

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 27, Page 10, Section 59.310, Line 17, deleting all of said line and inserting in lieu
3 thereof the following:
4

5 "(4) The document shall be on white ~~[paper]~~ or light-colored paper of not less than twenty-
6 pound"; and
7

8 Further amend said bill and section, Page 11, Line 39, deleting all of said line and inserting in lieu
9 thereof the following:
10

11 "(3) All grantors' names and marital status"; and
12

13 Further amend said bill, Page 23, Section 91.025, Line 46, by inserting the following after all of said
14 section and line:
15

16 "92.720. 1. If any of the lands or town lots contained in the back tax book or list of
17 delinquent lands or lots remain unredeemed on the first day of January, the collector may file suit in
18 the circuit court against such lands or lots to enforce the lien of the state and city as herein provided
19 in sections 92.700 to 92.920.

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

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

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

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

31 6. For any improved parcel identified by a city operating under sections 92.700 to 92.920 as
32 vacant, the collector shall, no later than two years after delinquency, file suit in a circuit court
33 against such parcel to enforce the lien of the state and the city as provided under sections 92.700 to
34 92.920. Failure of the collector to bring suit within the two-year period shall not constitute a
35 defense or bar an action for the collection of taxes as otherwise provided under this section.

36 92.740. 1. A suit for the foreclosure of the tax liens herein provided for shall be instituted

Action Taken _____ Date _____

by filing in the appropriate office of the circuit clerk and with the land reutilization authority a petition, which petition shall contain a caption, a copy of the list prepared by the collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

2. The caption shall be in the following form:

In the Circuit Court of _____ Missouri,

In the Matter of

Foreclosure of Liens for Delinquent Land Taxes

By Action in Rem.

Collector of Revenue of _____, Missouri, Plaintiff

-vs-

Parcels of Land Encumbered with Delinquent Tax Liens, Defendants

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

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

5. For each petition filed, the collector shall make available to the public a list detailing each parcel included in the suit.

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

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

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

4. For any improved nonhomestead parcel, any person having any right, title, or interest in, or lien upon, a parcel of real estate described in such petition may redeem the parcel of real estate at any time prior to the time of the foreclosure sale of the real estate by paying to the collector all of the sums due as of the date of redemption mentioned therein. The sums due may include, but not be limited to, principal; interest; penalties; attorney's fees; and any costs then due including, but not limited to, debts owed to the city, water, forestry, nuisance abatement, special tax bills, or vacant building assessments.

92.760. 1. The collector shall also cause to be prepared and mailed in an envelope with postage prepaid, within thirty days after the filing of such petition, a brief notice of the filing of the suit, to the persons named in the petition as ~~[being the owners]~~ having an interest in the parcel, according to the records of the assessor or otherwise known to the collector, for the respective parcels of real estate described in the petition. The notices shall be sent to the addresses ~~[of such persons upon the records of the assessor]~~ best calculated to apprise the parties of the proceedings as provided, and, in the event that any name or address does not appear on the records of the assessor, with respect to any parcel of real estate, the collector shall so state in an affidavit, giving the serial

number of each parcel of real estate affected. Such affidavit shall be filed in the suit with the circuit clerk not later than sixty days after the date of the first publication of the notice of foreclosure. The failure of the collector to mail the notice as provided in this section shall invalidate any proceedings brought pursuant to the provisions of sections 92.700 to 92.920. The failure of the collector to file the affidavit as provided in this section shall not affect the validity of any proceedings brought pursuant to the provisions of sections 92.700 to 92.920.

2. Such notice shall be substantially as follows:

To the person to whom this notice is addressed:

According to the records in the assessor's office, you are the record owner as to one or more parcels of real estate described in a certain petition bearing cause No.

_____ (fill in number of case) filed in the Circuit Court of _____, Missouri, at

_____ (fill in city), on _____, 20_____, wherein a foreclosure of the lien of

various delinquent tax bills is sought and a court order asked for the purpose of

selling such real estate at a public sale for payment of all delinquent tax bills,

together with interest, penalties, attorney's fees and costs. Publication of notice of

such foreclosure was commenced on the _____ day of _____, 20_____, in

_____ (here insert name of city), Missouri.

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

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

Unless all delinquent taxes be paid upon the parcels of real estate described in such petition and such real estate redeemed prior to the time of the foreclosure sale of such real estate by the sheriff, the owner or any person claiming any right, title or interest in or to, or lien upon, any such parcels of real estate shall be forever barred and foreclosed of all right, title and interest and equity of redemption in and to such parcels of real estate; except that any such persons shall have the right to file an answer in said suit on or before the _____ day of _____, 20_____, in the office of the Circuit Clerk and a copy thereof to the Collector, setting forth in detail the nature and amount of the interest and any defense or objection to the foreclosure. Dated

Collector of Revenue

_____, Missouri

(Name of City)

Address _____

92.765. Affidavits of publication of notice of foreclosure, and of posting, mailing, or other acts required by the provisions of sections 92.700 to 92.920 shall be filed in the office of the circuit clerk prior to the trial, and when so filed shall constitute part of the evidentiary documents in the foreclosure suit. Such affidavits shall be prima facie evidence of the performance of acts therein described, and may be so used in the trial of the suit, unless challenged by verified answer duly filed in the suit. The collector shall file with the court an affidavit of compliance with the notice requirements of sections 92.700 to 92.920 prior to any sheriff's sale. The affidavit shall include the

1 identities of all parties to whom notice was attempted and the means of such attempts. In the case of
 2 mailed notice returned undeliverable, the collector's affidavit shall certify that additional notice was
 3 attempted and the means of such attempts. The expense of compliance with this section shall be
 4 taxed and collected as other costs in the suit.

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

10 2. After the court has first determined the validity of the tax liens of all tax bills affecting
 11 parcels of real estate described in the petition, the priorities of the respective tax bills and the
 12 amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court
 13 shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the
 14 foreclosure sale. The petition shall be dismissed as to any parcel of real estate redeemed prior to the
 15 time fixed for the sheriff's foreclosure sale as provided in sections 92.700 to 92.920. If the parcel of
 16 real estate auctioned off at sheriff's foreclosure sale is sold for a sum sufficient to fully pay the
 17 principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's
 18 fees and costs, and for no more, and such sale is confirmed by the court, then all other proceedings
 19 as to such parcels of real estate shall be finally dismissed as to all parties and interests other than tax
 20 bill owners or holders; provided, however, that any parties seeking relief other than an interest in or
 21 lien upon the real estate may continue with said suit to a final adjudication of such other issues;
 22 provided, further, an appeal may be had as to any claim attacking the validity of the tax bill or bills
 23 or the priorities as to payment of proceeds of foreclosure sale. If the parcel of real estate auctioned
 24 off at sheriff's foreclosure sale is sold for a sum greater than the total amount necessary to pay the
 25 principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's
 26 fees and costs, and such sale is confirmed by the court, and no appeal is taken by any person
 27 claiming any right, title or interest in or to or lien upon said parcel of real estate or by any person or
 28 taxing authority owning or holding or claiming any right, title or interest in or to any tax bills within
 29 the time fixed by law for the filing of notice of appeal, the court shall thereupon order the sheriff to
 30 make distribution to the owners or holders of the respective tax bills included in the judgment of the
 31 amounts found to be due and in the order of priorities. Thereafter all proceedings in the suit shall be
 32 ordered by the court to be dismissed as to such persons or taxing authorities owning, holding or
 33 claiming any right, title or interest in any such tax bill or bills so paid, and the case shall proceed as
 34 to any parties claiming any right, title, or interest in or lien upon the parcel of real estate affected by
 35 such tax bill or bills as to their respective claims to such surplus funds then remaining in the hands
 36 of the sheriff. The receipt of such surplus funds shall constitute a bar to any claim of right, title, or
 37 interest in or to, or lien upon, the parcel of real estate by the fund recipient.

38 3. Whenever an answer is filed to the petition, as herein provided, a severance of the action
 39 as to all parcels of real estate affected by such answer shall be granted, and the issues raised by the
 40 petition and such answer shall be tried separate and apart from the other issues in the suit, but the
 41 granting of such severance shall not delay the trial or other disposition of any other issue in the case.
 42 A separate appeal may be taken from any other issue in the case. A separate appeal may be taken
 43 from any action of the court affecting any right, title or interest in or to, or lien upon, such real
 44 estate, other than issues of law and fact affecting the amount or validity of the lien of tax bills, but
 45 the proceeding to foreclose the lien of any tax bills shall not be stayed by such appeal. The trial
 46 shall be conducted by the court without the aid of a jury and the suit shall be in equity. This action
 47 shall take precedence over and shall be triable before any other action in equity affecting the title to
 48 such real estate, upon motion of any interested party.

49 92.810. 1. After the judgment of foreclosure has been entered, or, after a motion for a new

trial has been overruled, or, if an appeal be taken from such judgment and the judgment has been affirmed, after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, there shall be a waiting period of six months before any advertisement of sheriff's sale shall be published.

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

3. No later than one hundred and twenty days prior to the sheriff's sale, the collector shall obtain a title abstract or report on any unredeemed parcels. The title abstract or report shall be obtained from a licensed title company or attorney and subject to a public and competitive bidding process administered by the collector and conducted triennially. The title report shall include all conveyances, liens, and charges against the real estate and shall include the names and mailing addresses of any interested parties and lienholders. The charges of the abstract or report shall be taxed as costs and shall be paid as other costs in the case.

4. No later than twenty days prior to the sheriff's sale, the collector shall send notice of the sale to the lienholders and interested parties, as disclosed upon the title abstract or report of the real estate for which tax bills thereon are delinquent. The notice shall state the date, time, and place of the sale. The notice shall state that the parcel may be redeemed prior to the sale as specified under section 92.750 or by entering into an agreement with the collector to pay the taxes included in the foreclosure suit under section 92.740. The notice required under this subsection shall be mailed in an envelope with postage prepaid. The cost of the mailing and notice as required by this subsection shall be included as costs in the case.

5. No later than ~~[twenty]~~ forty days prior to the sheriff's sale, the ~~[sheriff]~~ collector shall send notice of the sale to the owner or owners, as disclosed upon the records of the assessor, or otherwise known to the collector, of the real estate for which tax bills thereon are delinquent. ~~[The search of the records of the assessor must be made not more than forty days prior to the sending of this notice.]~~ The notices shall be sent to the addresses best calculated to apprise the parties of the proceedings. The notice shall provide the date, time and place of the sale. The notice shall also state that the property owner may avoid the sale by redeeming such parcel of real estate prior to the sale as specified in section 92.750 or by entering into an agreement with the collector to pay the taxes included in the foreclosure suit under section 92.740. The notice required by this subsection shall be mailed in an envelope with postage prepaid. The cost of [the title search,] mailing and notice as required by this subsection shall be included as costs [at the sale of the real estate.

~~_____4.]~~ in the case. The collector shall file with the court an affidavit of compliance with the notice requirements of sections 92.700 to 92.920 prior to any sheriff's sale. The affidavit shall include the identities of all parties to whom notice was attempted and the means thereof. If mailed notice returned undeliverable, the collector's affidavit shall certify that additional notice was attempted and the means thereof.

6. In addition to other notice requirements of the sale, no later than twenty days prior to the sheriff's sale, the sheriff shall enter upon the parcel subject to foreclosure of these tax liens and post a written informational notice in a conspicuous location thereon, attached to a structure, and

intended to be visible by the nearest public right-of-way. The notice shall describe the property; state that the property is the subject of delinquent land tax collection proceedings brought under sections 92.700 to 92.920; state that the property may be sold for the payment of delinquent taxes at a sale; and state the date, time, and place of the sale. The notice shall also contain the serial number, phone number, and address of the collector and a prohibition against removal unless the parcel has been redeemed. The notice shall be no less than eight inches by ten inches and shall be laminated or otherwise sufficiently weatherproof to withstand normal exposure to rain, snow, and other conditions. The sheriff shall document compliance with this section by time-stamped photograph, make such documentation available upon request, and provide verification by affidavit of compliance with this section. The cost of the notice shall be included as costs in the case.

7. In addition to other notice requirements of sale, no later than twenty days prior to the sheriff's sale, the sheriff shall attempt in-person notice. The notice shall describe the property; state that the property is the subject of delinquent land tax collection proceedings brought under sections 92.700 to 92.920; state that the property may be sold for the payment of delinquent taxes at a sale; and state the date, time, and place of the sale. The notice shall also contain the serial number, phone number, and address of the collector. In-person notice may be provided to any person found at the property. The sheriff shall note the date and time of attempted notice and the name, description, or other identifying information regarding the person to whom notice was given, if any. The sheriff shall document compliance with this section, make such documentation available upon request, and provide verification by affidavit of compliance with this section. The cost of in-person notice shall be included as costs in the case.

8. Notwithstanding the provisions of this section to the contrary, any residential property which has not been redeemed by the end of the waiting period required by this section which has been determined to be of substandard quality or condition under the standards established by the residential renovation loan commission pursuant to sections 67.970 to 67.983 may, upon the request of the residential renovation loan commission, be transferred to the residential renovation loan commission for the purpose of renovation of the property. Any such property transferred pursuant to this subsection shall be renovated and sold by the residential renovation loan commission in the manner prescribed in sections 67.970 to 67.983. The residential renovation loan commission shall reimburse the land reutilization authority for all expenses directly incurred in relation to such property under sections 92.700 to 92.920 prior to the transfer.

92.815. 1. During such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by sections 92.700 to 92.920; except that during such time and at any time prior to the time of foreclosure sale by the sheriff, the collector shall enter into a written redemption contract with the owner of any real estate occupied as a homestead and who has not previously defaulted upon any such written redemption contract, provided that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments shall have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with a total assessed valuation of not more than five thousand dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments shall have been made. The collector shall not enter into a redemption contract with respect to any improved parcel not occupied as a homestead.

2. So long as such installments be paid according to the terms of the contract, the six months' waiting period shall be extended, but if any installment be not paid when due, the extension of the waiting period shall be ended and the real estate shall immediately be advertised for sale or

1 included in the next notice of sheriff's foreclosure sale. Notice shall also be sent to the redemption
2 contract ~~[payor]~~ payer as specified in subsection 3 of section 92.810.

3 3. On an annual basis, the collector shall make publicly available the number of parcels
4 under redemption contract under this section.

5 92.817. 1. The court shall stay the sale of any parcel to be sold under a tax foreclosure
6 judgment obtained under this chapter that is the subject of an action filed under sections 447.620 to
7 447.640 if the party that brought such action has, upon order of the court, paid to the circuit court
8 the principal amount of all land taxes then due and owing under the tax foreclosure judgment,
9 exclusive of penalties and interest, prior to the date of any proposed sale under execution.

10 2. Upon the granting by the court of temporary possession of any property under section
11 447.632, the circuit court shall order all principal payments of land taxes paid to the circuit court be
12 transferred to the collector. In addition, in any order granting a final judgment or deed under section
13 447.625 or 447.640, the court shall also order the permanent extinguishment of penalties and
14 interest arising from actions to collect delinquent land taxes due on the subject parcel against the
15 grantee of such deed, and all successors in interest, excluding any defendant in such action.

16 3. If an owner of the tax parcel moves the court for restoration of possession under section
17 447.638, the owner shall pay into the circuit court all land tax amounts currently due and owing on
18 the property including, but not limited to, all statutory penalties, interest, attorney's fees, and court
19 costs retroactive to the date of accrual. Upon an order granting the restoration of possession to an
20 owner under section 447.638, the court shall order that the funds paid to the court under subsection
21 2 of this section be returned to the payer and that the funds paid to the court under this section be
22 paid out to the collector.

23 4. If the party that brought an action under sections 447.620 to 447.640 dismisses its action
24 prior to gaining temporary possession of the property, the party shall recover any amounts paid into
25 the circuit court prior to that date for principal land taxes.

26 92.825. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's
27 deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under
28 execution except as otherwise provided in sections 92.700 to 92.920, and provided that such sale
29 need not occur during the term of court or while the court is in session.

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

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

41 4. No person shall be eligible to bid at the time of the sheriff's sale unless such person has,
42 no later than ten days before the sale date, demonstrated to the satisfaction of the collector or sheriff
43 that he or she is not the owner of any parcel of real estate in the city that is subject to delinquent
44 property taxes, unpaid special tax bills, or vacant building fees. A prospective bidder shall be
45 prohibited from participating in the delinquent land tax sale if they have previously bid at a sheriff's
46 sale and failed to pay bid amounts, confirm the sale, or sign a sheriff's deed. The collector or sheriff
47 may require prospective bidders to submit an affidavit attesting to the requirements of this section
48 and is expressly authorized to permanently preclude any prospective bidder from participating in the
49 sale for failure to comply with this section. Notwithstanding this provision, any taxing authority or

land reutilization authority shall be eligible to bid at any sale conducted under this section without making such a demonstration. The purchaser at a sale conducted by the sheriff shall pay cash immediately at the end of bidding of each parcel on the day of the sale in an amount including all taxes due and owing and other costs ~~[as otherwise provided by law]~~.

92.840. 1. No later than six months after the sheriff sells any parcel of real estate, the court shall, upon its own motion or upon motion of any interested party, set the cause down for hearing to confirm or set aside the foreclosure sale of the real estate, even though such parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. Notice of the hearing shall be sent by any interested party, or the court, moving to confirm the foreclosure sale~~;~~ to each person who ~~[received]~~ was sent notice of sale as specified in subsection 3 of section 92.810 and to any other party due process requires. At the time of such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the value of the property offered on behalf of any interested party to the suit, and shall immediately determine whether an adequate consideration has been paid for each such parcel. Any parcel deemed purchased by the land reutilization authority under section 92.830 shall not require any inquiry as to value. The court's judgment shall include a specific finding that adequate notice was provided to all necessary parties in compliance with due process and sections 92.700 to 92.920 and that recites the notice efforts of the collector, sheriff, and tax sale purchaser. Nothing in this section shall be interpreted to preclude a successful tax sale purchaser from asserting a claim to quiet title to the bid upon parcel under section 527.150.

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

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

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

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

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

4. If there are any funds remaining of the proceeds after the sheriff's sale and after the distribution of such funds as set out in this section and no person entitled to any such funds, whether or not a party to the suit, shall, within two years after such sale, appear and claim the funds, ~~[they]~~ ten percent of the funds shall be distributed to the affordable housing trust fund, or an equivalent fund, of the city operating under sections 92.700 to 92.920 and used for purposes that promote the

1 reduction and prevention of vacant properties, and the remainder of the funds shall be distributed to
 2 the appropriate taxing authorities.

3 5. Any city operating under the provisions of sections 92.700 to 9.920 may, by ordinance,
 4 elect to allocate a portion of its share of the proceeds of the sheriff's sale towards a fund for the
 5 purpose of defending against claims challenging the sufficiency of notice provisions under this
 6 section.

7 6. For the purpose of this section, the term "occupancy permit" shall mean the certificate of
 8 ~~[use and]~~ inspection or occupancy permit for residential or commercial structures as provided for in
 9 the revised municipal code of any city not within a county, which now has or may hereafter have a
 10 population in excess of three hundred thousand inhabitants.

11 ~~[6.]~~ 7. If there is a building or structure on the parcel, the purchaser shall apply for an
 12 occupancy permit from the city or appropriate governmental agency within ten days after the
 13 confirmation hearing. Any purchaser who is a public corporation acting in a governmental capacity
 14 shall not be required to acquire the occupancy permit. When a parcel, acquired at a sheriff sale,
 15 containing a building is sold from a public corporation acting in a governmental capacity, the
 16 subsequent purchaser shall be required to apply for the occupancy permit. Failure to apply for such
 17 occupancy permit within ten days after confirmation shall result in the sale and confirmation being
 18 immediately set aside by the motion of any interested party and that parcel shall again be advertised
 19 and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent
 20 sheriff foreclosure sale.

21 ~~[7.]~~ 8. The sheriff shall include a deed restriction in the sheriff's deed, issued after
 22 confirmation and after the application of an occupancy permit for any parcel containing a building
 23 or structure. The deed restriction shall state that the purchasers at the sheriff's sale who had the
 24 property confirmed and who applied for an occupancy permit shall obtain an occupancy permit for
 25 the building or structure from the appropriate governmental agency prior to any subsequent transfer
 26 or sale of this property. This deed restriction shall ~~[exist as]~~ not be a lien against such real estate
 27 ~~[while the purchasers hold same in the amount of five thousand dollars].~~ The purchasers of the
 28 property at the sheriff sale who had the property confirmed and applied for the occupancy permit
 29 shall agree that in the event of their failure to obtain an occupancy permit prior to any subsequent
 30 transfer of the property, they shall pay to the sheriff the sum of five thousand dollars as fixed,
 31 liquidated and ascertained damages without proof of loss or damages. These damages shall not
 32 constitute a lien on property, and the sheriff shall have the discretionary power to file a lawsuit
 33 against such purchaser for collection of these liquidated damages. These liquidated damages shall
 34 be distributed on a prorated basis to the appropriate taxing authority after the sheriff deducts all
 35 costs, expenses and attorney fees for such lawsuits. The sheriff may employ attorneys as he deems
 36 necessary to collect liquidated damages.

37 9. If any sale is not confirmed within six months after the sale, any set-aside of the sale shall
 38 include a penalty of twenty-five percent of the bid amount over and above the opening bid amount,
 39 and such penalty shall be directed to the affordable housing trust fund or the equivalent fund, if any,
 40 of a city operating under sections 92.700 to 92.920.

41 10. Any interested party, other than the sheriff's sale purchaser, who moves the court to set
 42 aside a sheriff's sale after the issuance of a sheriff's deed made under the provisions of sections
 43 92.700 to 92.920 shall be required to pay into the court the redemption amount otherwise necessary
 44 under section 92.750 prior to the court hearing any such motion to set aside. The court may hear
 45 any motion to confirm brought under the terms of this section should the redemption amount not be
 46 paid by the interested party moving the court to set aside the sale.

47 92.852. Any sheriff's deed given pursuant to the municipal land reutilization law shall be
 48 subject to a recording fee for the costs of recording the deed that shall be assessed and collected
 49 from the purchaser of the property at the same time the proceeds from the sale are collected. All

1 such deeds shall be recorded at the office of the recorder of deeds within two months after the
2 ~~[sheriff's deed is given]~~ court confirms the sale, if no proceeding to set aside the confirmation
3 judgment is before the court.

4 92.855. Each sheriff's deed given pursuant to the provisions of the municipal land
5 reutilization law shall be ~~[presumptive]~~ prima facie evidence that the suit and all proceedings therein
6 and all proceedings prior thereto from and including assessment of the lands affected thereby and all
7 notices required by law were regular and in accordance with all provisions of the law relating
8 thereto. ~~[After two years from the date of the recording of such sheriff's deed, the presumption shall~~
9 ~~be conclusive, unless at the time that this section takes effect the two-year period since the recording~~
10 ~~of such sheriff's deed has expired, or less than six months of such period of two years remains~~
11 ~~unexpired, in which latter case the presumption shall become conclusive six months after September~~
12 ~~28, 1971. No suit to set aside or to attack the validity of any such sheriff's deed shall be commenced~~
13 ~~or maintained unless the suit is filed prior to the time that the presumption becomes conclusive, as~~
14 ~~above.]~~"; and

15
16 Further amend said bill, Page 66, Section 394.315, Line 43, by inserting after all of said section and
17 line the following:

18
19 "442.130. (1) All deeds or other conveyances of lands, or of any estate or interest therein,
20 shall be subscribed by the party granting the same, or by his or her lawful agent, and shall be
21 acknowledged or proved and certified in the manner herein prescribed.

22 (2) All written instruments conveying real estate or any interest in real estate shall state
23 whether any natural person acting as grantor, mortgagor, or other party executing the instrument is
24 married or unmarried."; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.