

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 470
92ND GENERAL ASSEMBLY

Reported from the Committee on Judiciary April 15, 2003, with recommendation that the House Committee Substitute for Senate Bill No. 470 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

1639L.02C

AN ACT

To repeal sections 511.350, 511.510, 517.141, and 517.151, RSMo, and to enact in lieu thereof two new sections relating to liens on real estate.

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

Section A. Sections 511.350, 511.510, 517.141, and 517.151, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 511.350 and 511.510, to read as follows:

511.350. 1. Judgments and decrees [rendered] **entered** by the supreme court, by any United States district or circuit court held within this state, by any district of the court of appeals, by any **division of the** circuit court [and any probate division of the circuit court], except judgments and decrees [rendered by associate,] **entered by** small claims and municipal divisions of the circuit courts, shall be liens on the real estate of the person against whom they are [rendered] **entered**, situate in the county for which or in which the court is held. **Judgments entered by the associate division of the circuit court which are entitled to a trial de novo pursuant to section 512.180, RSMo, shall be a lien upon final judgment if an application is not filed or, alternatively, upon final judgment of the trial de novo if an application is filed.**

2. [Judgments and decrees rendered by the associate divisions of the circuit courts shall not be liens on the real estate of the person against whom they are rendered until such judgments or decrees are filed with the clerk of the circuit court pursuant to sections 517.141

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

and 517.151, RSMo.

3.] Judgments and decrees [rendered] **entered** by the small claims and municipal divisions of the circuit court shall not constitute liens against the real estate of the person against whom they are rendered.

3. Notwithstanding any other provision of law, no judgments or decrees entered by any court of competent jurisdiction may be amended or modified by any administrative agency.

511.510. It shall be the duty of [each of the circuit] **the** clerks **of any division of the circuit court to**, within five days after the rendition of any final judgment in their respective [courts, to] **division** enter an abstract of such judgment in the record as required in section 511.500; and [each circuit] **the** clerk shall immediately enter the same when the abstract aforesaid shall be furnished to such clerk by any party interested, or such party's agent; and each of the clerks and their sureties shall be respectively liable for any damage occasioned by any neglect to perform the duties hereby required of them respectively; and it is further provided, that whenever any personal representative, guardian or conservator, or any party interested, or such party's agent, shall exhibit to the [circuit] clerk of the [circuit] court wherein such judgment may be recorded a receipt or certificate of the proper officer, stating that such judgment has been duly satisfied, then the circuit clerk shall, without further fee, enter satisfaction of such judgment in such clerk's office in the record as required in section 511.500.

513.475. 1. The homestead of every person, consisting of a dwelling house and appurtenances, and the land used in connection therewith, not exceeding the value of [eight] **fifteen** thousand dollars, which is or shall be used by such person as a homestead, shall, together with the rents, issues and products thereof, be exempt from attachment and execution. The exemption allowed under this section shall not be allowed for more than one owner of any homestead if one owner claims the entire amount allowed under this subsection; but, if more than one owner of any homestead claims an exemption under this section, the exemption allowed to each of such owners shall not exceed, in the aggregate, the total exemption allowed under this subsection as to any one homestead.

2. Either spouse separately shall be debarred from and incapable of selling, mortgaging or alienating the homestead in any manner whatever, and every such sale, mortgage or alienation is hereby declared null and void; provided, however, that nothing herein contained shall be so construed as to prevent the husband and wife from jointly conveying, mortgaging, alienating or in any other manner disposing of such homestead, or any part thereof.

[517.141. On demand of any person interested therein, whether by assignment or otherwise, every clerk or officer who shall be in possession of the record of judgment shall give to such person a certified transcript of such judgment. Upon production of any such transcript, the clerk of the circuit court

of the county in which the judgment was rendered shall record the same in his permanent record of circuit court judgments, and note therein the date and hour of its filing.]

[517.151. From the time of filing the transcript, every such judgment shall have the same lien on the real estate of the defendant in the county as is given judgments rendered by circuit judges. The circuit clerk shall collect fees in such amounts as are determined pursuant to sections 488.010 to 488.020, RSMo, for each transcript filed. The revival of any such lien upon real estate shall be under the same procedures as with judgments originally rendered by a circuit judge, shall be made from the record of the transcribed judgment so filed in the office of circuit clerk, and may be revived under proceedings before either a circuit or an associate circuit judge. The foregoing provisions shall not apply with respect to any judgment of a small claims court nor shall any judgment of a small claims court be a lien upon real estate.]

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