

SECOND REGULAR SESSION

HOUSE BILL NO. 2234

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRNES.

4297H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to surplus proceeds from tax sales.

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

Section A. Section 140.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 140.230, to read as follows:

140.230. 1. When real estate has been sold for taxes or other debt by the sheriff or collector of any county within the state of Missouri, and the same sells for a greater amount than the debt or taxes and all costs in the case it shall be the duty of the sheriff or collector of the county, when such sale has been or may hereafter be made, to make a written statement describing each parcel or tract of land sold by ~~him~~ **such sheriff or collector** for a greater amount than the debt or taxes and all costs in the case together with the amount of surplus money in each case. The statement shall be subscribed and sworn to by the sheriff or collector making it before some officer competent to administer oaths within this state, and then presented to the county commission of the county where the sale has been or may be made; and on the approval of the statement by the commission, the sheriff or collector making the same shall pay the surplus money into the county treasury, take the receipt in duplicate of the treasurer for the surplus of money and retain one of the duplicate receipts and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. **(1)** The treasurer shall place such moneys in the county treasury to be held for the use and benefit of the person entitled to such moneys or to the credit of the school fund of the county, to be held in trust for the lesser of a term of three years or ninety days following the

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 expiration of the redemption period for the lienholders of record or for the publicly recorded
19 owner or owners of the property sold at the time of the delinquent land tax auction or their
20 legal representatives.

21 **(2)** The surplus shall be first distributed to the former lienholders of record, by
22 priority of the former liens, if any, then to the former owner or owners of the property. Lien
23 priority shall be set as of the date of the tax sale. No surplus funds shall be distributed to any
24 party claiming entitlement to such funds, other than as part of the redemption process, until
25 ninety days have passed after the period of redemption has expired.

26 **(3) (a)** At the end of three years, if any funds have not been distributed or called for
27 as part of a redemption or collector's deed issuance, then such funds shall ~~become a~~
28 ~~permanent school fund of the county~~ **be reported and transferred to the unclaimed**
29 **property division of the office of state treasurer.**

30 **(b)** The county shall notify each former owner of the property of such transfer of
31 moneys and such property owner's right to reclaim such moneys as soon as practicable
32 after the county makes such transfer. The county shall include a notice containing
33 substantially the same information with the certificate of sale of the property.

34 3. County commissions shall compel owners, lienholders of record, or agents to make
35 satisfactory proof of their claims before receiving their money; provided, that no county shall
36 pay interest to the claimant of any such fund. Any such claim shall be filed with the county
37 commission within ninety days after the expiration of the redemption period, be made in
38 writing, and include reference to the lien of record upon which the claim is made. The
39 reference shall include the county recorder's recording reference information such as book
40 and page number, document number, or other reference information if the lien is not
41 referenced either by book or page number or document number. Should more than one party
42 make claim to any surplus funds and those parties are unable to reach an agreement
43 satisfactory to the county commission, the county commission shall petition the circuit court
44 within the county where the county commission sits for interpleader. The county commission
45 shall only be required to name as defendants those parties who have made claim to the funds.
46 Upon judgment sustaining the petition for interpleader and the subsequent tender of the
47 surplus funds to the court registry, the county commission so tendering such funds shall be
48 entitled to seek discharge from the case.

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