

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 1606, Page 11, Section 58.200, Line 17,

2 by inserting after all of said line the following:

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

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

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

22 document;

23 (3) The document must be of sufficient legibility to  
24 produce a clear and legible reproduction thereof. Should  
25 any document not be of sufficient legibility to produce a  
26 clear and legible reproduction, such document shall be

27 accompanied by an exact typewritten copy not smaller than  
28 eight-point type to be recorded contemporaneously as  
29 additional pages of the document;

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

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

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

58 2. Every document containing any of the items listed  
59 in this subsection that is presented for recording, except

60 plats and surveys, shall have such information on the first  
61 page below the three-inch horizontal margin:

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

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

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

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

- 82 (1) Documents which were signed prior to January 1,  
83 2002;
- 84 (2) Military separation papers;
- 85 (3) Documents executed outside the United States;
- 86 (4) Certified copies of documents, including birth and  
87 death certificates;
- 88 (5) Any document where one of the original parties is  
89 deceased or otherwise incapacitated; and
- 90 (6) Judgments or other documents formatted to meet  
91 court requirements.

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

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

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

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

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

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

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

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

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

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

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

135           92.720. 1. If any of the lands or town lots contained  
136 in the back tax book or list of delinquent lands or lots  
137 remain unredeemed on the first day of January, the collector  
138 may file suit in the circuit court against such lands or  
139 lots to enforce the lien of the state and city as herein  
140 provided in sections 92.700 to 92.920.

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

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

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

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

159           6. For any improved parcel identified by a city  
 160 operating under sections 92.700 to 92.920 as being vacant,  
 161 the collector shall, within no more than two years after  
 162 delinquency, file suit in the circuit court against such  
 163 lands or lots to enforce the lien of the state and the city  
 164 as provided in sections 92.700 to 92.920. Failure of the  
 165 collector to bring suit within the time frame prescribed  
 166 herein shall not constitute a defense or bar an action for  
 167 the collection of taxes as otherwise provided by this  
 168 section.

169           92.740. 1. A suit for the foreclosure of the tax  
 170 liens herein provided for shall be instituted by filing in  
 171 the appropriate office of the circuit clerk and with the  
 172 land reutilization authority a petition, which petition  
 173 shall contain a caption, a copy of the list prepared by the  
 174 collector, and a prayer. Such petition without further  
 175 allegation shall be deemed to be sufficient.

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

177           In the Circuit Court of \_\_\_\_\_ Missouri,  
 178           In the Matter of  
 179           Foreclosure of Liens for Delinquent Land Taxes  
 180           By Action in Rem.  
 181           Collector of Revenue of \_\_\_\_\_, Missouri,  
 182           Plaintiff  
 183           -vs-  
 184           Parcels of Land Encumbered with Delinquent Tax  
 185           Liens, Defendants

186           3. The petition shall conclude with a prayer that all  
187 tax liens upon such real estate be foreclosed; that the  
188 court determine the amounts and priorities of all tax bills,  
189 together with interest, penalties, costs, and attorney's  
190 fees; that the court order such real estate to be sold by  
191 the sheriff at public sale as provided by sections 92.700 to  
192 92.920 and that thereafter a report of such sale be made by  
193 the sheriff to the court for further proceedings under the  
194 provisions of sections 92.700 to 92.920.

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

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

203           92.750. 1. Except as otherwise provided in subsection  
204 4 of this section, any person having any right, title, or  
205 interest in, or lien upon, any parcel of real estate  
206 described in such petition may redeem such parcel of real  
207 estate by paying to the collector all of the sums mentioned  
208 therein, including principal, interest, penalties,  
209 attorney's fees and costs then due, at any time prior to the  
210 time of the foreclosure sale of such real estate by the  
211 sheriff.

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

217           3. Upon redemption, as permitted by this section, the  
218 person redeeming shall be entitled to a certificate of

219 redemption from the collector describing the property in the  
220 same manner as it is described in such petition, and the  
221 collector shall thereupon note on his records the word  
222 "redeemed" and the date of such payment opposite the  
223 description of such parcel of real estate.

224 4. For any improved nonhomestead parcel, any person  
225 having any right, title, or interest in, or lien upon, any  
226 parcel of real estate described in the petition may redeem  
227 such parcel of real estate at any time prior to the time of  
228 the foreclosure sale of such real estate by the sheriff by  
229 paying to the collector all of the sums due as of the date  
230 of redemption mentioned therein, including principal,  
231 interest, penalties, attorney's fees, and costs then due  
232 including, but not limited to, all debts owed to the city,  
233 exclusive of any debts owed to any statutorily created sewer  
234 district, that are known to the collector and that may be  
235 collected pursuant to section 67.451, such as amounts for  
236 water, forestry, nuisance abatement, special tax bills, and  
237 vacant building assessments.

238 92.760. 1. The collector shall also cause to be  
239 prepared and mailed in an envelope with postage prepaid,  
240 within thirty days after the filing of such petition, a  
241 brief notice of the filing of the suit, to the persons named  
242 in the petition as **[being the owners]** having an interest in  
243 the parcel, according to the records of the assessor, or  
244 otherwise known to the collector, for the respective parcels  
245 of real estate described in the petition. The notices shall  
246 be sent to the addresses **[of such persons upon the records**  
247 **of the assessor]** most likely to apprise the parties of the  
248 proceedings as provided, and in the event that any name or  
249 address does not appear on the records of the assessor, with  
250 respect to any parcel of real estate, the collector shall so  
251 state in an affidavit, giving the serial number of each

252 parcel of real estate affected. Such affidavit shall be  
253 filed in the suit with the circuit clerk not later than  
254 sixty days after the date of the first publication of the  
255 notice of foreclosure. The failure of the collector to mail  
256 the notice as provided in this section shall invalidate any  
257 proceedings brought pursuant to the provisions of sections  
258 92.700 to 92.920. The failure of the collector to file the  
259 affidavit as provided in this section shall not affect the  
260 validity of any proceedings brought pursuant to the  
261 provisions of sections 92.700 to 92.920.

262 2. Such notice shall be substantially as follows:

263 To the person to whom this notice is addressed:

264 According to [the] available records [in the  
265 assessor's office], you [are the record owner as  
266 to] have a legal interest in one or more parcels  
267 of real estate described in a certain petition  
268 bearing cause No. \_\_\_\_\_ (fill in number of case)  
269 filed in the Circuit Court of \_\_\_\_\_, Missouri, at  
270 \_\_\_\_\_ (fill in city), on \_\_\_\_\_, 20\_\_\_\_\_,  
271 wherein a foreclosure of the lien of various  
272 delinquent tax bills is sought and a court order  
273 asked for the purpose of selling such real estate  
274 at a public sale for payment of all delinquent tax  
275 bills, together with interest, penalties,  
276 attorney's fees and costs. Publication of notice  
277 of such foreclosure was commenced on the \_\_\_\_\_  
278 day of \_\_\_\_\_, 20\_\_\_\_\_, in \_\_\_\_\_ (here insert  
279 name of city), Missouri.

280 THE COLLECTOR OF THE CITY OF \_\_\_\_\_ (Insert name  
281 of city) HAS FILED A LAWSUIT AGAINST YOUR  
282 PROPERTY. THE LAWSUIT SAYS THAT YOU ARE BEHIND ON  
283 YOUR PROPERTY TAXES. YOU COULD LOSE YOUR PROPERTY  
284 IF YOU DON'T DO ANYTHING ABOUT THIS.

285 YOU HAVE A RIGHT TO ENTER INTO AN AGREEMENT WITH  
286 THE COLLECTOR TO BRING YOUR TAXES UP TO DATE. YOU  
287 MAY CONTACT THE COLLECTOR BY CALLING \_\_\_\_\_  
288 (Insert telephone number of collector). IF YOU DO  
289 NOT UNDERSTAND THIS NOTICE, OR YOU DO NOT KNOW

290 WHAT TO DO, YOU MAY CALL THIS OFFICE FOR FURTHER  
291 EXPLANATION OR SEE A LAWYER RIGHT AWAY.

292 Unless all delinquent taxes be paid upon the  
293 parcels of real estate described in such petition  
294 and such real estate redeemed prior to the time of  
295 the foreclosure sale of such real estate by the  
296 sheriff, the owner or any person claiming any  
297 right, title or interest in or to, or lien upon,  
298 any such parcels of real estate shall be forever  
299 barred and foreclosed of all right, title and  
300 interest and equity of redemption in and to such  
301 parcels of real estate; except that any such  
302 persons shall have the right to file an answer in  
303 said suit on or before the \_\_\_\_\_ day of \_\_\_\_\_,  
304 20\_\_\_\_\_, in the office of the Circuit Clerk and a  
305 copy thereof to the Collector, setting forth in  
306 detail the nature and amount of the interest and  
307 any defense or objection to the foreclosure. Dated  
308 \_\_\_\_\_

309 \_\_\_\_\_  
310 Collector of Revenue  
311 \_\_\_\_\_, Missouri  
312 (Name of City)  
313 Address \_\_\_\_\_

314 92.765. Affidavits of publication of notice of  
315 foreclosure, and of posting, mailing, or other acts required  
316 by the provisions of sections 92.700 to 92.920 shall be  
317 filed in the office of the circuit clerk prior to the trial,  
318 and when so filed shall constitute part of the evidentiary  
319 documents in the foreclosure suit. Such affidavits shall be  
320 prima facie evidence of the performance of acts therein  
321 described, and may be so used in the trial of the suit,  
322 unless challenged by verified answer duly filed in the  
323 suit. The collector shall file with the court an affidavit  
324 of compliance with notice requirements of sections 92.700 to  
325 92.920 prior to any sheriff's sale. The affidavit shall

326 include the identities of all parties to whom notice was  
327 attempted and by what means. In the case of mailed notice  
328 returned undeliverable, the collector's affidavit shall  
329 certify that additional notice was attempted and by what  
330 means. The expense of complying with this section shall be  
331 taxed and collected as other costs in the suit.

332 92.770. 1. The collector may employ such attorneys as  
333 he deems necessary to collect such taxes and to prosecute  
334 suits for taxes.

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

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

345 92.775. 1. Upon the trial of the cause upon the  
346 question of foreclosure, the tax bill shall be prima facie  
347 proof that the tax described in the tax bill has been  
348 validly assessed at the time indicated by the tax bill and  
349 that the tax is unpaid. Any person alleging any  
350 jurisdictional defect or invalidity in the tax bill or in  
351 the sale thereof must particularly specify in his answer the  
352 defect or basis of invalidity, and must, upon trial,  
353 affirmatively establish such defense.

354 2. After the court has first determined the validity  
355 of the tax liens of all tax bills affecting parcels of real  
356 estate described in the petition, the priorities of the  
357 respective tax bills and the amounts due thereon, including  
358 principal, interest, penalties, attorney's fees, and costs,

359 the court shall thereupon enter judgment of foreclosure of  
360 such liens and fix the time and place of the foreclosure  
361 sale. The petition shall be dismissed as to any parcel of  
362 real estate redeemed prior to the time fixed for the  
363 sheriff's foreclosure sale as provided in sections 92.700 to  
364 92.920. If the parcel of real estate auctioned off at  
365 sheriff's foreclosure sale is sold for a sum sufficient to  
366 fully pay the principal amount of all tax bills included in  
367 the judgment, together with interest, penalties, attorney's  
368 fees and costs, and for no more, and such sale is confirmed  
369 by the court, then all other proceedings as to such parcels  
370 of real estate shall be finally dismissed as to all parties  
371 and interests other than tax bill owners or holders;  
372 provided, however, that any parties seeking relief other  
373 than an interest in or lien upon the real estate may  
374 continue with said suit to a final adjudication of such  
375 other issues; provided, further, an appeal may be had as to  
376 any claim attacking the validity of the tax bill or bills or  
377 the priorities as to payment of proceeds of foreclosure  
378 sale. If the parcel of real estate auctioned off at  
379 sheriff's foreclosure sale is sold for a sum greater than  
380 the total amount necessary to pay the principal amount of  
381 all tax bills included in the judgment, together with  
382 interest, penalties, attorney's fees and costs, and such  
383 sale is confirmed by the court, and no appeal is taken by  
384 any person claiming any right, title or interest in or to or  
385 lien upon said parcel of real estate or by any person or  
386 taxing authority owning or holding or claiming any right,  
387 title or interest in or to any tax bills within the time  
388 fixed by law for the filing of notice of appeal, the court  
389 shall thereupon order the sheriff to make distribution to  
390 the owners or holders of the respective tax bills included  
391 in the judgment of the amounts found to be due and in the

392 order of priorities. Thereafter all proceedings in the suit  
393 shall be ordered by the court to be dismissed as to such  
394 persons or taxing authorities owning, holding or claiming  
395 any right, title or interest in any such tax bill or bills  
396 so paid, and the case shall proceed as to any parties  
397 claiming any right, title, or interest in or lien upon the  
398 parcel of real estate affected by such tax bill or bills as  
399 to their respective claims to such surplus funds then  
400 remaining in the hands of the sheriff. The receipt of such  
401 surplus funds shall constitute a bar to any claim of right,  
402 title, or interest in, or lien upon, said parcel of real  
403 estate, by the fund recipient.

404 3. Whenever an answer is filed to the petition, as  
405 herein provided, a severance of the action as to all parcels  
406 of real estate affected by such answer shall be granted, and  
407 the issues raised by the petition and such answer shall be  
408 tried separate and apart from the other issues in the suit,  
409 but the granting of such severance shall not delay the trial  
410 or other disposition of any other issue in the case. A  
411 separate appeal may be taken from any other issue in the  
412 case. A separate appeal may be taken from any action of the  
413 court affecting any right, title or interest in or to, or  
414 lien upon, such real estate, other than issues of law and  
415 fact affecting the amount or validity of the lien of tax  
416 bills, but the proceeding to foreclose the lien of any tax  
417 bills shall not be stayed by such appeal. The trial shall  
418 be conducted by the court without the aid of a jury and the  
419 suit shall be in equity. This action shall take precedence  
420 over and shall be triable before any other action in equity  
421 affecting the title to such real estate, upon motion of any  
422 interested party.

423 92.810. 1. After the judgment of foreclosure has been  
424 entered, or, after a motion for a new trial has been

425 overruled, or, if an appeal be taken from such judgment and  
426 the judgment has been affirmed, after the sheriff shall have  
427 been notified by any party to the suit that such judgment  
428 has been affirmed on appeal and that the mandate of the  
429 appellate court is on file with the circuit clerk, there  
430 shall be a waiting period of six months before any  
431 advertisement of sheriff's sale shall be published.

432 2. If any such parcel of real estate be not redeemed,  
433 or if no written contract providing for redemption be made  
434 within six months after the date of the judgment of  
435 foreclosure, if no motion for rehearing be filed, and, if  
436 filed, within six months after such motion may have been  
437 overruled, or, if an appeal be taken from such judgment and  
438 the judgment be affirmed, within six months after the  
439 sheriff shall have been notified by any party to the suit  
440 that such judgment has been affirmed on appeal and that the  
441 mandate of the appellate court is on file with the circuit  
442 clerk, the sheriff shall, after giving the [notice] notices  
443 required by [subsection 3] subsections 4 and 5 of this  
444 section, commence to advertise the real estate described in  
445 the judgment and shall fix the date of sale within thirty  
446 days after the date of the first publication of the notice  
447 of sheriff's sale as herein provided, and shall at such sale  
448 proceed to sell the real estate.

449 3. No later than one hundred twenty days prior to the  
450 sheriff's sale, the collector shall obtain a title abstract  
451 or report on any unredeemed parcels. Such title abstract or  
452 report shall be obtained from a licensed title company or  
453 attorney and subject to a public and competitive bidding  
454 process administered by the collector and conducted  
455 triennially. The title report shall include all  
456 conveyances, liens, and charges against the real estate, and  
457 the names and mailing addresses of any interested parties

458 and lienholders. The charges of said abstract or report  
459 shall be taxed as costs and shall be paid as other costs in  
460 the case.

461 4. No later than twenty days prior to the sheriff's  
462 sale, the collector shall send notice of the sale to the  
463 lienholders and interested parties, as disclosed upon the  
464 title abstract or report of the real estate for which tax  
465 bills thereon are delinquent. The notice shall provide the  
466 date, time, and place of the sale. The notice shall also  
467 state that the parcel may be redeemed prior to the sale as  
468 specified in section 92.750 or by entering into an agreement  
469 with the collector to pay the taxes included in the  
470 foreclosure suit under section 92.740. The notice required  
471 by this subsection shall be mailed in an envelope with  
472 postage prepaid. The cost of the mailing and notice as  
473 required by this subsection shall be included as costs in  
474 the case.

475 5. No later than [twenty] forty days prior to the  
476 sheriff's sale, the [sheriff] collector shall send notice of  
477 the sale to the [owner or owners,] parties having interest  
478 in the parcel as disclosed upon the records of the assessor,  
479 or otherwise known to the collector, of the real estate for  
480 which tax bills thereon are delinquent. [The search of the  
481 records of the assessor must be made not more than forty  
482 days prior to the sending of this notice] The notice shall  
483 be sent to the addresses most likely to apprise the parties  
484 of the proceedings as provided. The notice shall provide  
485 the date, time and place of the sale. The notice shall also  
486 state that [the property owner] an interested party may  
487 avoid the sale by redeeming such parcel of real estate prior  
488 to the sale as specified in section 92.750 or, if  
489 applicable, by entering into an agreement with the collector  
490 to pay the taxes included in the foreclosure suit under

491 section 92.740. The notice required by this subsection  
492 shall be mailed in an envelope with postage prepaid. The  
493 cost of [the title search,] mailing and notice as required  
494 by this subsection shall be included as costs [at the sale  
495 of the real estate] in the case.

496 6. No later than twenty days prior to the sheriff's  
497 sale, the sheriff shall enter upon the parcel subject to  
498 foreclosure of these tax liens and post a written  
499 informational notice in a conspicuous location, attached to  
500 a structure, and intended to be visible by the nearest  
501 public right-of-way. This notice shall describe the  
502 property; shall advise that it is the subject of delinquent  
503 land tax collection proceedings brought pursuant to sections  
504 92.700 to 92.920 and that it may be sold for the payment of  
505 delinquent taxes at a sale to be held at a certain time,  
506 date, and place; and shall contain the serial number and the  
507 phone number and address of the collector, as well as a  
508 statement of the prohibition against removal unless the  
509 parcel has been redeemed. The notice shall be not less than  
510 eight inches by ten inches and shall be laminated or  
511 otherwise sufficiently weatherproof to withstand normal  
512 exposure to rain, snow, and other conditions. The sheriff  
513 shall document, by time-stamped photograph, compliance with  
514 this section, make said documentation generally available  
515 upon request, and provide verification by affidavit of  
516 compliance with this section. The cost of notice as  
517 required by this subsection shall be included as costs in  
518 the case.

519 7. In addition to the other notice requirements of  
520 this section, no later than twenty days prior to the  
521 sheriff's sale, the sheriff shall attempt in-person notice  
522 that shall describe the property; that shall advise that it  
523 is the subject of delinquent land tax collection proceedings

524 brought pursuant to sections 92.700 to 92.920 and that it  
525 may be sold for the payment of delinquent taxes at a sale to  
526 be held a certain time, date, and place; and that shall  
527 contain the serial number and phone number and address of  
528 the collector. In-person notice may be provided to any  
529 person found at the property. The sheriff shall note the  
530 date and time of attempted notice and the name, description,  
531 or other identifying information regarding the person to  
532 whom notice was attempted. The sheriff shall document  
533 compliance with this section, make said documentation  
534 generally available upon request, and provide verification  
535 by affidavit of compliance with this section. The cost of  
536 notice as required by this subsection shall be included as  
537 costs in the case.

538 [4.] 8. Notwithstanding the provisions of this section  
539 to the contrary, any residential property which has not been  
540 redeemed by the end of the waiting period required by this  
541 section which has been determined to be of substandard  
542 quality or condition under the standards established by the  
543 residential renovation loan commission pursuant to sections  
544 67.970 to 67.983 may, upon the request of the residential  
545 renovation loan commission, be transferred to the  
546 residential renovation loan commission for the purpose of  
547 renovation of the property. Any such property transferred  
548 pursuant to this subsection shall be renovated and sold by  
549 the residential renovation loan commission in the manner  
550 prescribed in sections 67.970 to 67.983. The residential  
551 renovation loan commission shall reimburse the land  
552 reutilization authority for all expenses directly incurred  
553 in relation to such property under sections 92.700 to 92.920  
554 prior to the transfer.

555 92.815. 1. During such waiting period and at any time  
556 prior to the time of foreclosure sale by the sheriff, any

557 interested party may redeem any parcel of real estate as  
558 provided by sections 92.700 to 92.920; except that during  
559 such time and at any time prior to the time of foreclosure  
560 sale by the sheriff, the collector shall enter into a  
561 written redemption contract with the owner of any real  
562 estate occupied as a homestead and who has not previously  
563 defaulted upon any such written redemption contract,  
564 provided that in no instance shall such installments exceed  
565 twelve in number or extend more than twenty-four months next  
566 after any agreement for such installment payments shall have  
567 been entered into; provided further, that upon good cause  
568 being shown by the owner of any parcel of real estate  
569 occupied as a homestead, or in the case of improved real  
570 estate with a total assessed valuation of not more than five  
571 thousand dollars, owned by an individual, the income from  
572 such property being a major factor in the total income of  
573 such individual, or by anyone on his behalf, the court may,  
574 in its discretion, fix the time and terms of payment in such  
575 contract to permit all of such installments to be paid  
576 within not longer than forty-eight months after any order or  
577 agreement as to installment payments shall have been made.  
578 The collector shall not enter into a redemption contract  
579 with respect to any improved parcel not occupied as a  
580 homestead.

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

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

592           92.817. 1. The court shall stay the sale of any  
593 parcel to be sold under execution of a tax foreclosure  
594 judgment obtained under this chapter, which is the subject  
595 of an action filed under sections 447.620 to 447.640,  
596 provided that the party that has brought such an action has,  
597 upon an order of the court, paid into the circuit court the  
598 principal amount of all land taxes then due and owing under  
599 the tax foreclosure judgment, exclusive of penalties and  
600 interest, prior to the date of any proposed sale under  
601 execution.

602           2. Upon the granting by the court of temporary  
603 possession of any property under section 447.632, upon  
604 order, the circuit court shall direct payment to the  
605 collector of all principal land taxes theretofore paid to  
606 the circuit court. In addition, in any order granting a  
607 final judgment or deed under section 447.625 or 447.640, the  
608 court shall also order the permanent extinguishment of  
609 penalties and interest arising from actions to collect  
610 delinquent land taxes due on the parcel against the grantee  
611 of said deed, and all successors in interest; excepting  
612 however, any defendant in such action.

613           3. If an owner of the parcel moves the court for  
614 restoration of possession under section 447.638, the owner  
615 shall pay into the circuit court all land tax amounts  
616 currently due and owing on the property, including all  
617 statutory penalties, interest, attorney's fees, and court  
618 costs retroactive to the date of accrual. Upon an order  
619 granting the restoration of possession to an owner under  
620 section 447.638, the court shall order that the funds paid  
621 to the court under subsection 2 of this section be returned

622 to the payer, and that the funds paid to the court under  
623 this subsection be paid out to the collector.

624 4. If the party that brought the action under sections  
625 447.620 to 447.640 dismisses its action prior to gaining  
626 temporary possession of the property, it shall recover any  
627 amounts paid into the circuit court prior to that date for  
628 principal land taxes.

629 92.825. 1. The sale shall be conducted, the sheriff's  
630 return thereof made, and the sheriff's deed pursuant to the  
631 sale executed, all as provided in the case of sales of real  
632 estate taken under execution except as otherwise provided in  
633 sections 92.700 to 92.920, and provided that such sale need  
634 not occur during the term of court or while the court is in  
635 session.

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

643 3. The collector shall advance from current tax  
644 collections the sums necessary to pay for the publication of  
645 all advertisements required by the provisions of sections  
646 92.700 to 92.920 and shall be allowed credit therefor in his  
647 accounts with the taxing authorities on a pro rata basis.  
648 He shall give credit in such accounts for all such advances  
649 recovered by him. Such expenses of publication shall be  
650 apportioned pro rata among and taxed as costs against the  
651 respective parcels of real estate described in the judgment;  
652 provided, however, that none of the costs herein enumerated,  
653 including the costs of publication, shall constitute any  
654 lien upon the real estate after such sale.

655           4. No person shall be eligible to bid at the time of  
656 the sheriff's sale unless such person has, no later than ten  
657 days before the sale date, demonstrated to the satisfaction  
658 of the collector or sheriff that the person is not the owner  
659 of any parcel of real estate in the city that is subject to  
660 delinquent property taxes, unpaid special tax bills, or  
661 vacant building fees. A prospective bidder shall be  
662 prohibited from participating in the delinquent land tax  
663 sale if he or she has previously bid at a sheriff's sale and  
664 failed to pay bid amounts, confirm the sale, or sign a  
665 sheriff's deed. The collector or sheriff may require  
666 prospective bidders to submit an affidavit attesting to the  
667 requirements of this section and is expressly authorized to  
668 permanently preclude any prospective bidder from  
669 participating in the sale for failure to comply with this  
670 section. Notwithstanding the provisions of this section,  
671 any taxing authority or land reutilization authority shall  
672 be eligible to bid at any sale conducted under this section  
673 without making such a demonstration. The purchaser at a  
674 sale conducted by the sheriff shall pay cash immediately at  
675 the end of bidding of each parcel on the day of the sale in  
676 an amount including all taxes then due and owing, which may  
677 be in an amount in excess of or less than the judgment  
678 amount, and other costs, exclusive of any amounts for debts  
679 owed to any statutorily created sewer district [as otherwise  
680 provided by law].

681           92.835. 1. The title to any real estate which shall  
682 vest in the land reutilization authority under the  
683 provisions of sections 92.700 to 92.920 shall be held by the  
684 land reutilization authority of the city in trust for the  
685 tax bill owners and taxing authorities having an interest in  
686 any tax liens which were foreclosed, as their interests may  
687 appear in the judgment of foreclosure.

688           2. The title to any real estate which shall vest in  
689 any purchaser, upon confirmation of such sale by the court,  
690 shall be an absolute estate in fee simple, subject to rights-  
691 of-way thereon of public utilities on which tax has been  
692 otherwise paid, and subject to any tax lien thereon of the  
693 United States of America, if any, and all persons, including  
694 the state of Missouri, any taxing authority or tax district  
695 as defined herein, judgment creditors, lienholders, minors,  
696 incapacitated and disabled persons, and nonresidents who may  
697 have had any right, title, interest, claim, or equity of  
698 redemption in or to, or lien upon, such lands shall be  
699 barred and forever foreclosed of all such right, title,  
700 interest, claim, lien or equity of redemption, and the court  
701 shall order immediate possession of such real estate be  
702 given to such purchaser[; provided, however, that such title  
703 shall also be subject to the liens of any tax bills which  
704 may have attached to such parcel of real estate prior to the  
705 time of the filing of the petition affecting such parcel of  
706 real estate not then delinquent, or which may have attached  
707 after the filing of the petition and prior to sheriff's sale  
708 and not included in any answer to such petition, but]. If  
709 such parcel of real estate is sold to the land reutilization  
710 authority the title thereto shall be free of any [such]  
711 liens to the extent of the interest of any taxing authority  
712 in such real estate; provided further, that such title shall  
713 not be subject to the lien of special tax bills [which has  
714 attached to the parcel of real estate prior to January 1,  
715 1972, but the lien of such special tax bills shall attach to  
716 the proceeds of the sheriff's sale or to the proceeds of the  
717 ultimate sale of such parcel by the land reutilization  
718 authority].

719           92.840. 1. Within six months after the sheriff sells  
720 any parcel of real estate, the court shall, upon its own

721 motion or upon motion of any interested party, set the cause  
722 down for hearing to confirm or set aside the foreclosure  
723 sale of the real estate, even though such parcels are not  
724 all of the parcels of real estate described in the notice of  
725 sheriff's foreclosure sale. Notice of the hearing shall be  
726 sent by any interested party, or the court, moving to  
727 confirm the foreclosure sale, to each person who **[received]**  
728 was sent notice of sale as specified in **[subsection 3]**  
729 subsections 4 and 5 of section 92.810 and to any other  
730 necessary parties as required by prevailing notions of due  
731 process. At the time of such hearing, the sheriff shall  
732 make report of the sale, and the court shall hear evidence  
733 of the value of the property offered on behalf of any  
734 interested party to the suit, and shall immediately  
735 determine whether an adequate consideration has been paid  
736 for each such parcel. Any parcel deemed to have been  
737 purchased by the land reutilization authority pursuant to  
738 section 92.830 shall not require any inquiry as to value.  
739 The court's judgment shall include a specific finding that  
740 adequate notice was provided to all necessary parties  
741 pursuant to prevailing notions of due process and sections  
742 92.700 to 92.920, reciting the notice efforts of the  
743 collector, sheriff, and tax sale purchaser. Nothing in this  
744 section shall be interpreted to preclude a successful tax  
745 sale purchaser from asserting a claim to quiet title to the  
746 bid upon parcel pursuant to section 527.150.

747 2. For this purpose, the court shall have power to  
748 summon any city official or any private person to testify as  
749 to the reasonable value of the property, and if the court  
750 finds that adequate consideration has been paid, he shall  
751 confirm the sale and order the sheriff to issue a deed with  
752 restriction as provided herein to the purchaser subject to  
753 the application of an occupancy permit for all parcels as

754 provided in subsection [5] 7 of this section. If the court  
755 finds that the consideration paid is inadequate, the  
756 purchaser may increase his bid to such amount as the court  
757 may deem to be adequate, whereupon the court may confirm the  
758 sale. If, however, the purchaser declines to increase his  
759 bid and make such additional payment, then the sale shall be  
760 disapproved, the lien of the judgment continued, and such  
761 parcel of real estate shall be again advertised and offered  
762 for sale by the sheriff to the highest bidder at public  
763 auction for cash at any subsequent sheriff's foreclosure  
764 sale.

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

767 (1) To the payment of the costs of the publication of  
768 the notice of foreclosure and of the sheriff's foreclosure  
769 sale;

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

773 (3) To the payment of all tax bills adjudged to be due  
774 in the order of their priority, including principal,  
775 interest and penalties thereon. If, after such payment,  
776 there is any sum remaining of the proceeds of the sheriff's  
777 foreclosure sale, the court shall thereupon try and  
778 determine the other issues in the suit in accordance with  
779 section 92.775. If any answering parties have specially  
780 appealed as provided in section 92.845, the court shall  
781 retain the custody of such funds pending disposition of such  
782 appeal, and upon disposition of such appeal shall make such  
783 distribution. If there are not sufficient proceeds of the  
784 sale to pay all claims in any class described, the court  
785 shall order the same to be paid pro rata in accordance with  
786 the priorities.

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

798           5. Any city operating under the provisions of sections  
799 92.700 to 92.920, by ordinance, may elect to allocate a  
800 portion of its share of the proceeds of the sheriff's sale  
801 towards a fund for the purpose of defending against claims  
802 challenging the sufficiency of notice provisions under this  
803 section.

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

811           **[6.]** 7. If there is a building or structure on the  
812 parcel, the purchaser shall apply for an occupancy permit  
813 from the city or appropriate governmental agency within ten  
814 days after the confirmation hearing. Any purchaser who is a  
815 public corporation acting in a governmental capacity shall  
816 not be required to acquire the occupancy permit. When a  
817 parcel, acquired at a sheriff sale, containing a building is  
818 sold from a public corporation acting in a governmental  
819 capacity, the subsequent purchaser shall be required to

820 apply for the occupancy permit. Failure to apply for such  
821 occupancy permit within ten days after confirmation shall  
822 result in the sale and confirmation being immediately set  
823 aside by the motion of any interested party and that parcel  
824 shall again be advertised and offered for sale by the  
825 sheriff to the highest bidder at public auction for cash at  
826 any subsequent sheriff foreclosure sale.

827 [7.] 8. The sheriff shall include a deed restriction  
828 in the sheriff's deed, issued after confirmation and after  
829 the application of an occupancy permit for any parcel  
830 containing a building or structure. The deed restriction  
831 shall state that the purchasers at the sheriff's sale who  
832 had the property confirmed and who applied for an occupancy  
833 permit shall obtain an occupancy permit for the building or  
834 structure from the appropriate governmental agency prior to  
835 any subsequent transfer or sale of this property. This deed  
836 restriction shall not exist as a lien against such real  
837 estate [while the purchasers hold same in the amount of five  
838 thousand dollars]. The purchasers of the property at the  
839 sheriff sale who had the property confirmed and applied for  
840 the occupancy permit shall agree that in the event of their  
841 failure to obtain an occupancy permit prior to any  
842 subsequent transfer of the property, they shall pay to the  
843 sheriff the sum of five thousand dollars as fixed,  
844 liquidated and ascertained damages without proof of loss or  
845 damages. These damages shall not constitute a lien on  
846 property, and the sheriff shall have the discretionary power  
847 to file a lawsuit against such purchaser for collection of  
848 these liquidated damages. These liquidated damages shall be  
849 distributed on a prorated basis to the appropriate taxing  
850 authority after the sheriff deducts all costs, expenses and  
851 [attorney] attorney's fees for such lawsuits. The sheriff

852 may employ attorneys as he deems necessary to collect  
853 liquidated damages.

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

861 10. Any interested party, other than the sheriff's  
862 sale purchaser, who moves the court to set aside a sheriff's  
863 sale after the issuance of a sheriff's deed made under the  
864 provisions of sections 92.700 to 92.920 shall be required to  
865 pay into the court the redemption amount otherwise necessary  
866 under section 92.750 prior to the court hearing any such  
867 motion to set aside. The court may hear any motion to  
868 confirm brought under the terms of this section if the  
869 redemption amount is not paid by the interested party moving  
870 the court to set aside the sale.

871 92.852. Any sheriff's deed given pursuant to the  
872 municipal land reutilization law shall be subject to a  
873 recording fee for the costs of recording the deed that shall  
874 be assessed and collected from the purchaser of the property  
875 at the same time the proceeds from the sale are collected.  
876 All such deeds shall be recorded at the office of the  
877 recorder of deeds within two months after the [sheriff's  
878 deed is given] court confirms the sale, if no proceeding to  
879 set aside the confirmation judgment is before the court.

880 92.855. Each sheriff's deed given pursuant to the  
881 provisions of the municipal land reutilization law shall be  
882 [presumptive] prima facie evidence that the suit and all  
883 proceedings therein and all proceedings prior thereto from  
884 and including assessment of the lands affected thereby and

885 all notices required by law were regular and in accordance  
886 with all provisions of the law relating thereto. [After two  
887 years from the date of the recording of such sheriff's deed,  
888 the presumption shall be conclusive, unless at the time that  
889 this section takes effect the two-year period since the  
890 recording of such sheriff's deed has expired, or less than  
891 six months of such period of two years remains unexpired, in  
892 which latter case the presumption shall become conclusive  
893 six months after September 28, 1971. No suit to set aside  
894 or to attack the validity of any such sheriff's deed shall  
895 be commenced or maintained unless the suit is filed prior to  
896 the time that the presumption becomes conclusive, as  
897 aforesaid.]" ; and

898 Further amend said bill, page 18, section 304.022, line  
899 110, by inserting after all of said line the following:

900 "442.130. 1. All deeds or other conveyances of lands,  
901 or of any estate or interest therein, shall be subscribed by  
902 the party granting the same, or by his lawful agent, and  
903 shall be acknowledged or proved and certified in the manner  
904 herein prescribed.

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

909 Further amend the title and enacting clause accordingly.