

FIRST REGULAR SESSION

SENATE BILL NO. 513

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time February 25, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2221S.011

AN ACT

To repeal section 429.609, RSMo, and to enact in lieu thereof one new section relating to real estate broker's liens.

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

Section A. Section 429.609, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 429.609, to read as follows:

429.609. A real estate broker's lien authorized by sections 429.600 to
2 429.627 attaches to the commercial real estate, or an interest in the commercial
3 real estate, when:

4 (1) The real estate broker procures a person or entity ready, willing and
5 able to purchase, lease or otherwise accept a conveyance of such property upon
6 the terms set forth in the written agreement with the owner or terms otherwise
7 acceptable to the owner or owner's agent, or the real estate broker is entitled to
8 a fee or commission pursuant to a written agreement signed by the owner or the
9 owner's agent; and

10 (2) The real estate broker records a notice of the lien in the office of the
11 recorder of deeds of the county in which the real property, or any interest in the
12 real property, is located, if such lien is filed prior to the actual conveyance or
13 transfer of the commercial real estate subject to such real estate broker's lien,
14 except that:

15 (a) If payment to a real estate broker is due in installments and a portion
16 of the payment is due after the conveyance or transfer of the commercial real
17 estate, any claim for a lien for installment payments due after the transfer or
18 conveyance of such real estate may be recorded any time after the transfer or
19 conveyance of the commercial real estate but must be recorded before the date on

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

20 which the payment is due. Such lien shall only be effective as a lien against the
21 commercial real estate to the extent moneys are still owed to the transferor by the
22 transferee. A single claim for a lien recorded before the transfer or conveyance
23 of the commercial real estate, claiming all moneys due under an installment
24 payment agreement, is not valid or enforceable to the extent of the payments due
25 after the transfer or conveyance. The lien attaches for purposes of this paragraph
26 when the claim for lien is recorded;

27 (b) In the case of a lease, the claim for lien must be recorded within
28 ninety days after the [tenant takes possession of the leased property] **date of**
29 **occupancy or the date of rent commencement as stipulated in the lease,**
30 **whichever is later**, unless written notice of the intention to sign the lease is
31 personally served on the real estate broker entitled to claim a lien at least ten
32 days before the date of the intended signing of the lease, then the claim for lien
33 must be recorded before the date indicated for the signing of the lease. The lien
34 attaches for purposes of this paragraph when the claim for lien is recorded; or

35 (c) If the real estate broker has a written agreement with a prospective
36 buyer as provided in subsection 2 of section 429.605, then the lien attaches when
37 the prospective buyer purchases or otherwise accepts a conveyance or transfer of
38 the commercial real estate and records a notice of the lien within ninety days
39 after the purchase or other conveyance or transfer to the buyer in the office of the
40 recorder of deeds in the county in which the commercial real estate, or any
41 interest in the commercial real estate, is located.

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