where the property to be sold lies wholly or in part within the corporate limits of any city
17 having or that may hereafter have a population of fifty thousand inhabitants or more, then the notice
18 provided for in this section shall be published in a daily newspaper in such city and where the
19 property to be sold lies wholly or in part within the corporate limits of a city extending into two or
20 more counties, then the notice provided for in this section shall be published in some newspaper
21 published in the county in which the property lies, in the manner provided in this section for
22 publication in such county, even though such property may lie in a city having a population of fifty
23 thousand inhabitants or more. Where the property to be sold is located in more than one county, the
24 notices required in this section shall be published in each county in which a part of the property is
25 located. Other provisions of this section to the contrary notwithstanding, in any county of the first
26 class not having a charter form of government and containing a portion of a city with a population
27 over three hundred fifty thousand and in any county of the second class containing a portion of a
28 city with a population over three hundred fifty thousand, the notice requirements of section 443.310
29 and this section may be met by advertisement in some weekly newspaper published in such counties
30 for four successive issues, the last insertion to be not more than one week prior to the date of the
31 sale.

32 2. (1) In lieu of the requirements for notice described under subsection 1 of this section,
33 notice required by section 443.310 may be given in an electronic format, if permitted by the deed of
34 trust, posted for a minimum of twenty-one consecutive days on an internet website hosted by an
35 entity that maintains such website for the purposes of providing web-based notice of foreclosure
36 sales. The last day of posting shall occur on the scheduled foreclosure date as set forth in the posted

Action Taken _____ Date _____

1 notice. The provisions of chapter 493 and section 442.018 shall not apply to any web-based notice
2 posted under this section except that the foreclosing trustee may not be the entity posting said
3 notice. The entity providing such web-based notices shall not restrict access to the site by way of a
4 registration or login requirement. Nothing in this section shall be construed to authorize the giving
5 of any shorter notice than that required by the mortgage or deed of trust. Any entity providing
6 notice shall be a Missouri corporation or Missouri limited liability company formed under chapters
7 347 to 356 and in good standing with the Missouri secretary of state. Such entity shall maintain an
8 errors and omissions policy of insurance in an amount not less than one million dollars and general
9 liability insurance in an amount not less than one million dollars. Such entity shall have its principal
10 office located in Missouri. The entity publishing such notice shall charge and receive not more than
11 the rate published by the entity and offered to the public and in effect for at least thirty days
12 preceding publication of the particular notice to which it is applied. The entity providing notice
13 shall maintain a historical record for each posting for a period of five years from the day the notice
14 was posted. The entity posting notices shall list notices grouped by the county in which the property
15 is located. Where the property to be sold is located in more than one county, the notices shall be
16 posted under each county in which a part of the property is located. The entity providing notice
17 shall issue an affidavit at the conclusion of posting. The affidavit shall state the dates the notice was
18 posted, that the entity is in compliance with the requirements of this section, and shall have a copy
19 of such notice attached to the affidavit.

20 (2) The provisions of this subsection pertaining to said entity being a Missouri corporation
21 or limited liability company, maintaining an errors and omissions policy in an amount not less than
22 one million dollars and having its principal office in Missouri, shall not apply to any entity that has
23 engaged in the business of publishing notice of foreclosure sales pursuant to subsection 1 of this
24 section prior to January 1, 2019."; and
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26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.