

FIRST REGULAR SESSION

HOUSE BILL NO. 323

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AMATO.

0171H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 59, RSMo, by adding thereto one new section relating to real property fraud prevention.

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

Section A. Chapter 59, RSMo, is amended by adding thereto one new section, to be known as section 59.306, to read as follows:

59.306. 1. This section shall be known and may be cited as "The Real Property Fraud Prevention Act".

2. The recorder of deeds of each county of this state shall provide notice as required under this section to each property owner or owner of record of a parcel of real property, as determined by the most recent real property tax records, that a general warranty deed or quitclaim deed that affects the ownership of such parcel of real property has been submitted for recording.

3. The recorder of deeds shall:

(1) Delay the recording of a deed described under subsection 2 of this section for at least five working days from the date of such deed's receipt to provide time for the recorder of deeds to notify each property owner or owner of record of such parcel of real property that such deed has been submitted for recording;

(2) Notify each property owner or owner of record of such parcel of real property by telephone, text message, facsimile, or email, if such information is known; and

(3) Send such notification by first class mail to the address of record of each property owner or owner of record of such parcel of real property informing such

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.

18 owner that a deed that affects such owner's ownership interest in the real property
19 described by such deed has been submitted for recording.

20 4. (1) If each property owner or owner of record of such parcel of real property
21 provides written confirmation that the deed presented for recording is legitimate, the
22 delay required under subdivision (1) of subsection 3 of this section shall no longer apply
23 and the recorder of deeds may immediately proceed with the recording of the deed.

24 (2) If, prior to the expiration of the delay required under subdivision (1) of
25 subsection 3 of this section, the recorder of deeds is notified by each property owner or
26 owner of record of such parcel of real property that such deed is fraudulent, the
27 recorder of deeds shall delay the recording of the deed for at least an additional two
28 business days to provide time for each property owner or owner of record of such parcel
29 of real property to seek an order from a court of competent jurisdiction to prohibit the
30 recording of the apparently fraudulent deed.

31 5. The recorder of deeds shall not delay the recording of a general warranty deed
32 or quitclaim deed as required under this section if at least one of the following
33 conditions has been met:

34 (1) The general warranty deed or quitclaim deed presented for recording was
35 submitted by a real estate broker who holds a valid Missouri real estate broker license
36 under chapter 339; or

37 (2) The general warranty deed or quitclaim deed presented for recording was
38 reviewed by a title company that is duly licensed under chapter 381 and such title
39 company has issued title insurance to guaranty the validity of the deed for the
40 prospective owner or owners of such parcel of real property.

41 6. (1) As used in this subsection, "defective deed" means a deed that:

42 (a) Fails to provide adequate grantee or grantor information;

43 (b) Fails to provide a proper description of the parcel of real property being
44 transferred;

45 (c) Lacks the signature of a grantor;

46 (d) Does not have a proper notary acknowledgment and seal under sections
47 486.730 and 486.760; or

48 (e) Is notarized by a notary whose commission has expired prior to notarizing
49 the deed.

50 (2) The recorder of deeds of each county of this state is hereby authorized to
51 reject and return a general warranty deed or quitclaim deed that has been deemed by
52 the recorder of deeds to be a defective deed.

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