

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 908,  
2 Page 1, Section A, Line 5, by inserting after all of said section and line the following:

3  
4 "59.310. 1. The county recorder of deeds may refuse any document presented for recording  
5 that does not meet the following requirements:

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

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

15 (3) The document must be of sufficient legibility to produce a clear and legible reproduction  
16 thereof. Should any document not be of sufficient legibility to produce a clear and legible  
17 reproduction, such document shall be accompanied by an exact typewritten copy not smaller than  
18 eight-point type to be recorded contemporaneously as additional pages of the document;

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

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

29 (6) The documents shall have a top margin of at least three inches of vertical space from left  
30 to right, to be reserved for the recorder of deeds' certification and use. All other margins on the

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document shall be a minimum of three-fourths of one inch on all sides. Nonessential information such as form numbers, page numbers or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.

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

- (1) The title of the document;
- (2) The date of the document;
- (3) All grantors' names and marital status;
- (4) All grantees' names;
- (5) Any statutory addresses;
- (6) The legal description of the property; and
- (7) Reference book and pages for statutory requirements, if applicable.

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

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

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

- (1) Documents which were signed prior to January 1, 2002;
  - (2) Military separation papers;
  - (3) Documents executed outside the United States;
  - (4) Certified copies of documents, including birth and death certificates;
  - (5) Any document where one of the original parties is deceased or otherwise incapacitated;
- and
- (6) Judgments or other documents formatted to meet court requirements.

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

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

- (1) For recording every deed or instrument: five dollars for the first page and three dollars for each page thereafter except for plats and surveys;
- (2) For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter;
- (3) For every certificate and seal, except when recording an instrument: one dollar;

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

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

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

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

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

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

Further amend said bill, Page 18, Section 92.115, Line 34, by inserting after all of said section and line the following:

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

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

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

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

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

6. For any improved parcel identified by a city operating under sections 92.700 to 92.920 as

1 being vacant, the collector shall, within no more than two years after delinquency, file suit in the  
 2 circuit court against such lands or lots to enforce the lien of the state and the city as provided in  
 3 sections 92.700 to 92.920. Failure of the collector to bring suit within the time frame prescribed  
 4 herein shall not constitute a defense or bar an action for the collection of taxes as otherwise provided  
 5 by this section.

6 92.740. 1. A suit for the foreclosure of the tax liens herein provided for shall be instituted  
 7 by filing in the appropriate office of the circuit clerk and with the land reutilization authority a  
 8 petition, which petition shall contain a caption, a copy of the list prepared by the collector, and a  
 9 prayer. Such petition without further allegation shall be deemed to be sufficient.

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

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

In the Matter of

Foreclosure of Liens for Delinquent Land Taxes

By Action in Rem.

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

-vs-

Parcels of Land Encumbered with Delinquent Tax Liens, Defendants

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

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

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

22 92.750. 1. Except as otherwise provided in subsection 4 of this section, any person having  
 23 any right, title, or interest in, or lien upon, any parcel of real estate described in such petition may  
 24 redeem such parcel of real estate by paying to the collector all of the sums mentioned therein,  
 25 including principal, interest, penalties, attorney's fees and costs then due, at any time prior to the  
 26 time of the foreclosure sale of such real estate by the sheriff.

27 2. In the event of failure to redeem prior to the time of the foreclosure sale by the sheriff,  
 28 such person shall be barred and forever foreclosed of all his right, title and interest in and to the  
 29 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, any parcel of real estate described in the petition may redeem such parcel of real estate at any time prior to the time of the foreclosure sale of such real estate by the sheriff by paying to the collector all of the sums due as of the date of redemption mentioned therein, including principal, interest, penalties, attorney's fees, and costs then due including, but not limited to, all debts owed to the city, exclusive of any debts owed to any statutorily created sewer district, that are known to the collector and that may be collected pursuant to section 67.451, such as amounts for water, forestry, nuisance abatement, special tax bills, and 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]~~ most likely 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]~~ available records ~~[in the assessor's office]~~, you ~~[are the record owner as to]~~ have a legal interest in one or more parcels of real estate described in a certain petition bearing cause No. \_\_\_\_\_ (fill in number of case) filed in the Circuit Court of \_\_\_\_\_, Missouri, at \_\_\_\_\_ (fill in city), on \_\_\_\_\_, 20\_\_\_\_\_, wherein a foreclosure of the lien of various delinquent tax bills is sought and a court order asked for the purpose of selling such real estate at a public sale for payment of all delinquent tax bills, together with interest, penalties, attorney's fees and costs. Publication of notice of such foreclosure was commenced on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in \_\_\_\_\_ (here insert name of city), Missouri.

THE COLLECTOR OF THE CITY OF \_\_\_\_\_ (Insert name of city) HAS

FILED A LAWSUIT AGAINST YOUR PROPERTY. THE LAWSUIT SAYS THAT YOU ARE BEHIND ON YOUR PROPERTY TAXES. YOU COULD LOSE YOUR PROPERTY IF YOU DON'T DO ANYTHING ABOUT THIS.

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

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

\_\_\_\_\_  
Collector of Revenue

\_\_\_\_\_, Missouri

(Name of City)

Address \_\_\_\_\_

1 92.765. Affidavits of publication of notice of foreclosure, and of posting, mailing, or other  
2 acts required by the provisions of sections 92.700 to 92.920 shall be filed in the office of the circuit  
3 clerk prior to the trial, and when so filed shall constitute part of the evidentiary documents in the  
4 foreclosure suit. Such affidavits shall be prima facie evidence of the performance of acts therein  
5 described, and may be so used in the trial of the suit, unless challenged by verified answer duly filed  
6 in the suit. The collector shall file with the court an affidavit of compliance with notice  
7 requirements of sections 92.700 to 92.920 prior to any sheriff's sale. The affidavit shall include the  
8 identities of all parties to whom notice was attempted and by what means. In the case of mailed  
9 notice returned undeliverable, the collector's affidavit shall certify that additional notice was  
10 attempted and by what means. The expense of complying with this section shall be taxed and  
11 collected as other costs in the suit.

12 92.770. 1. The collector may employ such attorneys as he deems necessary to collect such

1 taxes and to prosecute suits for taxes.

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

7 3. The ~~[attorney]~~ attorney's fees shall be taxed as costs in the suit and collected as other  
8 costs.

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

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

1 of the sheriff. The receipt of such surplus funds shall constitute a bar to any claim of right, title, or  
 2 interest in, or lien upon, said parcel of real estate, by the fund recipient.

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

14 92.810. 1. After the judgment of foreclosure has been entered, or, after a motion for a new  
 15 trial has been overruled, or, if an appeal be taken from such judgment and the judgment has been  
 16 affirmed, after the sheriff shall have been notified by any party to the suit that such judgment has  
 17 been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk,  
 18 there shall be a waiting period of six months before any advertisement of sheriff's sale shall be  
 19 published.

20 2. If any such parcel of real estate be not redeemed, or if no written contract providing for  
 21 redemption be made within six months after the date of the judgment of foreclosure, if no motion  
 22 for rehearing be filed, and, if filed, within six months after such motion may have been overruled,  
 23 or, if an appeal be taken from such judgment and the judgment be affirmed, within six months after  
 24 the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on  
 25 appeal and that the mandate of the appellate court is on file with the circuit clerk, the sheriff shall,  
 26 after giving the ~~[notice]~~ notices required by ~~[subsection 3]~~ subsections 4 and 5 of this section,  
 27 commence to advertise the real estate described in the judgment and shall fix the date of sale within  
 28 thirty days after the date of the first publication of the notice of sheriff's sale as herein provided, and  
 29 shall at such sale proceed to sell the real estate.

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

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



1 of the sale. The notice shall also state that the parcel may be redeemed prior to the sale as specified  
 2 in section 92.750 or by entering into an agreement with the collector to pay the taxes included in the  
 3 foreclosure suit under section 92.740. The notice required by this subsection shall be mailed in an  
 4 envelope with postage prepaid. The cost of the mailing and notice as required by this subsection  
 5 shall be included as costs in the case.

6 5. No later than ~~[twenty]~~ forty days prior to the sheriff's sale, the ~~[sheriff]~~ collector shall  
 7 send notice of the sale to the ~~[owner or owners,]~~ parties having interest in the parcel as disclosed  
 8 upon the records of the assessor, or otherwise known to the collector, of the real estate for which tax  
 9 bills thereon are delinquent. ~~[The search of the records of the assessor must be made not more than~~  
 10 ~~forty days prior to the sending of this notice]~~ The notice shall be sent to the addresses most likely to  
 11 apprise the parties of the proceedings as provided. The notice shall provide the date, time and place  
 12 of the sale. The notice shall also state that ~~[the property owner]~~ an interested party may avoid the  
 13 sale by redeeming such parcel of real estate prior to the sale as specified in section 92.750 or, if  
 14 applicable, by entering into an agreement with the collector to pay the taxes included in the  
 15 foreclosure suit under section 92.740. The notice required by this subsection shall be mailed in an  
 16 envelope with postage prepaid. The cost of ~~[the title search,]~~ mailing and notice as required by this  
 17 subsection shall be included as costs ~~[at the sale of the real estate]~~ in the case.

18 6. No later than twenty days prior to the sheriff's sale, the sheriff shall enter upon the parcel  
 19 subject to foreclosure of these tax liens and post a written informational notice in a conspicuous  
 20 location, attached to a structure, and intended to be visible by the nearest public right-of-way. This  
 21 notice shall describe the property; shall advise that it is the subject of delinquent land tax collection  
 22 proceedings brought pursuant to sections 92.700 to 92.920 and that it may be sold for the payment  
 23 of delinquent taxes at a sale to be held at a certain time, date, and place; and shall contain the serial  
 24 number and the phone number and address of the collector, as well as a statement of the prohibition  
 25 against removal unless the parcel has been redeemed. The notice shall be not less than eight inches  
 26 by ten inches and shall be laminated or otherwise sufficiently weatherproof to withstand normal  
 27 exposure to rain, snow, and other conditions. The sheriff shall document, by time-stamped  
 28 photograph, compliance with this section, make said documentation generally available upon  
 29 request, and provide verification by affidavit of compliance with this section. The cost of notice as  
 30 required by this subsection shall be included as costs in the case.

31 7. In addition to the other notice requirements of this section, no later than twenty days prior  
 32 to the sheriff's sale, the sheriff shall attempt in-person notice that shall describe the property; that  
 33 shall advise that it is the subject of delinquent land tax collection proceedings brought pursuant to  
 34 sections 92.700 to 92.920 and that it may be sold for the payment of delinquent taxes at a sale to be  
 35 held a certain time, date, and place; and that shall contain the serial number and phone number and  
 36 address of the collector. In-person notice may be provided to any person found at the property. The  
 37 sheriff shall note the date and time of attempted notice and the name, description, or other  
 38 identifying information regarding the person to whom notice was attempted. The sheriff shall  
 39 document compliance with this section, make said documentation generally available upon request,

1 and provide verification by affidavit of compliance with this section. The cost of notice as required  
 2 by this subsection shall be included as costs in the case.

3 [4.] 8. Notwithstanding the provisions of this section to the contrary, any residential  
 4 property which has not been redeemed by the end of the waiting period required by this section  
 5 which has been determined to be of substandard quality or condition under the standards established  
 6 by the residential renovation loan commission pursuant to sections 67.970 to 67.983 may, upon the  
 7 request of the residential renovation loan commission, be transferred to the residential renovation  
 8 loan commission for the purpose of renovation of the property. Any such property transferred  
 9 pursuant to this subsection shall be renovated and sold by the residential renovation loan  
 10 commission in the manner prescribed in sections 67.970 to 67.983. The residential renovation loan  
 11 commission shall reimburse the land reutilization authority for all expenses directly incurred in  
 12 relation to such property under sections 92.700 to 92.920 prior to the transfer.

13 92.815. 1. During such waiting period and at any time prior to the time of foreclosure sale  
 14 by the sheriff, any interested party may redeem any parcel of real estate as provided by sections  
 15 92.700 to 92.920; except that during such time and at any time prior to the time of foreclosure sale  
 16 by the sheriff, the collector shall enter into a written redemption contract with the owner of any real  
 17 estate occupied as a homestead and who has not previously defaulted upon any such written  
 18 redemption contract, provided that in no instance shall such installments exceed twelve in number or  
 19 extend more than twenty-four months next after any agreement for such installment payments shall  
 20 have been entered into; provided further, that upon good cause being shown by the owner of any  
 21 parcel of real estate occupied as a homestead, or in the case of improved real estate with a total  
 22 assessed valuation of not more than five thousand dollars, owned by an individual, the income from  
 23 such property being a major factor in the total income of such individual, or by anyone on his  
 24 behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit  
 25 all of such installments to be paid within not longer than forty-eight months after any order or  
 26 agreement as to installment payments shall have been made. The collector shall not enter into a  
 27 redemption contract with respect to any improved parcel not occupied as a homestead.

28 2. So long as such installments be paid according to the terms of the contract, the six  
 29 months' waiting period shall be extended, but if any installment be not paid when due, the extension  
 30 of the waiting period shall be ended and the real estate shall immediately be advertised for sale or  
 31 included in the next notice of sheriff's foreclosure sale. Notice shall also be sent to the redemption  
 32 contract ~~[payor]~~ payer as specified in subsection [3] 4 of section 92.810.

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

35 92.817. 1. The court shall stay the sale of any parcel to be sold under execution of a tax  
 36 foreclosure judgment obtained under this chapter, which is the subject of an action filed under  
 37 sections 447.620 to 447.640, provided that the party that has brought such an action has, upon an  
 38 order of the court, paid into the circuit court the principal amount of all land taxes then due and  
 39 owing under the tax foreclosure judgment, exclusive of penalties and interest, prior to the date of

1 any proposed sale under execution.

2 2. Upon the granting by the court of temporary possession of any property under section  
3 447.632, upon order, the circuit court shall direct payment to the collector of all principal land taxes  
4 theretofore paid to the circuit court. In addition, in any order granting a final judgment or deed  
5 under section 447.625 or 447.640, the court shall also order the permanent extinguishment of  
6 penalties and interest arising from actions to collect delinquent land taxes due on the parcel against  
7 the grantee of said deed, and all successors in interest; excepting however, any defendant in such  
8 action.

9 3. If an owner of the parcel moves the court for restoration of possession under section  
10 447.638, the owner shall pay into the circuit court all land tax amounts currently due and owing on  
11 the property, including all statutory penalties, interest, attorney's fees, and court costs retroactive to  
12 the date of accrual. Upon an order granting the restoration of possession to an owner under section  
13 447.638, the court shall order that the funds paid to the court under subsection 2 of this section be  
14 returned to the payer, and that the funds paid to the court under this subsection be paid out to the  
15 collector.

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

19 92.825. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's  
20 deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under  
21 execution except as otherwise provided in sections 92.700 to 92.920, and provided that such sale  
22 need not occur during the term of court or while the court is in session.

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

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

34 4. No person shall be eligible to bid at the time of the sheriff's sale unless such person has,  
35 no later than ten days before the sale date, demonstrated to the satisfaction of the collector or sheriff  
36 that the person is not the owner of any parcel of real estate in the city that is subject to delinquent  
37 property taxes, unpaid special tax bills, or vacant building fees. A prospective bidder shall be  
38 prohibited from participating in the delinquent land tax sale if he or she has previously bid at a  
39 sheriff's sale and failed to pay bid amounts, confirm the sale, or sign a sheriff's deed. The collector

or sheriff may require prospective bidders to submit an affidavit attesting to the requirements of this section and is expressly authorized to permanently preclude any prospective bidder from participating in the sale for failure to comply with this section. Notwithstanding the provisions of this section, any taxing authority or land reutilization authority shall be eligible to bid at any sale conducted under this section without making such a demonstration. The purchaser at a sale conducted by the sheriff shall pay cash immediately at the end of bidding of each parcel on the day of the sale in an amount including all taxes then due and owing, which may be in an amount in excess of or less than the judgment amount, and other costs, exclusive of any amounts for debts owed to any statutorily created sewer district [as otherwise provided by law].

92.835. 1. The title to any real estate which shall vest in the land reutilization authority under the provisions of sections 92.700 to 92.920 shall be held by the land reutilization authority of the city in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure.

2. The title to any real estate which shall vest in any purchaser, upon confirmation of such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid, and subject to any tax lien thereon of the United States of America, if any, and all persons, including the state of Missouri, any taxing authority or tax district as defined herein, judgment creditors, lienholders, minors, incapacitated and disabled persons, and nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, and the court shall order immediate possession of such real estate be given to such purchaser~~;~~ provided, however, that such title shall also be subject to the liens of any tax bills which may have attached to such parcel of real estate prior to the time of the filing of the petition affecting such parcel of real estate not then delinquent, or which may have attached after the filing of the petition and prior to sheriff's sale and not included in any answer to such petition, but. If such parcel of real estate is sold to the land reutilization authority the title thereto shall be free of any ~~[such]~~ liens to the extent of the interest of any taxing authority in such real estate; provided further, that such title shall not be subject to the lien of special tax bills ~~[which has attached to the parcel of real estate prior to January 1, 1972, but the lien of such special tax bills shall attach to the proceeds of the sheriff's sale or to the proceeds of the ultimate sale of such parcel by the land reutilization authority].~~

92.840. 1. Within six months after the sheriff sells any parcel of real estate, the court shall, upon its own motion or upon motion of any interested party, set the cause down for hearing to confirm or set aside the foreclosure sale of the real estate, even though such parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. Notice of the hearing shall be sent by any interested party, or the court, moving to confirm the foreclosure sale, to each person who ~~[received]~~ was sent notice of sale as specified in ~~[subsection 3]~~ subsections 4 and 5 of section 92.810 and to any other necessary parties as required by prevailing notions of due process. At the time of such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of

1 the value of the property offered on behalf of any interested party to the suit, and shall immediately  
2 determine whether an adequate consideration has been paid for each such parcel. Any parcel  
3 deemed to have been purchased by the land reutilization authority pursuant to section 92.830 shall  
4 not require any inquiry as to value. The court's judgment shall include a specific finding that  
5 adequate notice was provided to all necessary parties pursuant to prevailing notions of due process  
6 and sections 92.700 to 92.920, reciting the notice efforts of the collector, sheriff, and tax sale  
7 purchaser. Nothing in this section shall be interpreted to preclude a successful tax sale purchaser  
8 from asserting a claim to quiet title to the bid upon parcel pursuant to section 527.150.

9         2. For this purpose, the court shall have power to summon any city official or any private  
10 person to testify as to the reasonable value of the property, and if the court finds that adequate  
11 consideration has been paid, he shall confirm the sale and order the sheriff to issue a deed with  
12 restriction as provided herein to the purchaser subject to the application of an occupancy permit for  
13 all parcels as provided in subsection [5] 7 of this section. If the court finds that the consideration  
14 paid is inadequate, the purchaser may increase his bid to such amount as the court may deem to be  
15 adequate, whereupon the court may confirm the sale. If, however, the purchaser declines to increase  
16 his bid and make such additional payment, then the sale shall be disapproved, the lien of the  
17 judgment continued, and such parcel of real estate shall be again advertised and offered for sale by  
18 the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's foreclosure  
19 sale.

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

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

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

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

34         4. If there are any funds remaining of the proceeds after the sheriff's sale and after the  
35 distribution of such funds as set out in this section and no person entitled to any such funds, whether  
36 or not a party to the suit, shall, within two years after such sale, appear and claim the funds, they  
37 shall be distributed ten percent to the affordable housing trust fund or equivalent of such city  
38 operating under sections 92.700 to 92.920 for purposes that promote the reduction and prevention of  
39 vacant properties, with the remainder to be distributed to the appropriate taxing authorities.

1           5. Any city operating under the provisions of sections 92.700 to 92.920, by ordinance, may  
 2 elect to allocate a portion of its share of the proceeds of the sheriff's sale towards a fund for the  
 3 purpose of defending against claims challenging the sufficiency of notice provisions under this  
 4 section.

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

9           ~~[6.]~~ 7. If there is a building or structure on the parcel, the purchaser shall apply for an  
 10 occupancy permit from the city or appropriate governmental agency within ten days after the  
 11 confirmation hearing. Any purchaser who is a public corporation acting in a governmental capacity  
 12 shall not be required to acquire the occupancy permit. When a parcel, acquired at a sheriff sale,  
 13 containing a building is sold from a public corporation acting in a governmental capacity, the  
 14 subsequent purchaser shall be required to apply for the occupancy permit. Failure to apply for such  
 15 occupancy permit within ten days after confirmation shall result in the sale and confirmation being  
 16 immediately set aside by the motion of any interested party and that parcel shall again be advertised  
 17 and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent  
 18 sheriff foreclosure sale.

19           ~~[7.]~~ 8. The sheriff shall include a deed restriction in the sheriff's deed, issued after  
 20 confirmation and after the application of an occupancy permit for any parcel containing a building  
 21 or structure. The deed restriction shall state that the purchasers at the sheriff's sale who had the  
 22 property confirmed and who applied for an occupancy permit shall obtain an occupancy permit for  
 23 the building or structure from the appropriate governmental agency prior to any subsequent transfer  
 24 or sale of this property. This deed restriction shall not exist as a lien against such real estate ~~[while~~  
 25 ~~the purchasers hold same in the amount of five thousand dollars]~~. The purchasers of the property at  
 26 the sheriff sale who had the property confirmed and applied for the occupancy permit shall agree  
 27 that in the event of their failure to obtain an occupancy permit prior to any subsequent transfer of the  
 28 property, they shall pay to the sheriff the sum of five thousand dollars as fixed, liquidated and  
 29 ascertained damages without proof of loss or damages. These damages shall not constitute a lien on  
 30 property, and the sheriff shall have the discretionary power to file a lawsuit against such purchaser  
 31 for collection of these liquidated damages. These liquidated damages shall be distributed on a  
 32 prorated basis to the appropriate taxing authority after the sheriff deducts all costs, expenses and  
 33 [attorney] attorney's fees for such lawsuits. The sheriff may employ attorneys as he deems  
 34 necessary to collect liquidated damages.

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

39           10. Any interested party, other than the sheriff's sale purchaser, who moves the court to set

1 aside a sheriff's sale after the issuance of a sheriff's deed made under the provisions of sections  
 2 92.700 to 92.920 shall be required to pay into the court the redemption amount otherwise necessary  
 3 under section 92.750 prior to the court hearing any such motion to set aside. The court may hear  
 4 any motion to confirm brought under the terms of this section if the redemption amount is not paid  
 5 by the interested party moving the court to set aside the sale.

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

12 92.855. Each sheriff's deed given pursuant to the provisions of the municipal land  
 13 reutilization law shall be ~~[presumptive]~~ prima facie evidence that the suit and all proceedings therein  
 14 and all proceedings prior thereto from and including assessment of the lands affected thereby and all  
 15 notices required by law were regular and in accordance with all provisions of the law relating  
 16 thereto. ~~[After two years from the date of the recording of such sheriff's deed, the presumption shall~~  
 17 ~~be conclusive, unless at the time that this section takes effect the two-year period since the recording~~  
 18 ~~of such sheriff's deed has expired, or less than six months of such period of two years remains~~  
 19 ~~unexpired, in which latter case the presumption shall become conclusive six months after September~~  
 20 ~~28, 1971. No suit to set aside or to attack the validity of any such sheriff's deed shall be commenced~~  
 21 ~~or maintained unless the suit is filed prior to the time that the presumption becomes conclusive, as~~  
 22 ~~above.]"; and~~

23  
 24 Further amend said bill, Page 42, Section 238.222, Line 40, by inserting after all of said section and  
 25 line the following:

26  
 27 "442.130. 1. All deeds or other conveyances of lands, or of any estate or interest therein,  
 28 shall be subscribed by the party granting the same, or by his lawful agent, and shall be  
 29 acknowledged or proved and certified in the manner herein prescribed.

30 2. All written instruments conveying real estate or any interest in real estate shall state  
 31 whether any natural person acting as grantors, mortgagors, or other parties executing the instrument  
 32 are married or unmarried."; and  
 33

34 Further amend said bill by amending the title, enacting clause, and intersectional references  
 35 accordingly.