

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1274
101ST GENERAL ASSEMBLY

2445H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 59.310, 59.313, 67.1360, 92.720, 92.740, 92.750, 92.760, 92.765, 92.775, 92.810, 92.815, 92.825, 92.840, 92.852, 92.855, 94.834, 94.838, 442.130, and 442.403, RSMo, and to enact in lieu thereof twenty-four new sections relating to political subdivisions.

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

Section A. Sections 59.310, 59.313, 67.1360, 92.720, 92.740, 92.750, 92.760, 92.765, 92.775, 92.810, 92.815, 92.825, 92.840, 92.852, 92.855, 94.834, 94.838, 442.130, and 442.403, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 59.310, 59.313, 67.1011, 67.1013, 67.1360, 92.720, 92.740, 92.750, 92.760, 92.765, 92.775, 92.810, 92.815, 92.817, 92.825, 92.840, 92.852, 92.855, 94.834, 94.838, 94.842, 94.1014, 442.130, and 442.403, 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;

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.

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

61 **(7) Any certificate of release of prohibited covenants.**

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

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

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

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

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

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

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

80 (6) For a document which releases or assigns more than one item: five dollars for each
81 item beyond one released or assigned in addition to any other charges which may apply;
82 **however, for recording a document that releases prohibited covenants: no fee;**

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

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

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

59.313. 1. The recorder of deeds in a city not within a county may refuse any document
2 presented for recording that does not meet the following requirements:

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

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

12 (3) The document must be of sufficient legibility to produce a clear and legible
13 reproduction thereof. Should any document not be of sufficient legibility to produce a clear and
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 or light-colored paper of not less than twenty-pound
18 weight without watermarks or other visible inclusions, except for plats and surveys, which may
19 be on materials such as Mylar or velum. All text within the document shall be of sufficient color
20 and clarity to ensure that when the text is reproduced from record, it shall be readable;

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

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

- 38 (1) The title of the document;
- 39 (2) The date of the document;
- 40 (3) All grantors' names;
- 41 (4) All grantees' names;
- 42 (5) Any statutory addresses;
- 43 (6) The legal description or descriptions of the property; and
- 44 (7) Reference book and page for statutory requirements, if applicable.

45

46 If there is not sufficient room on the first page for all the required information, the page reference
47 within the document where the information is set out shall be placed on the first page.

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

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

- 53 (1) Documents which were signed prior to January 1, 2002;
- 54 (2) Military separation papers;
- 55 (3) Documents executed outside the United States;
- 56 (4) Certified copies of documents, including birth and death certificates;
- 57 (5) Any document where one of the original parties is deceased or otherwise
58 incapacitated; ~~and~~
- 59 (6) Judgments or other documents formatted to meet court requirements; **and**
- 60 **(7) Any certificate of release of prohibited covenants.**

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: ten dollars for the first page and five dollars
- 65 for each page thereafter;
- 66 (2) For copying or reproducing any recorded instrument, except surveys and plats: three
- 67 dollars for the first page and two dollars for each page thereafter;
- 68 (3) For every certificate and seal, except when recording an instrument: two dollars;
- 69 (4) For recording a plat or survey of a subdivision, outlots or condominiums: forty-four
- 70 dollars for each sheet of drawings and calculations based on a size of not to exceed twenty-four
- 71 inches in width by eighteen inches in height, plus ten dollars for each page of other materials;
- 72 (5) For recording a survey of one tract of land, in the form of one sheet not to exceed
- 73 twenty-four inches in width by eighteen inches in height: eight dollars;
- 74 (6) For copying a plat or survey: eight dollars for each page;
- 75 (7) For every certified copy of a marriage license or application for a marriage license:
- 76 five dollars;
- 77 (8) For releasing on the margin: eight dollars for each item released;
- 78 (9) For a document which releases or assigns more than one item: seven dollars and fifty
- 79 cents for each item beyond one released or assigned in addition to any other charges which may
- 80 apply; **however, for recording a document that releases a prohibited covenant: no fee;** and
- 81 (10) For duplicate reels of microfilm: thirty dollars each.
- 82
- 83 For all other use of equipment, personnel services and office space the recorder of deeds shall
- 84 set attendant fees.

67.1011. 1. The governing body of any city of the third classification with more

2 than four thousand but fewer than four thousand five hundred inhabitants and located in

3 any county of the third classification with a township form of government and with more

4 than sixteen thousand but fewer than eighteen thousand inhabitants may impose a tax as

5 provided in this section.

6 2. The governing body of any city described under subsection 1 of this section may

7 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or

8 motels situated in the city, which shall be no more than six percent per occupied room per

9 night. The tax shall not become effective unless the governing body of the city submits to

10 the voters of the city at an election a question to authorize the governing body of the city

11 to impose the tax. The tax shall be in addition to the charge for the sleeping room and shall

12 be in addition to any and all other taxes. The tax shall be stated separately from all other

13 charges and taxes.

14 3. The question for the tax shall be in substantially the following form:

15 Shall _____ (city name) impose a tax on the charges for all sleeping
16 rooms paid by the transient guests of hotels and motels situated in
17 _____ (city name) at a rate of _____ percent?

18 ☐ YES ☐ NO

19

20 If a majority of the votes cast on the question by the qualified voters voting thereon are in
21 favor of the question, the tax shall become effective on the first day of the second calendar
22 quarter following the calendar quarter in which the election was held. If a majority of the
23 votes cast on the question by the qualified voters voting thereon are opposed to the
24 question, the tax shall not become effective unless and until the question is resubmitted
25 under this section to the qualified voters and such question is approved by a majority of
26 the qualified voters voting thereon.

27 4. As used in this section, "transient guests" means a person or persons who occupy
28 a room or rooms in a hotel or motel for thirty-one days or less during any calendar
29 quarter.

 67.1013. 1. The governing body of any city of the fourth classification with more
2 than ten thousand but fewer than eleven thousand four hundred inhabitants and located
3 in any county of the first classification with more than ninety-two thousand but fewer than
4 one hundred one thousand inhabitants may impose a tax as provided in this section.

5 2. The governing body of any city described under subsection 1 of this section may
6 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or
7 motels situated in the city, which shall be no more than six percent per occupied room per
8 night. The tax shall not become effective unless the governing body of the city submits a
9 question to the voters of the city at an election to authorize the governing body of the city
10 to impose the tax and the voters approve the question. The tax shall be in addition to the
11 charge for the sleeping room and shall be in addition to any and all other taxes. The tax
12 shall be stated separately from all other charges and taxes.

13 3. The question for the tax shall be in substantially the following form:

14 Shall _____ (city name) impose a tax on the charges for all
15 sleeping rooms paid by the transient guests of hotels and motels
16 situated in _____ (city name) at a rate of _____ percent?

17 ☐ YES ☐ NO

18

19 If a majority of the votes cast on the question by the qualified voters voting thereon are in
20 favor of the question, the tax shall become effective on the first day of the second calendar
21 quarter following the calendar quarter in which the election was held. If a majority of the

22 **votes cast on the question by the qualified voters voting thereon are opposed to the**
23 **question, the tax shall not become effective unless and until the question is resubmitted**
24 **under this section to the qualified voters and such question is approved by a majority of**
25 **the qualified voters voting thereon.**

26 **4. As used in this section, "transient guests" means a person or persons who occupy**
27 **a room or rooms in a hotel or motel for thirty-one days or less during any calendar**
28 **quarter.**

67.1360. 1. The governing body of the following cities and counties may impose a tax
2 as provided in this section:

3 (1) A city with a population of more than seven thousand and less than seven thousand
4 five hundred;

5 (2) A county with a population of over nine thousand six hundred and less than twelve
6 thousand which has a total assessed valuation of at least sixty-three million dollars, if the county
7 submits the issue to the voters of such county prior to January 1, 2003;

8 (3) A third class city which is the county seat of a county of the third classification
9 without a township form of government with a population of at least twenty-five thousand but
10 not more than thirty thousand inhabitants;

11 (4) Any fourth class city having, according to the last federal decennial census, a
12 population of more than one thousand eight hundred fifty inhabitants but less than one thousand
13 nine hundred fifty inhabitants in a county of the first classification with a charter form of
14 government and having a population of greater than six hundred thousand but less than nine
15 hundred thousand inhabitants;

16 (5) Any city having a population of more than three thousand but less than eight
17 thousand inhabitants in a county of the fourth classification having a population of greater than
18 forty-eight thousand inhabitants;

19 (6) Any city having a population of less than two hundred fifty inhabitants in a county
20 of the fourth classification having a population of greater than forty-eight thousand inhabitants;

21 (7) Any fourth class city having a population of more than two thousand five hundred
22 but less than three thousand inhabitants in a county of the third classification having a population
23 of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

24 (8) Any third class city with a population of more than three thousand two hundred but
25 less than three thousand three hundred located in a county of the third classification having a
26 population of more than thirty-five thousand but less than thirty-six thousand;

27 (9) Any county of the second classification without a township form of government and
28 a population of less than thirty thousand;

- 29 (10) Any city of the fourth class in a county of the second classification without a
30 township form of government and a population of less than thirty thousand;
- 31 (11) Any county of the third classification with a township form of government and a
32 population of at least twenty-eight thousand but not more than thirty thousand;
- 33 (12) Any city of the fourth class with a population of more than one thousand eight
34 hundred but less than two thousand in a county of the third classification with a township form
35 of government and a population of at least twenty-eight thousand but not more than thirty
36 thousand;
- 37 (13) Any city of the third class with a population of more than seven thousand two
38 hundred but less than seven thousand five hundred within a county of the third classification with
39 a population of more than twenty-one thousand but less than twenty-three thousand;
- 40 (14) Any fourth class city having a population of more than two thousand eight hundred
41 but less than three thousand one hundred inhabitants in a county of the third classification with
42 a township form of government having a population of more than eight thousand four hundred
43 but less than nine thousand inhabitants;
- 44 (15) Any fourth class city with a population of more than four hundred seventy but less
45 than five hundred twenty inhabitants located in a county of the third classification with a
46 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- 47 (16) Any third class city with a population of more than three thousand eight hundred
48 but less than four thousand inhabitants located in a county of the third classification with a
49 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- 50 (17) Any fourth class city with a population of more than four thousand three hundred
51 but less than four thousand five hundred inhabitants located in a county of the third classification
52 without a township form of government with a population greater than sixteen thousand but less
53 than sixteen thousand two hundred inhabitants;
- 54 (18) Any fourth class city with a population of more than two thousand four hundred but
55 less than two thousand six hundred inhabitants located in a county of the first classification
56 without a charter form of government with a population of more than fifty-five thousand but less
57 than sixty thousand inhabitants;
- 58 (19) Any fourth class city with a population of more than two thousand five hundred but
59 less than two thousand six hundred inhabitants located in a county of the third classification with
60 a population of more than nineteen thousand one hundred but less than nineteen thousand two
61 hundred inhabitants;
- 62 (20) Any county of the third classification without a township form of government with
63 a population greater than sixteen thousand but less than sixteen thousand two hundred
64 inhabitants;

65 (21) Any county of the second classification with a population of more than forty-four
66 thousand but less than fifty thousand inhabitants;

67 (22) Any third class city with a population of more than nine thousand five hundred but
68 less than nine thousand seven hundred inhabitants located in a county of the first classification
69 without a charter form of government and with a population of more than one hundred ninety-
70 eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

71 (23) Any city of the fourth classification with more than five thousand two hundred but
72 less than five thousand three hundred inhabitants located in a county of the third classification
73 without a township form of government and with more than twenty-four thousand five hundred
74 but less than twenty-four thousand six hundred inhabitants;

75 (24) Any third class city with a population of more than nineteen thousand nine hundred
76 but less than twenty thousand in a county of the first classification without a charter form of
77 government and with a population of more than one hundred ninety-eight thousand but less than
78 one hundred ninety-eight thousand two hundred inhabitants;

79 (25) Any city of the fourth classification with more than two thousand six hundred but
80 less than two thousand seven hundred inhabitants located in any county of the third classification
81 without a township form of government and with more than fifteen thousand three hundred but
82 less than fifteen thousand four hundred inhabitants;

83 (26) Any county of the third classification without a township form of government and
84 with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

85 (27) Any city of the fourth classification with more than five thousand four hundred but
86 fewer than five thousand five hundred inhabitants and located in more than one county;

87 (28) Any city of the fourth classification with more than six thousand three hundred but
88 fewer than six thousand five hundred inhabitants and located in more than one county through
89 the creation of a tourism district which may include, in addition to the geographic area of such
90 city, the area encompassed by the portion of the school district, located within a county of the
91 first classification with more than ninety-three thousand eight hundred but fewer than ninety-
92 three thousand nine hundred inhabitants, having an average daily attendance for school year
93 2005-06 between one thousand eight hundred and one thousand nine hundred;

94 (29) Any city of the fourth classification with more than seven thousand seven hundred
95 but less than seven thousand eight hundred inhabitants located in a county of the first
96 classification with more than ninety-three thousand eight hundred but less than ninety-three
97 thousand nine hundred inhabitants;

98 (30) Any city of the fourth classification with more than two thousand nine hundred but
99 less than three thousand inhabitants located in a county of the first classification with more than

100 seventy-three thousand seven hundred but less than seventy-three thousand eight hundred
101 inhabitants;

102 (31) Any city of the third classification with more than nine thousand three hundred but
103 less than nine thousand four hundred inhabitants;

104 (32) Any city of the fourth classification with more than three thousand eight hundred
105 but fewer than three thousand nine hundred inhabitants and located in any county of the first
106 classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine
107 thousand eight hundred inhabitants;

108 (33) Any city of the fourth classification with more than one thousand eight hundred but
109 fewer than one thousand nine hundred inhabitants and located in any county of the first
110 classification with more than one hundred thirty-five thousand four hundred but fewer than one
111 hundred thirty-five thousand five hundred inhabitants;

112 (34) Any county of the third classification without a township form of government and
113 with more than twelve thousand one hundred but fewer than twelve thousand two hundred
114 inhabitants;

115 (35) Any city of the fourth classification with more than three thousand eight hundred
116 but fewer than four thousand inhabitants and located in more than one county; provided,
117 however, that motels owned by not-for-profit organizations are exempt;

118 (36) Any city of the fourth classification with more than five thousand but fewer than
119 five thousand five hundred inhabitants and located in any county with a charter form of
120 government and with more than two hundred thousand but fewer than three hundred fifty
121 thousand inhabitants; ~~[or]~~

122 (37) Any city with more than four thousand but fewer than five thousand five hundred
123 inhabitants and located in any county of the fourth classification with more than thirty thousand
124 but fewer than forty-two thousand inhabitants;

125 **(38) Any city of the third classification with more than nine thousand but fewer**
126 **than ten thousand inhabitants and located in more than one county; or**

127 **(39) Any city of the third classification with more than two thousand one hundred**
128 **but fewer than two thousand four hundred inhabitants and partially located in any county**
129 **of the third classification with a township form of government and with more than twelve**
130 **thousand but fewer than fourteen thousand inhabitants.**

131 2. The governing body of any city or county listed in subsection 1 of this section may
132 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels,
133 bed and breakfast inns, and campgrounds and any docking facility that rents slips to recreational
134 boats that are used by transients for sleeping, which shall be at least two percent but not more
135 than five percent per occupied room per night, except that such tax shall not become effective

136 unless the governing body of the city or county submits to the voters of the city or county at a
137 state general, primary, or special election, a proposal to authorize the governing body of the city
138 or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax
139 authorized by this section and section 67.1362 shall be in addition to any charge paid to the
140 owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds
141 of such tax shall be used by the city or county solely for funding the promotion of tourism. Such
142 tax shall be stated separately from all other charges and taxes.

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

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.

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 _____

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

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

6 2. After the court has first determined the validity of the tax liens of all tax bills affecting
7 parcels of real estate described in the petition, the priorities of the respective tax bills and the
8 amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court
9 shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the

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

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

45 the suit shall be in equity. This action shall take precedence over and shall be triable before any
46 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. The title**
19 **abstract or report shall be obtained from a licensed title company or attorney and subject**
20 **to a public and competitive bidding process administered by the collector and conducted**
21 **triennially. The title report shall include all conveyances, liens, and charges against the**
22 **real estate and shall include 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 state**
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.** The notice shall provide the date, time and place of the sale.
40 The notice shall also state that the property owner may avoid the sale by redeeming such parcel
41 of real estate prior to the sale as specified in section 92.750 or by entering into an agreement with
42 the collector to pay the taxes included in the foreclosure suit under section 92.740. The notice
43 required by this subsection shall be mailed in an envelope with postage prepaid. The cost of ~~[the~~
44 ~~title search,]~~ mailing and notice as required by this subsection shall be included as costs ~~[at the~~
45 ~~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 **of the collector's and sheriff's** costs including appraiser's fee
33 and attorney's fees;

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

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

49 5. Any city operating under the provisions of sections 92.700 to 9.920 may, by
50 ordinance, elect to allocate a portion of its share of the proceeds of the sheriff's sale

51 **towards a fund for the purpose of defending against claims challenging the sufficiency of**
52 **notice provisions under this section.**

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

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

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

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

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

 94.834. 1. The governing body of any city of the third classification with more than
2 twelve thousand four hundred but less than twelve thousand five hundred inhabitants, the
3 governing body of any city of the fourth classification with more than two thousand three
4 hundred but less than two thousand four hundred inhabitants and located in any county of the
5 fourth classification with more than thirty-two thousand nine hundred but less than thirty-three
6 thousand inhabitants, ~~[and]~~ the governing body of any city of the fourth classification with more
7 than one thousand six hundred but less than one thousand seven hundred inhabitants and located
8 in any county of the fourth classification with more than twenty-three thousand seven hundred
9 but less than twenty-three thousand eight hundred inhabitants, **and the governing body of any**
10 **city of the fourth classification with more than eight thousand but fewer than nine**
11 **thousand inhabitants and located partially in any county of the first classification with**
12 **more than two hundred thousand but fewer than two hundred sixty thousand inhabitants**

13 **and partially in any county of the first classification with more than eighty-three thousand**
14 **but fewer than ninety-two thousand inhabitants and with a city of the fourth classification**
15 **with more than four thousand five hundred but fewer than five thousand inhabitants as**
16 **the county seat** may impose a tax on the charges for all sleeping rooms paid by the transient
17 guests of hotels or motels situated in the city or a portion thereof, which shall be not more than
18 five percent per occupied room per night, except that such tax shall not become effective unless
19 the governing body of the city submits to the voters of the city at a state general or primary
20 election a proposal to authorize the governing body of the city to impose a tax pursuant to this
21 section. The tax authorized in this section shall be in addition to the charge for the sleeping
22 room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city
23 solely for the promotion of tourism. Such tax shall be stated separately from all other charges
24 and taxes.

25 2. The ballot of submission for the tax authorized in this section shall be in substantially
26 the following form:

27 Shall (insert the name of the city) impose a tax on the charges for all sleeping
28 rooms paid by the transient guests of hotels and motels situated in (name of city)
29 at a rate of (insert rate of percent) percent for the sole purpose of promoting
30 tourism?

31 ☐ YES ☐ NO

32

33 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
34 of the question, then the tax shall become effective on the first day of the second calendar quarter
35 following the calendar quarter in which the election was held. If a majority of the votes cast on
36 the question by the qualified voters voting thereon are opposed to the question, then the tax
37 authorized by this section shall not become effective unless and until the question is resubmitted
38 pursuant to this section to the qualified voters of the city and such question is approved by a
39 majority of the qualified voters of the city voting on the question.

40 3. As used in this section, "transient guests" means a person or persons who occupy a
41 room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

94.838. 1. As used in this section, the following terms mean:

2 (1) "Food", all articles commonly used for food or drink, including alcoholic beverages,
3 the provisions of chapter 311 notwithstanding;

4 (2) "Food establishment", any café, cafeteria, lunchroom, or restaurant which sells food
5 at retail;

6 (3) "Municipality", any ~~village or fourth class city with more than two hundred but less~~
7 ~~than three hundred inhabitants and located in any county of the third classification with a~~

8 ~~township form of government and with more than twelve thousand five hundred but less than~~
9 ~~twelve thousand six hundred inhabitants]~~ **city of the fourth class with more than one hundred**
10 **sixty but fewer than one hundred eighty inhabitants and located in any county of the third**
11 **classification with a township form of government and with more than twelve thousand but**
12 **fewer than fourteen thousand inhabitants and with a city of the fourth classification with**
13 **more than four thousand five hundred but fewer than five thousand inhabitants as the**
14 **county seat;**

15 (4) "Transient guest", a person or persons who occupy a room or rooms in a hotel or
16 motel for thirty-one days or less during any calendar quarter.

17 2. The governing body of any municipality may impose, by order or ordinance:

18 (1) A tax, not to exceed six percent per room per night, on the charges for all sleeping
19 rooms paid by the transient guests of hotels or motels situated in the municipality or a portion
20 thereof; and

21 (2) A tax, not to exceed ~~[two]~~ **six** percent, on the gross receipts derived from the retail
22 sales of food by every person operating a food establishment in the municipality.

23

24 The taxes shall be imposed solely for ~~[the purpose of funding the construction, maintenance, and~~
25 ~~operation of capital improvements]~~ **general revenue purposes**. The order or ordinance shall not
26 become effective unless the governing body of the municipality submits to the voters of the
27 municipality at a state general or primary election a proposal to authorize the governing body of
28 the municipality to impose taxes under this section. The taxes authorized in this section shall
29 be in addition to the charge for the sleeping room, the retail sales of food at a food establishment,
30 and all other taxes imposed by law, and shall be stated separately from all other charges and
31 taxes.

32 3. The ballot of submission for the taxes authorized in this section shall be in
33 substantially the following form:

34 Shall _____ (insert the name of the municipality) impose a tax on the charges
35 for all retail sales of food at a food establishment situated in _____ (name of
36 municipality) at a rate of _____ (insert rate of percent) percent, and for all
37 sleeping rooms paid by the transient guests of hotels and motels situated in
38 _____ (name of municipality) at a rate of _____ (insert rate of percent) percent,
39 solely for the purpose of ~~[funding the construction, maintenance, and operation~~
40 ~~of capital improvements]~~ **increasing general revenue funds?**

41 ☐ YES ☐ NO

42

43 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
44 of the question, then the taxes shall become effective on the first day of the second calendar
45 quarter after the director of revenue receives notice of the adoption of the taxes. If a majority of
46 the votes cast on the question by the qualified voters voting thereon are opposed to the question,
47 then the taxes shall not become effective unless and until the question is resubmitted under this
48 section to the qualified voters and such question is approved by a majority of the qualified voters
49 voting on the question.

50 4. Any tax on the retail sales of food imposed under this section shall be administered,
51 collected, enforced, and operated as required in section 32.087, and any transient guest tax
52 imposed under this section shall be administered, collected, enforced, and operated by the
53 municipality imposing the tax. All revenue generated by the tax shall be deposited in a special
54 trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds
55 remaining in the special trust fund shall continue to be used solely for the designated purposes.
56 Any funds in the special trust fund which are not needed for current expenditures may be
57 invested in the same manner as other funds are invested. Any interest and moneys earned on
58 such investments shall be credited to the fund.

59 5. Once the initial bonds, if any, have been satisfied, then the governing body of any
60 municipality that has adopted the taxes authorized in this section may submit the question of
61 repeal of the taxes to the voters on any date available for elections for the municipality. The
62 ballot of submission shall be in substantially the following form:

63 Shall _____ (insert the name of the municipality) repeal the taxes imposed at the
64 rates of _____ (insert rate of percent) and _____ (insert rate of percent) percent
65 for the purpose of ~~[funding the construction, maintenance, and operation of~~
66 ~~capital improvements]~~ **increasing general revenue funds?**

67 ☐ YES ☐ NO

68

69 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
70 effective on December thirty-first of the calendar year in which such repeal was approved. If a
71 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
72 the repeal, then the tax authorized in this section shall remain effective until the question is
73 resubmitted under this section to the qualified voters, and the repeal is approved by a majority
74 of the qualified voters voting on the question.

75 6. Once the initial bonds, if any, have been satisfied, then, whenever the governing body
76 of any municipality that has adopted the taxes authorized in this section receives a petition,
77 signed by ten percent of the registered voters of the municipality voting in the last gubernatorial
78 election, calling for an election to repeal the taxes imposed under this section, the governing

79 body shall submit to the voters of the municipality a proposal to repeal the taxes. If a majority
80 of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal,
81 that repeal shall become effective on December thirty-first of the calendar year in which such
82 repeal was approved. If a majority of the votes cast on the question by the qualified voters voting
83 thereon are opposed to the repeal, then the tax shall remain effective until the question is
84 resubmitted under this section to the qualified voters and the repeal is approved by a majority of
85 the qualified voters voting on the question.

**94.842. 1. The governing body of any home rule city with more than one hundred
2 fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on
3 the charges for all sleeping rooms paid by the transient guests of hotels or motels situated
4 in the city, which shall not be more than two and one-half percent per occupied room per
5 night. Such tax shall only become effective if the governing body of the city submits a
6 proposal to the voters of the city at a general election that authorizes the governing body
7 of the city to impose a tax under the provisions of this section and the voters approve such
8 proposal. The tax authorized under this section shall be in addition to the charge for a
9 sleeping room and shall be in addition to any and all taxes imposed by law. The revenue
10 of such tax shall be used solely for capital improvements that can be demonstrated to
11 increase the number of overnight visitors. Such tax shall be stated separately from all
12 other charges and taxes.**

**13 2. The proposal shall be submitted in substantially the following form:
14 Shall the city of _____ levy a tax of ____ percent on each sleeping room
15 occupied and rented by transient guests of hotels and motels located in the
16 city, whose revenue shall be dedicated to capital improvements to increase
17 tourism?**

18 ☐ YES ☐ NO

19

**20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
21 favor of the proposal, the tax shall become effective on the first day of the calendar quarter
22 following the calendar quarter in which the election is held. If a majority of the votes cast
23 on the proposal by the qualified voters voting thereon are opposed to the proposal, the
24 governing body for the city shall have no power to impose the tax authorized by this section
25 unless and until the governing body of the city again submits the proposal to the qualified
26 voters of the city and such proposal is approved by a majority of the qualified voters voting
27 thereon.**

28 **3. After the approval of a proposal but before the effective date of a tax authorized**
29 **under this section, the city shall adopt one of the following provisions for the collection and**
30 **administration of the tax:**

31 **(1) The city may adopt rules and regulations for the internal collection of such tax**
32 **by the city officers usually responsible for collection and administration of city taxes; or**

33 **(2) The city may enter into an agreement with the director of revenue for the**
34 **purpose of collecting the tax authorized under this section. If a city enters into an**
35 **agreement with the director of revenue for the collection of the tax authorized in this**
36 **section, the director shall perform all functions incident to the administration, collection,**
37 **enforcement, and operation of such tax, and the director of revenue shall collect the**
38 **additional tax authorized under this section. The tax authorized under this section shall**
39 **be collected and reported upon such forms and under such administrative rules and**
40 **regulations as may be prescribed by the director of revenue, and the director of revenue**
41 **may retain up to one percent for cost of collection.**

42 **4. The city shall post on the official city website information about the tax**
43 **including, but not limited to, the rate imposed and the capital improvements for which the**
44 **revenue has been or will be used.**

45 **5. As used in this section, "transient guests" means a person or persons who occupy**
46 **a room or rooms in a hotel, motel, or tourist court for less than thirty-one consecutive days.**

94.1014. 1. (1) The governing body of any city of the fourth classification with
2 **more than three thousand seven hundred but fewer than four thousand inhabitants and**
3 **located in any county of the first classification with more than one hundred fifty thousand**
4 **but fewer than two hundred thousand inhabitants may impose a tax on the charges for all**
5 **sleeping rooms paid by the transient guests of hotels or motels situated in the city or a**
6 **portion thereof. The tax shall not be more than five percent per occupied room per night.**

7 **(2) The tax shall not become effective unless the governing body of the city, on a**
8 **general election day not earlier than the 2022 general election, submits to the voters of the**
9 **city a proposal to authorize the city to impose a tax under this section and the voters**
10 **approve the tax.**

11 **(3) The tax shall be in addition to the charge for the sleeping room and all other**
12 **taxes imposed by law. The tax shall be stated separately from all other charges and taxes.**

13 **(4) The proceeds of the tax shall be used by the city for the promotion of tourism;**
14 **growth of the region; economic development purposes; and public safety purposes**
15 **including, but not limited to, equipment expenditures, employee salaries and benefits, and**
16 **facilities for police, firefighters, or emergency medical providers.**

17 **2. The ballot language for authorization of the tax shall be in substantially the**
18 **following form:**

19 **Shall _____ (name of the city) impose a tax on the charges for all sleeping**
20 **rooms paid by the transient guests of hotels and motels situated in _____**
21 **(name of the city) at a rate of _____ percent for the promotion of tourism,**
22 **growth of the region, economic development, and public safety?**

23 ☐ **YES** ☐ **NO**

24

25 **If a majority of the votes cast on the proposal by qualified voters approve the proposal, the**
26 **tax shall become effective on the first day of the second calendar quarter following the**
27 **election. If a majority of the votes cast on the proposal by qualified voters oppose the**
28 **proposal, the tax shall not become effective unless and until the proposal is again submitted**
29 **to the voters of the city and is approved by a majority of the qualified voters voting**
30 **thereon.**

31 **3. The governing body of any city authorized to levy a sales tax pursuant to this**
32 **section shall include information on the city's website on the tax rate and the purposes for**
33 **which the tax is levied.**

34 **4. As used in this section, "transient guest" means any person who occupies a room**
35 **or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.**

 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 shall**
5 **state whether any natural person acting as grantor, mortgagor, or other party executing**
6 **the instrument is married or unmarried.**

 442.403. 1. Any restrictive covenant recitals on property, real or personal, found in any
2 deeds, plats, restrictions, covenants, or other conveyances of any type or nature, filed for record
3 at any time in the office of the recorder of deeds in any county~~[, which relate]~~ **that relates** to the
4 race, color, religion, or national origin of any person~~;~~ shall be void and unenforceable~~;~~ and
5 shall be ignored, as if the same never existed.

6 2. Any person or legal entity with an interest in real property or any agent of such person
7 or entity, shall not incur any liability by reason of the mere existence of a restrictive covenant
8 described in subsection 1 of this section in any document filed for record before May 3, 1948,
9 in any recorder of deeds' office.

10 **3. No deed recorded on or after August 28, 2021, shall contain a reference to the**
11 **specific portion of a restrictive covenant purporting to restrict the ownership or use of the**

12 property as prohibited under subsection 1 of this section. A recorder of deeds may refuse
13 to accept any deed submitted for recording that references the specific portion of any such
14 restrictive covenant. The attorney who prepares or submits a deed for recording has the
15 responsibility of ensuring that the specific portion of such a restrictive covenant is not
16 specifically referenced in the deed prior to such deed being submitted for recording. A
17 deed may include a general provision that states that such deed is subject to any and all
18 covenants and restrictions of record; however, such provision shall not apply to the specific
19 portion of a restrictive covenant purporting to restrict the ownership or use of the property
20 as prohibited under subsection 1 of this section. Any deed that is recorded after August
21 27, 2021, that mistakenly contains such a restrictive covenant shall nevertheless constitute
22 a valid transfer of real property.

23 4. Any restrictive covenant prohibited under subsection 1 of this section may be
24 released by the owner of real property subject to such covenant by recording a certificate
25 of release of prohibited covenants. The real property owner may record a certificate either
26 prior to recording of a deed conveying real property to a purchaser or when such real
27 property owner discovers that such prohibited covenant exists and chooses to affirmatively
28 release the same. A certificate may be prepared without assistance of an attorney but shall
29 conform substantially to the following certificate of release of prohibited covenants form:
30

31 **Certificate of Release of Prohibited Covenants**

32
33 Place of record: _____
34 Date of instrument containing prohibited covenant(s): _____
35 Instrument type: _____
36 Deed book _____ page _____ or plat book _____ page _____
37 Name(s) of grantor(s): _____
38 Name(s) of current owner(s): _____
39 Real property description: _____
40 Brief description of prohibited covenant: _____
41

42 The covenant contained in the above-mentioned instrument is released from
43 the above-described real property to the extent that it contains terms
44 purporting to restrict the ownership or use of the property as prohibited by
45 442.403, RSMo.
46

47 The undersigned (is/are) the legal owner(s) of the property described herein.

48

49 **Given under my/our hand(s) this _____ day of _____, 20__.**

50

51

52

53

(Current owners)

54

55 **(County/city) of _____.**

56

State of Missouri

57

58 **Subscribed and sworn to before me this _____ day of _____, 20__.**

59

60

Notary public

61

My commission expires: _____

✓