

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 836 & 753
95TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, April 15, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

2038S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to notice that a foreclosure sale has occurred.

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

Section A. Section 534.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 534.030, to read as follows:

534.030. 1. When any person willfully and without force holds over any lands, tenements or other possessions, after the termination of the time for which they were demised or let to the person, or the person under whom such person claims; or after a mortgage or deed of trust has been foreclosed and the person has received written notice of a foreclosure; **or at least ten business days have elapsed after the date of the notice described in subsection 3 of this section;** or when premises are occupied incident to the terms of employment and the employee holds over after the termination of such employment; or when any person wrongfully and without force, by disseisin, shall obtain and continue in possession of any lands, tenements or other possessions, and after demand made, in writing, for the delivery of such possession of the premises by the person having the legal right to such possession, or the person's agent or attorney, shall refuse or neglect to vacate such possession, such person is guilty of an "unlawful detainer".

2. **In any case where a foreclosed property is occupied prior to the foreclosure by a person who was a residential tenant, known in this section as the occupant, not in violation of the provisions of section 441.020, RSMo, then after the foreclosure sale, the new owner of the property shall give the occupant notice, as described in subsection 3 of**

20 this section, that the sale has occurred, that they are the new owner,
21 and if said owner seeks possession from the occupant that the occupant
22 has not less than ten business days from the date of this notice to
23 vacate the premises. No unlawful detainer action or any other action
24 seeking possession may be commenced against the occupant within ten
25 business days following the date of notice by the new owner that the
26 foreclosure sale has occurred. Nothing in this section creates a tenancy
27 between the new owner and the occupant. This section does not
28 preclude the new owner from entering into an agreement with the
29 occupant that allows the occupant to remain in the foreclosed property.

30 3. The notice required in subsection 2 of this section shall be
31 sent by certified or registered mail if the name of the occupant is
32 known to the new owner. If the name of the occupant is not known to
33 the new owner then the notice shall be sent by regular mail and
34 addressed to "occupant". The envelope containing such notice shall
35 have the following words printed on the envelope face: "Notice to
36 Occupant Following Foreclosure". A notice shall also be posted on the
37 door of the premises where the occupant resides. The notices required
38 in this subsection shall contain in substance the following text:
39 "Attention Occupant: (name of the new owner of the foreclosed
40 property) is now the owner of the property which you had been renting
41 or leasing at (address of foreclosed property, including apartment
42 number, if applicable) after purchasing it at a trustee's foreclosure sale
43 on (date of foreclosure sale). Unless you agree with (new owner) to a
44 rental or lease agreement for the premises, (new owner), on or after
45 (number not less than ten) business days following the date of this
46 notice, may seek a court order or judgment to have you removed from
47 the premises. Remaining on the premises after the date of this notice
48 does not make you a tenant of the new owner.

49 (Name of new owner)

50 (Address of new owner)

51 (Telephone number of new owner)

52 (Fax number of new owner, optional)

53 (E-mail address of new owner, optional)