

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 295
92ND GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, March 10, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1060S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, and to enact in lieu thereof fifteen new sections relating to delinquent taxes.

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

Section A. Sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 140.150, 140.170, 140.190, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.405, 140.410, 140.420, and 140.440, to read as follows:

140.150. 1. All lands [and lots], **lots, mineral rights, and royalty interests** on which taxes are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes as provided for in this chapter on the fourth Monday in August of each year.

2. No real property, **lots, mineral rights, or royalty interests** shall be sold for state, county or city taxes without judicial proceedings, unless the notice of sale contains the names of all record owners thereof, or the names of all owners appearing on the land tax book and all other information required by law. Delinquent taxes, [with] penalty, interest and costs **due thereon**, may be paid to the county collector at any time before the property is sold therefor.

3. The entry in the back tax book by the county clerk of the delinquent lands [and lots], **lots, mineral rights, and royalty interests** constitutes a levy upon the delinquent lands [and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

lots], **lots, mineral rights, and royalty interests** for the purpose of enforcing the lien of delinquent and unpaid taxes, together with penalty, interest and costs.

140.170. 1. Except for lands described in subsection 7 of this section, the county collector shall cause a copy of the list of delinquent lands and lots to be printed in some newspaper of general circulation published in the county, for three consecutive weeks, one insertion weekly, before the sale, the last insertion to be at least fifteen days prior to the fourth Monday in August.

2. In addition to the names of all record owners or the names of all owners appearing on the land tax book it is only necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated[, and the land therein described shall be described in forty acre tracts or other legal subdivisions, and the lots shall be described by number, block, addition, etc., except that if a part or parts of any forty acre tract or other legal subdivision or lot are assessed on the tax books to two or more parties as owners thereof, then, as to such land or lots, such list shall be so prepared and separated].

3. To the list shall be attached and in like manner printed and published a notice [that so much] of said lands and lots [as are necessary to discharge the taxes, interest and charges which are due thereon at the time of sale will be sold at public auction] **stating that said land and lots will be sold at public auction to discharge the taxes, penalty, interest, and costs due thereon at the time of sale** in or adjacent to the courthouse of such county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day and continuing from day to day thereafter until all are offered.

4. The county collector, on ~~or before~~ the day of sale, shall insert at the foot of the list on his record a copy of the notice and certify on his record immediately following the notice the name of the newspaper of the county in which the notice was printed and published and the dates of insertions thereof in the newspaper.

5. The expense of such printing shall be paid out of the county treasury and shall not exceed the rate provided for in chapter 493, RSMo, relating to legal publications, notices and advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the costs of the sale of any land or lot contained in the list.

6. The county collector shall cause the affidavit of the printer, editor or publisher of the newspaper in which the list of delinquent lands and notice of sale was published, as provided by section 493.060, RSMo, with the list and notice attached, to be recorded in the office of the recorder of deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

7. The county collector may have a separate list of such lands, without legal descriptions or the names of the record owners, printed in a newspaper of general circulation published in such county for three consecutive weeks before the sale of such lands for a parcel or lot of land

that:

(1) Has an assessed value of five hundred dollars or less and has been advertised previously; or

(2) Is a lot in a development of twenty or more lots and such lot has an assessed value of five hundred dollars or less.

The notice shall state that legal descriptions and the names of the record owners of such lands shall be posted at any county courthouse within the county and the office of the county collector.

140.190. 1. On the day mentioned in the notice, the county collector shall commence the sale of such lands, and shall continue the same from day to day until [so much of] each parcel assessed or belonging to each person assessed, shall be sold as will pay the taxes, interest and charges thereon, or chargeable to such person in said county.

2. The person offering at said sale to pay the required sum for [the least quantity of any] a tract shall be considered the purchaser of such [quantity] **land**; provided, no sale shall be made to any person who is currently delinquent on any tax payments on any property, other than a delinquency on the property being offered for sale, and who does not sign an affidavit stating such at the time of sale. Failure to sign such affidavit as well as signing a false affidavit may invalidate such sale. No bid shall be received from any person not a resident of the state of Missouri until such person shall file with said collector an agreement in writing consenting to the jurisdiction of the circuit court of the county in which such sale shall be made, and also filing with such collector an appointment of some citizen of said county as agent of said purchaser, and consenting that service of process on such agent shall give such court jurisdiction to try and determine any suit growing out of or connected with such sale for taxes.

3. All such written consents to jurisdiction and selective appointments shall be preserved by the county collector and shall be binding upon any person or corporation claiming under the person consenting to jurisdiction and making the appointment herein referred to; provided further, that in the event of the death, disability or refusal to act of the person appointed as agent of said nonresident purchaser the county clerk shall become the appointee as agent of said nonresident purchaser.

140.220. 1. The clerk of the county commission shall attend, either in person or by deputy, as the clerk of the sale of such delinquent land, and shall enter the same on a sufficient record book giving a description of the proper tract or lot, [showing how much of each was sold.] to whom **sold**, and the price, or whether the same remains unsold.

2. For his services as in this section provided he shall, except in those counties having a population in excess of one hundred thousand, receive the sum of twenty-five cents on each tract of land or lot sold, to become part of the costs of sale and paid by the purchaser, which fee shall include entry or recital of redemption on such record.

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[, and the owner or owners, agent or agents cannot be found,] 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 for a greater amount than the debt or taxes and all costs in the case[, and for which no owner or owners, agent or agents can be found,] 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 overplus of money and retain one of the duplicate receipts himself and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. The treasurer shall place such moneys to the credit of the school fund of the county, to be held in trust for the term of [seven] **three** years for the owner or owners or their legal representatives. At the end of [seven] **three** years, if such fund shall not be called for, then it shall become a permanent school fund of the county.

3. County commissions shall compel owners or agents to make satisfactory proof of their claims before receiving their money; provided, that no county shall pay interest to the claimant of any such fund.

140.260. 1. It shall be lawful for the county commission of any county, and the comptroller, mayor and president of the board of assessors of the city of St. Louis, to designate and appoint a suitable person or persons with discretionary authority to bid at all sales to which section 140.250 is applicable, and to purchase at such sales all lands or lots necessary to protect all taxes due and owing and prevent their loss to the taxing authorities involved from inadequate bids.

2. Such person or persons so designated are hereby declared as to such purchases and as titleholders pursuant to collector's deeds issued on such purchases, to be trustees for the benefit of all funds entitled to participate in the taxes against all such lands or lots so sold.

3. Such person or persons so designated shall not be required to pay the amount bid on any such purchase but the collector's deed issuing on such purchase shall recite the delinquent taxes for which said lands or lots were sold, the amount due each respective taxing authority involved, and that the grantee in such deed or deeds holds title as trustee for the use and benefit of the fund or funds entitled to the payment of the taxes for which said lands or lots were sold.

4. The costs of all collectors' deeds, the recording of same and the advertisement of such lands or lots shall be paid out of the county treasury in the respective counties and such fund as may be designated therefor by the authorities of the city of St. Louis.

5. All lands or lots so purchased shall be sold and deeds ordered executed and delivered by such trustees upon order of the county commission of the respective counties and the comptroller, mayor and president of the board of assessors of the city of St. Louis, and the proceeds of such sales shall be applied, first, to the payment of the costs incurred and advanced, and the balance shall be distributed pro rata to the funds entitled to receive the taxes on the lands or lots so disposed of.

6. Upon appointment of any such person or persons to act as trustee as herein designated a certified copy of the order making such appointment shall be delivered to the collector, and if such authority be revoked a certified copy of the revoking order shall also be delivered to the collector.

7. Compensation to trustees as herein designated shall be payable solely from proceeds derived from the sale of lands purchased by them as such trustees and shall be fixed by the authorities herein designated, but not in excess of ten percent of the price for which any such lands and lots are sold by the trustees; provided further, that if at any such sale any person bid a sufficient amount to pay in full all delinquent taxes, penalties, interest and costs, then the trustees herein designated shall be without authority to further bid on any such land or lots.

8. If the county commission of any county does not designate and appoint a suitable person or persons as trustee or trustees, so appointed, or the trustee or trustees do not accept property after the third offering where no sale occurred then it shall be at the discretion of the collector to sell such land subsequent to the third offering of such land and lots at any time and for any amount.

140.280. 1. Where such sale is made, the purchaser at such sale shall immediately pay the amount of his bid to the collector, who shall pay the surplus, if any, [to the person entitled thereto; or if he has doubt, or a dispute arises as to the proper person, the same shall be paid] into the county treasury to be held for the use and benefit of the person entitled thereto.

2. In case the purchaser fails to pay his bid, the land shall be again forthwith offered for sale the same as if no sale had been made, and the purchaser so failing shall forfeit and pay for the use of the distributive county school fund of the county a penalty of twenty-five percent of the amount of his bid, to be recovered by action of debt in the name of the collector, before any court having jurisdiction, and the prosecuting attorney shall conduct such suit, and for his services a fee of five dollars shall be taxed against such delinquent purchaser.

140.340. 1. The owner or occupant of any land or lot sold for taxes, or any other persons having an interest therein, may redeem the same at any time during the [two years] **one year** next ensuing, in the following manner: By paying to the county collector, for the use of the purchaser, his heirs or assigns, the full sum of the purchase money named in his certificate of purchase and all the cost of the sale together with interest at the rate specified in such certificate, not to exceed ten percent annually, with all subsequent taxes which have been paid thereon by

the purchaser, his heirs or assigns, with interest at the rate of eight percent per annum on such taxes subsequently paid, and in addition thereto the person redeeming any land shall pay the costs incident to entry of recital of such redemption.

2. Upon deposit with the county collector of the amount necessary to redeem as herein provided, it shall be the duty of the county collector to mail to the purchaser, his heirs or assigns, at the last post-office address if known, and if not known, then to the address of the purchaser as shown in the record of the certificate of purchase, notice of such deposit for redemption.

3. Such notice, given as herein provided, shall stop payment to the purchaser, his heirs or assigns, of any further interest or penalty.

4. In case the party purchasing said land, his heirs or assigns, fails to take a tax deed for the land so purchased within six months after the expiration of the **[two years] one year** next following the date of sale, no interest shall be charged or collected from the redemptioner after that time.

140.350. Infants and incapacitated and disabled persons as defined in chapter 475, RSMo, may redeem any lands belonging to them sold for taxes, within **[two years] one year** after the expiration of such disability, in the same manner as provided in section 140.340 for redemption by other persons.

140.360. 1. In case any lasting and valuable improvements shall have been made by the purchaser at a sale for taxes, or by any person claiming under him, and the land on which the same shall have been made shall be redeemed as aforesaid, the premises shall not be restored to the person redeeming, until he shall have paid or tendered to the adverse party the value of such improvements; and, if the parties cannot agree on the value thereof the same proceedings shall be had in relation thereto as shall be prescribed in the law existing at the time of such proceedings for the relief of occupying claimants of lands in actions of ejectment.

2. No compensation shall be allowed for improvements made before the expiration of **[two years] one year** from the date of sale for taxes.

140.370. 1. When lands sold for taxes, or any portions thereof, shall be redeemed, the county collector shall insert a memorandum of such redemption on the record of the certificate of purchase applicable thereto, stating the **[quantity or description of the portion] land or lots** redeemed, **[if not the whole,]** the date thereof, and by whom made, and sign the same officially, and shall likewise give a certificate thereof to the person redeeming.

2. The person redeeming shall then present to the county clerk the certificate of redemption and the county clerk shall then enter on his record of sales of land for delinquent taxes the recital of such redemption, the date thereof, and the person redeeming.

140.405. Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.420, until the person meets with the following requirement or until such person makes affidavit that a title search has revealed

no publicly recorded deed of trust, mortgage, lease, lien or claim on the real estate. At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify any person who holds a publicly recorded deed of trust, mortgage, lease, lien or claim upon that real estate of the latter person's right to redeem such person's publicly recorded security or claim. Notice shall be sent by certified mail to any such person, including one who was the publicly recorded owner of the property sold at the delinquent land tax auction previous to such sale, at such person's last known available address. Failure of the purchaser to comply with this provision shall result in such purchaser's loss of all interest in the real estate. If any real estate is purchased at a third-offering tax auction and has a publicly recorded deed of trust, mortgage, lease, lien or claim upon the real estate, the purchaser of said property at a third-offering tax auction shall notify anyone with a publicly recorded deed of trust, mortgage, lease, lien or claim upon the real estate pursuant to this section. Once the purchaser has notified the county collector by affidavit that proper notice has been given, anyone with a publicly recorded deed of trust, mortgage, lease, lien or claim upon the property shall have ninety days to redeem said property or be forever barred from redeeming said property. **If the county collector chooses to perform the title search then the county collector must comply with all provisions of section 140.405, and may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.**

140.410. In all cases where lands have been or may hereafter be sold for delinquent taxes, penalty, interest and costs **due thereon**, and a certificate of purchase has been or may hereafter be issued, it is hereby made the duty of such purchaser, his heirs or assigns, to cause a deed to be executed and placed on record in the proper county within **[four] two** years from the date of said sale; provided, that on failure of said purchaser, his heirs or assigns so to do, then and in that case the amount due such purchaser shall cease to be a lien on said lands so purchased as herein provided. **Certificates of purchase cannot be assigned to non-residents or delinquent taxpayers. Any person purchasing property at a delinquent land tax sale shall pay to the collector the fee necessary for the recording of such collector deed to be issued. It shall be the responsibility of the collector to record the deed before delivering such deed to the purchaser of the property.**

140.420. [1.] If no person shall redeem the lands sold for taxes within **[two years] one year** from the sale, at the expiration thereof, and on production of certificate of purchase, [and in case the certificate covers only a part of a tract or lot of land, then accompanied with a survey or description of such part, made by the county surveyor,] the collector of the county in which the sale of such lands took place shall execute to the purchaser, his heirs or assigns, in the name of the state, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims thereon for unpaid taxes except such unpaid taxes existing at time of the purchase of said lands and the lien for which taxes was inferior to

the lien for taxes for which said tract or lot of land was sold.

[2. In making such conveyance, when two or more parcels, tracts, or lots of land are sold for the nonpayment of taxes to the same purchaser or purchasers, or the same person or persons shall in any wise become the owner of the certificates thereof, all of such parcels shall be included in one deed.]

140.440. Every holder of a certificate of purchase shall before being entitled to apply for deed to any tract or lot of land described therein pay all taxes that have accrued thereon since the issuance of said certificate, or any prior taxes that may remain due and unpaid on said property, and the lien for which was not foreclosed by sale under which such holder makes demand for deed, and any purchaser that shall suffer a subsequent tax to become delinquent [and a subsequent certificate of purchase to issue on the same property included in his certificate], such first purchaser shall forfeit [his rights of priority thereunder to the subsequent purchaser, and such subsequent purchaser shall at the time of obtaining his certificate redeem said first certificate of purchase outstanding by depositing with the county collector the amount of said first certificate with interest thereon to the date of said redemption and the amount so paid in redemption shall become a part of said subsequent certificate of purchase and draw interest at the rate specified in said first certificate but not to exceed ten percent per annum from the date of payment] **all liens on such lands so purchased.** Said holder of a certificate of purchase permitting a subsequent certificate to issue on the same property, shall, on notice from the county collector, surrender said certificate of purchase [on payment to him of the redemption money paid by the subsequent purchaser.] **immediately to the county collector. Upon surrender of such certificate of purchase any surplus moneys paid by the first holder of the certificate of purchase shall be paid without interest to such holder of the certificate.**

[140.200. When more than one tract or lot belonging to the same person is for sale at the same time, in the same municipal corporation or township, a part of one of the tracts or lots shall be offered, first for the payment of the whole sum due from the owner on all the delinquent lands or lots. If no person bids off a part of the tract or lot for the sum required, the tract or lot shall then be offered to the highest bidder for cash, and if any amount yet remains due, or if no person bids for a part or all of one tract or lot, each of the other tracts or lots shall be offered in like manner until the required sum is realized. If no one bids upon a part or all of said tracts or lots separately, enough to pay the amount due, then the whole of the tracts and lots shall be offered together and sold to pay the taxes, penalty, interest and costs thereon. This section shall be construed directory in character and a failure to comply therewith shall not of itself invalidate any sale.]

[140.210. When less than the whole of any tract of land shall be sold, the

quantity sold shall be in a square form, as near as practicable, at the most northwesterly corner of the tract, and when less than the whole of any in-lot or out-lot of any city or town shall be sold, the part sold shall extend from the main or principal street, road or alley, forming the most convenient front to such lot, to the rear of such lot, and so as to bound the same by lines as nearly parallel with the outlines of such lot as practicable.]

[140.390. 1. Any person claiming an undivided part of any land sold for taxes may redeem the same on paying such proportion of the purchase money, interest, penalty and subsequent taxes as he shall claim of the land sold.

2. Any person claiming an undivided share in any land out of which an undivided part shall have been sold for taxes, may redeem his undivided share by paying such portion of the purchase money, interest, penalty and subsequent taxes as he claims of the land sold.

3. Any person claiming a specific part of any lands sold for taxes may redeem his specific part by paying such proportion of the purchase money, interest, penalty and subsequent taxes as his quantity of ground shall bear to the whole quantity sold.

4. Any person claiming a specific part of any lands out of which an undivided part shall have been sold for taxes charged on the whole tract or lot, may redeem his specific part by paying such proportion of purchase money, interest, penalty and subsequent taxes as his quantity of ground shall bear to the whole quantity taxed.]

[140.400. In every case where a partial redemption is asked for, pursuant to section 140.390, the county collector, upon the application of the redemptioner, after notice to the holder of the certificate, shall determine the proportion to be paid by the party applying to redeem, and his decision shall be final thereon. For his services in stating the proportion, the redemptioner shall pay him fifty cents; and in every case of a partial redemption, pursuant to said section, the quantity sold shall be reduced in proportion to the amount paid on such partial redemption, and the county collector shall convey accordingly.]

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