

FIRST REGULAR SESSION

# HOUSE BILL NO. 1274

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE O'DONNELL.

2445H.011

DANA RADEMAN MILLER, Chief Clerk

### 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.

*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92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.825, 92.840, 92.852, 92.855, and 442.130, RSMo, is repealed and sixteen new sections enacted in lieu thereof, to be known as sections 59.310, 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.817, 92.825, 92.840, 92.852, 92.855, and 442.130, to read as follows:

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

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

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

(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and

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.

14 legible reproduction, such document shall be accompanied by an exact typewritten copy not  
15 smaller than eight-point type to be recorded contemporaneously as additional pages of the  
16 document;

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

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

28 (6) The documents shall have a top margin of at least three inches of vertical space from  
29 left to right, to be reserved for the recorder of deeds' certification and use. All other margins on  
30 the document shall be a minimum of three-fourths of one inch on all sides. Nonessential  
31 information such as form numbers, page numbers or customer notations may be placed in the  
32 margin. A document may be recorded if a minor portion of a seal or incidental writing extends  
33 beyond the margins. The recorder of deeds will not incur any liability for not showing any seal  
34 or information that extends beyond the margins of the permanent archival record.

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

38 (1) The title of the document;

39 (2) The date of the document;

40 (3) All grantors' names **and marital status**;

41 (4) All grantees' names;

42 (5) Any statutory addresses;

43 (6) The legal description of the property; and

44 (7) Reference book and pages for statutory requirements, if applicable.

45

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

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

52           4. Documents which are exempt from format requirements and which the recorder of  
53 deeds may record include the following:

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

55           (2) Military separation papers;

56           (3) Documents executed outside the United States;

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

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

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

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

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

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

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

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

69           (4) For recording a plat or survey of a subdivision, outlets or condominiums: twenty-five  
70 dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four  
71 inches in width by eighteen inches in height. For recording a survey of one or more tracts: five  
72 dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four  
73 inches in width by eighteen inches in height. Any plat or survey larger than eighteen inches by  
74 twenty-four inches shall be counted as an additional sheet for each additional eighteen inches by  
75 twenty-four inches, or fraction thereof, plus five dollars per page of other material;

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

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

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

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

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

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

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

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

12 4. The sheriff may appoint the collector and the collector's deputies as deputy sheriffs,  
13 and when so appointed they may serve all process in matters pertaining to sections 92.700 to  
14 92.920 with like effect as the sheriff himself might do.

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

17 **6. For any improved parcel identified by a city operating under sections 92.700 to**  
18 **92.920 as vacant, the collector shall, no later than two years after delinquency, file suit in**  
19 **a circuit court against such parcel to enforce the lien of the state and the city as provided**  
20 **under sections 92.700 to 92.920. Failure of the collector to bring suit within the two-year**  
21 **period shall not constitute a defense or bar an action for the collection of taxes as otherwise**  
22 **provided under this section.**

92.740. 1. A suit for the foreclosure of the tax liens herein provided for shall be  
2 instituted by filing in the appropriate office of the circuit clerk and with the land reutilization  
3 authority a petition, which petition shall contain a caption, a copy of the list prepared by the  
4 collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

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

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

7 In the Matter of

8 Foreclosure of Liens for Delinquent Land Taxes

9 By Action in Rem.

10 Collector of Revenue of \_\_\_\_\_, Missouri, Plaintiff

11 -vs-

12 Parcels of Land Encumbered with Delinquent Tax Liens, Defendants

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

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

22 **5. The circuit clerk shall assign petitions filed under this section to a circuit court**  
23 **division and not to any associate circuit division.**

24 **6. For each petition filed herein, the collector shall make available to the public a**  
25 **list detailing each parcel included in the suit.**

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

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

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

13 **4. For any improved nonhomestead parcel, any person having any right, title, or**  
14 **interest in, or lien upon, any parcel of real estate described in such petition may redeem**  
15 **the parcel of real estate at any time prior to the time of the foreclosure sale of such real**  
16 **estate by paying to the collector all of the sums due as of the date of redemption mentioned**  
17 **therein. The sums due may include, but not be limited to, principal; interest; penalties;**  
18 **attorney's fees; and any costs then due including, but not limited to, debts owed to the city,**  
19 **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.

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

47 \_\_\_\_\_  
48 Collector of Revenue  
49 \_\_\_\_\_, Missouri  
50 (Name of City)  
51 Address \_\_\_\_\_

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

2 92.770. 1. The collector may employ such attorneys as he deems necessary to collect  
3 such taxes and to prosecute suits for taxes **subject to the prevailing competitive bidding**  
4 **process of the city operating under the provisions of sections 92.700 to 92.920.**

5 2. Such attorneys shall receive as total compensation a sum, not to exceed six percent  
6 of the amount of taxes actually collected and paid into the treasury, and an additional sum not  
7 to exceed two dollars for each suit filed when publication is not necessary and not to exceed five  
8 dollars where publication is necessary, as may be agreed upon in writing and approved by the  
9 collector, before such services are rendered.

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

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

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

3. Whenever an answer is filed to the petition, as herein provided, a severance of the action as to all parcels of real estate affected by such answer shall be granted, and the issues



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

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

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

17 3. **No later than one hundred and twenty days prior to the sheriff's sale, the**  
18 **collector shall obtain a title abstract or report on any unredeemed parcels. Such title**  
19 **abstract or report shall be obtained from a licensed title company or attorney and subject**  
20 **to the competitive bidding process of the city operating under the provisions of sections**  
21 **92.700 to 92.920. The title report shall include all conveyances, liens, and charges against**  
22 **the real estate and the names and mailing addresses of any interested parties and**  
23 **lienholders. The charges of the abstract or report shall be taxed as costs and shall be paid**  
24 **as other costs in the case.**

25 4. **No later than twenty days prior to the sheriff's sale, the collector shall send notice**  
26 **of the sale to the lienholders and interested parties, as disclosed upon the title abstract or**  
27 **report of the real estate for which tax bills thereon are delinquent. The notice shall provide**

28 the date, time, and place of the sale. The notice shall state that the parcel may be redeemed  
29 prior to the sale as specified under section 92.750 or by entering into an agreement with  
30 the collector to pay the taxes included in the foreclosure suit under section 92.740. The  
31 notice required under this subsection shall be mailed in an envelope with postage prepaid.  
32 The cost of the mailing and notice as required by this subsection shall be included as costs  
33 in the case.

34 5. No later than ~~[twenty]~~ **forty** days prior to the sheriff's sale, the ~~[sheriff]~~ **collector** shall  
35 send notice of the sale to the owner or owners, as disclosed upon the records of the assessor, **or**  
36 **otherwise known to the collector**, of the real estate for which tax bills thereon are delinquent.  
37 ~~[The search of the records of the assessor must be made not more than forty days prior to the~~  
38 ~~sending of this notice.]~~ **The notices shall be sent to the addresses best calculated to apprise**  
39 **the parties of the proceedings as provided.** The notice shall provide the date, time and place  
40 of the sale. The notice shall also state that the property owner may avoid the sale by redeeming  
41 such parcel of real estate prior to the sale as specified in section 92.750 or by entering into an  
42 agreement with the collector to pay the taxes included in the foreclosure suit under section  
43 92.740. The notice required by this subsection shall be mailed in an envelope with postage  
44 prepaid. The cost of ~~[the title search,]~~ mailing and notice as required by this subsection shall be  
45 included as costs ~~[at the sale of the real estate.~~

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

51 6. In addition to other notice requirements of the sale, no later than twenty days  
52 prior to the sheriff's sale, the sheriff shall enter upon the parcel subject to foreclosure of  
53 these tax liens and post a written informational notice in a conspicuous location thereon,  
54 attached to a structure, and intended to be visible by the nearest public right-of-way. The  
55 notice shall describe the property; state that the property is the subject of delinquent land  
56 tax collection proceedings brought under sections 92.700 to 92.920; state that the property  
57 may be sold for the payment of delinquent taxes at a sale; and state the date, time, and  
58 place of the sale. The notice shall also contain the serial number, phone number, and  
59 address of the collector and a prohibition against removal unless the parcel has been  
60 redeemed. The notice shall be no less than eight inches by ten inches and shall be  
61 laminated or otherwise sufficiently weatherproof to withstand normal exposure to rain,  
62 snow, and other conditions. The sheriff shall document compliance with this section by  
63 time-stamped photograph, make such documentation available upon request, and provide

64 verification by affidavit of compliance with this section. The cost of the notice shall be  
65 included as costs in the case.

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

78 8. Notwithstanding the provisions of this section to the contrary, any residential property  
79 which has not been redeemed by the end of the waiting period required by this section which has  
80 been determined to be of substandard quality or condition under the standards established by the  
81 residential renovation loan commission pursuant to sections 67.970 to 67.983 may, upon the  
82 request of the residential renovation loan commission, be transferred to the residential renovation  
83 loan commission for the purpose of renovation of the property. Any such property transferred  
84 pursuant to this subsection shall be renovated and sold by the residential renovation loan  
85 commission in the manner prescribed in sections 67.970 to 67.983. The residential renovation  
86 loan commission shall reimburse the land reutilization authority for all expenses directly incurred  
87 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  
2 sale by the sheriff, any interested party may redeem any parcel of real estate as provided by  
3 sections 92.700 to 92.920; except that during such time and at any time prior to the time of  
4 foreclosure sale by the sheriff, the collector shall enter into a written redemption contract with  
5 the owner of any real estate occupied as a homestead and who has not previously defaulted upon  
6 any such written redemption contract, provided that in no instance shall such installments exceed  
7 twelve in number or extend more than twenty-four months next after any agreement for such  
8 installment payments shall have been entered into; provided further, that upon good cause being  
9 shown by the owner of any parcel of real estate occupied as a homestead, or in the case of  
10 improved real estate with a total assessed valuation of not more than five thousand dollars,  
11 owned by an individual, the income from such property being a major factor in the total income  
12 of such individual, or by anyone on his behalf, the court may, in its discretion, fix the time and

13 terms of payment in such contract to permit all of such installments to be paid within not longer  
14 than forty-eight months after any order or agreement as to installment payments shall have been  
15 made. **The collector shall not enter into a redemption contract with respect to any**  
16 **improved parcel not occupied as a homestead.**

17 2. So long as such installments be paid according to the terms of the contract, the six  
18 months' waiting period shall be extended, but if any installment be not paid when due, the  
19 extension of the waiting period shall be ended and the real estate shall immediately be advertised  
20 for sale or included in the next notice of sheriff's foreclosure sale. Notice shall also be sent to  
21 the redemption contract ~~[payer]~~ payer as specified in subsection 3 of section 92.810.

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

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

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

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

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

92.825. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's  
2 deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under

3 execution except as otherwise provided in sections 92.700 to 92.920, and provided that such sale  
4 need not occur during the term of court or while the court is in session.

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

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

17         4. **No person shall be eligible to bid at the time of the sheriff's sale unless such**  
18 **person has, no later than ten days before the sale date, demonstrated to the satisfaction of**  
19 **the collector or sheriff that he or she is not the owner of any parcel of real estate in the city**  
20 **that is subject to delinquent property taxes, unpaid special tax bills, or vacant building**  
21 **fees. A prospective bidder shall be prohibited from participating in the delinquent land**  
22 **tax sale if they have previously bid at a sheriff's sale and failed to pay bid amounts,**  
23 **confirm the sale, or sign a sheriff's deed. The collector or sheriff may require prospective**  
24 **bidders to submit an affidavit attesting to the requirements of this section and is expressly**  
25 **authorized to permanently preclude any prospective bidder from participating in the sale**  
26 **for failure to comply with this section. Notwithstanding this provision, any taxing**  
27 **authority or land reutilization authority shall be eligible to bid at any sale conducted under**  
28 **this section without making such a demonstration.** The purchaser at a sale conducted by the  
29 sheriff shall pay cash immediately at the end of bidding of each parcel on the day of the sale in  
30 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  
2 court shall, upon its own motion or upon motion of any interested party, set the cause down for  
3 hearing to confirm **or set aside** the foreclosure sale of the real estate, even though such parcels  
4 are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. Notice  
5 of the hearing shall be sent by any interested party, or the court, moving to confirm the  
6 foreclosure sale[-] to each person who ~~[received]~~ **was sent** notice of sale as specified in  
7 subsection 3 of section 92.810 **and to any other party due process requires.** At the time of  
8 such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the

9 value of the property offered on behalf of any interested party to the suit, and shall immediately  
10 determine whether an adequate consideration has been paid for each such parcel. **Any parcel**  
11 **deemed purchased by the land reutilization authority under section 92.830 shall not**  
12 **require any inquiry as to value. The court's judgment shall include a specific finding that**  
13 **adequate notice was provided to all necessary parties in compliance with due process and**  
14 **sections 92.700 to 92.920 and that recites the notice efforts of the collector, sheriff, and tax**  
15 **sale purchaser. Nothing in this section shall be interpreted to preclude a successful tax sale**  
16 **purchaser from asserting a claim to quiet title to the bid upon parcel under section 527.150.**

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

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

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

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

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

41 4. If there are any funds remaining of the proceeds after the sheriff's sale and after the  
42 distribution of such funds as set out in this section and no person entitled to any such funds,  
43 whether or not a party to the suit, shall, within two years after such sale, appear and claim the  
44 funds, ~~they~~ **ten percent of the funds** shall be distributed **to the affordable housing trust**

45 **fund, or an equivalent fund, of the city operating under sections 92.700 to 92.920 and used**  
46 **for purposes that promote the reduction and prevention of vacant properties, and the**  
47 **remainder of the funds shall be distributed** to the appropriate taxing authorities.

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

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

56 ~~[6-]~~ **7.** If there is a building or structure on the parcel, the purchaser shall apply for an  
57 occupancy permit from the city or appropriate governmental agency within ten days after the  
58 confirmation hearing. Any purchaser who is a public corporation acting in a governmental  
59 capacity shall not be required to acquire the occupancy permit. When a parcel, acquired at a  
60 sheriff sale, containing a building is sold from a public corporation acting in a governmental  
61 capacity, the subsequent purchaser shall be required to apply for the occupancy permit. Failure  
62 to apply for such occupancy permit within ten days after confirmation shall result in the sale and  
63 confirmation being immediately set aside by the motion of any interested party and that parcel  
64 shall again be advertised and offered for sale by the sheriff to the highest bidder at public auction  
65 for cash at any subsequent sheriff foreclosure sale.

66 ~~[7-]~~ **8.** The sheriff shall include a deed restriction in the sheriff's deed, issued after  
67 confirmation and after the application of an occupancy permit for any parcel containing a  
68 building or structure. The deed restriction shall state that the purchasers at the sheriff's sale who  
69 had the property confirmed and who applied for an occupancy permit shall obtain an occupancy  
70 permit for the building or structure from the appropriate governmental agency prior to any  
71 subsequent transfer or sale of this property. This deed restriction shall ~~[exist as]~~ **not be** a lien  
72 against such real estate ~~[while the purchasers hold same in the amount of five thousand dollars]~~.  
73 The purchasers of the property at the sheriff sale who had the property confirmed and applied  
74 for the occupancy permit shall agree that in the event of their failure to obtain an occupancy  
75 permit prior to any subsequent transfer of the property, they shall pay to the sheriff the sum of  
76 five thousand dollars as fixed, liquidated and ascertained damages without proof of loss or  
77 damages. **These damages shall not constitute a lien on property, and** the sheriff shall have  
78 the discretionary power to file a lawsuit against such purchaser for collection of these liquidated  
79 damages. These liquidated damages shall be distributed on a prorated basis to the appropriate

80 taxing authority after the sheriff deducts all costs, expenses and attorney fees for such lawsuits.  
81 The sheriff may employ attorneys as he deems necessary to collect liquidated damages.

82 **9. If a purchaser applies for an occupancy permit or certificate of inspection from**  
83 **a city operating under sections 92.700 to 92.920 but allows the application to expire and if**  
84 **inspectors do not inspect the parcel within one hundred twenty days of the application, the**  
85 **cost of the application shall be dedicated to the sheriff for purposes of providing notice to**  
86 **interested parties under subsection 6 of section 92.810.**

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

91 **11. Any interested party, other than the sheriff's sale purchaser, who moves the**  
92 **court to set aside a sheriff's sale after the issuance of a sheriff's deed made under the**  
93 **provisions of sections 92.700 to 92.920 shall be required to pay into the court the**  
94 **redemption amount otherwise necessary under section 92.750 prior to the court hearing**  
95 **any such motion to set aside. The court may hear any motion to confirm brought under**  
96 **the terms of this section should the redemption amount not be paid by the interested party**  
97 **moving the court to set aside the sale.**

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

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



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

4       **(2) All written instruments conveying real estate or any interest in real estate**  
5 **executed and offered for record shall state whether any natural person acting as grantor,**  
6 **mortgagor, or other party executing the instrument are married or unmarried. The**  
7 **recorder of deeds of the county in which the instrument is offered for record shall refuse**  
8 **to receive the instrument for record unless it conforms to this subsection.**

✓