

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 235

95TH GENERAL ASSEMBLY

2009

0247L.13T

AN ACT

To repeal sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof thirty-seven new sections relating to manufactured homes, with penalty provisions.

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

Section A. Sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.094, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 442.015, 513.010, 700.010, 700.100, 700.111, 700.320, 700.330, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.526, 700.527, 700.528, 700.529, and 700.630, to read as follows:

137.016. 1. As used in section 4(b) of article X of the Missouri Constitution, the following terms mean:

(1) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of

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

5 crops; to the feeding, breeding and management of livestock which shall include
6 breeding, showing, and boarding of horses; to dairying, or to any other
7 combination thereof; and buildings and structures customarily associated with
8 farming, agricultural, and horticultural uses. Agricultural and horticultural
9 property shall also include land devoted to and qualifying for payments or other
10 compensation under a soil conservation or agricultural assistance program under
11 an agreement with an agency of the federal government. Agricultural and
12 horticultural property shall further include land and improvements, exclusive of
13 structures, on privately owned airports that qualify as reliever airports under the
14 Nation Plan of Integrated Airports System, to receive federal airport improvement
15 project funds through the Federal Aviation Administration. Real property
16 classified as forest croplands shall not be agricultural or horticultural property
17 so long as it is classified as forest croplands and shall be taxed in accordance with
18 the laws enacted to implement section 7 of article X of the Missouri
19 Constitution. **Agricultural and horticultural property shall also include**
20 **any sawmill or planing mill defined in the U.S. Department of Labor's**
21 **Standard Industrial Classification (SIC) Manual under Industry Group**
22 **242 with the SIC numbers 2421, 2426, or 2429;**

23 (2) "Residential property", all real property improved by a structure which
24 is used or intended to be used for residential living by human occupants, vacant
25 land in connection with an airport, land used as a golf course, and manufactured
26 home parks, but residential property shall not include other similar facilities used
27 primarily for transient housing. For the purposes of this section, "transient
28 housing" means all rooms available for rent or lease for which the receipts from
29 the rent or lease of such rooms are subject to state sales tax pursuant to
30 subdivision (6) of subsection 1 of section 144.020, RSMo;

31 (3) "Utility, industrial, commercial, railroad and other real property", all
32 real property used directly or indirectly, for any commercial, mining, industrial,
33 manufacturing, trade, professional, business, or similar purpose, including all
34 property centrally assessed by the state tax commission but shall not include
35 floating docks, portions of which are separately owned and the remainder of
36 which is designated for common ownership and in which no one person or
37 business entity owns more than five individual units. All other real property not
38 included in the property listed in subclasses (1) and (2) of section 4(b) of article
39 X of the Missouri Constitution, as such property is defined in this section, shall
40 be deemed to be included in the term "utility, industrial, commercial, railroad and

41 other real property".

42 2. Pursuant to article X of the state constitution, any taxing district may
43 adjust its operating levy to recoup any loss of property tax revenue, except
44 revenues from the surtax imposed pursuant to article X, subsection 2 of section
45 6 of the constitution, as the result of changing the classification of structures
46 intended to be used for residential living by human occupants which contain five
47 or more dwelling units if such adjustment of the levy does not exceed the highest
48 tax rate in effect subsequent to the 1980 tax year. For purposes of this section,
49 loss in revenue shall include the difference between the revenue that would have
50 been collected on such property under its classification prior to enactment of this
51 section and the amount to be collected under its classification under this
52 section. The county assessor of each county or city not within a county shall
53 provide information to each taxing district within its boundaries regarding the
54 difference in assessed valuation of such property as the result of such change in
55 classification.

56 3. All reclassification of property as the result of changing the
57 classification of structures intended to be used for residential living by human
58 occupants which contain five or more dwelling units shall apply to assessments
59 made after December 31, 1994.

60 4. Where real property is used or held for use for more than one purpose
61 and such uses result in different classifications, the county assessor shall allocate
62 to each classification the percentage of the true value in money of the property
63 devoted to each use; except that, where agricultural and horticultural property,
64 as defined in this section, also contains a dwelling unit or units, the farm
65 dwelling, appurtenant residential-related structures and up to five acres
66 immediately surrounding such farm dwelling shall be residential property, as
67 defined in this section.

68 5. All real property which is vacant, unused, or held for future use; which
69 is used for a private club, a not-for-profit or other nonexempt lodge, club,
70 business, trade, service organization, or similar entity; or for which a
71 determination as to its classification cannot be made under the definitions set out
72 in subsection 1 of this section, shall be classified according to its immediate most
73 suitable economic use, which use shall be determined after consideration of:

- 74 (1) Immediate prior use, if any, of such property;
75 (2) Location of such property;
76 (3) Zoning classification of such property; except that, such zoning

77 classification shall not be considered conclusive if, upon consideration of all
78 factors, it is determined that such zoning classification does not reflect the
79 immediate most suitable economic use of the property;

80 (4) Other legal restrictions on the use of such property;

81 (5) Availability of water, electricity, gas, sewers, street lighting, and other
82 public services for such property;

83 (6) Size of such property;

84 (7) Access of such property to public thoroughfares; and

85 (8) Any other factors relevant to a determination of the immediate most
86 suitable economic use of such property.

87 6. All lands classified as forest croplands shall not, for taxation purposes,
88 be classified as subclass (1), subclass (2), or subclass (3) real property, as such
89 classes are prescribed in section 4(b) of article X of the Missouri Constitution and
90 defined in this section, but shall be taxed in accordance with the laws enacted to
91 implement section 7 of article X of the Missouri Constitution.

137.115. 1. All other laws to the contrary notwithstanding, the assessor
2 or the assessor's deputies in all counties of this state including the city of St.
3 Louis shall annually make a list of all real and tangible personal property taxable
4 in the assessor's city, county, town or district. Except as otherwise provided in
5 subsection 3 of this section and section 137.078, the assessor shall annually
6 assess all personal property at thirty-three and one-third percent of its true value
7 in money as of January first of each calendar year. The assessor shall annually
8 assess all real property, including any new construction and improvements to real
9 property, and possessory interests in real property at the percent of its true value
10 in money set in subsection 5 of this section. The true value in money of any
11 possessory interest in real property in subclass (3), where such real property is
12 on or lies within the ultimate airport boundary as shown by a federal airport
13 layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR
14 Part 139 certification and owned by a political subdivision, shall be the otherwise
15 applicable true value in money of any such possessory interest in real property,
16 less the total dollar amount of costs paid by a party, other than the political
17 subdivision, towards any new construction or improvements on such real property
18 completed after January 1, 2008, and which are included in the above-mentioned
19 possessory interest, regardless of the year in which such costs were incurred or
20 whether such costs were considered in any prior year. The assessor shall
21 annually assess all real property in the following manner: new assessed values

22 shall be determined as of January first of each odd-numbered year and shall be
23 entered in the assessor's books; those same assessed values shall apply in the
24 following even-numbered year, except for new construction and property
25 improvements which shall be valued as though they had been completed as of
26 January first of the preceding odd-numbered year. The assessor may call at the
27 office, place of doing business, or residence of each person required by this
28 chapter to list property, and require the person to make a correct statement of all
29 taxable tangible personal property owned by the person or under his or her care,
30 charge or management, taxable in the county. On or before January first of each
31 even-numbered year, the assessor shall prepare and submit a two-year
32 assessment maintenance plan to the county governing body and the state tax
33 commission for their respective approval or modification. The county governing
34 body shall approve and forward such plan or its alternative to the plan to the
35 state tax commission by February first. If the county governing body fails to
36 forward the plan or its alternative to the plan to the state tax commission by
37 February first, the assessor's plan shall be considered approved by the county
38 governing body. If the state tax commission fails to approve a plan and if the
39 state tax commission and the assessor and the governing body of the county
40 involved are unable to resolve the differences, in order to receive state cost-share
41 funds outlined in section 137.750, the county or the assessor shall petition the
42 administrative hearing commission, by May first, to decide all matters in dispute
43 regarding the assessment maintenance plan. Upon agreement of the parties, the
44 matter may be stayed while the parties proceed with mediation or arbitration
45 upon terms agreed to by the parties. The final decision of the administrative
46 hearing commission shall be subject to judicial review in the circuit court of the
47 county involved. In the event a valuation of subclass (1) real property within any
48 county with a charter form of government, or within a city not within a county,
49 is made by a computer, computer-assisted method or a computer program, the
50 burden of proof, supported by clear, convincing and cogent evidence to sustain
51 such valuation, shall be on the assessor at any hearing or appeal. In any such
52 county, unless the assessor proves otherwise, there shall be a presumption that
53 the assessment was made by a computer, computer-assisted method or a
54 computer program. Such evidence shall include, but shall not be limited to, the
55 following:

56 (1) The findings of the assessor based on an appraisal of the property by
57 generally accepted appraisal techniques; and

58 (2) The purchase prices from sales of at least three comparable properties
59 and the address or location thereof. As used in this subdivision, the word
60 "comparable" means that:

61 (a) Such sale was closed at a date relevant to the property valuation; and

62 (b) Such properties are not more than one mile from the site of the
63 disputed property, except where no similar properties exist within one mile of the
64 disputed property, the nearest comparable property shall be used. Such property
65 shall be within five hundred square feet in size of the disputed property, and
66 resemble the disputed property in age, floor plan, number of rooms, and other
67 relevant characteristics.

68 2. Assessors in each county of this state and the city of St. Louis may send
69 personal property assessment forms through the mail.

70 3. The following items of personal property shall each constitute separate
71 subclasses of tangible personal property and shall be assessed and valued for the
72 purposes of taxation at the following percentages of their true value in money:

73 (1) Grain and other agricultural crops in an unmanufactured condition,
74 one-half of one percent;

75 (2) Livestock, twelve percent;

76 (3) Farm machinery, twelve percent;

77 (4) Motor vehicles which are eligible for registration as and are registered
78 as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which
79 are at least twenty-five years old and which are used solely for noncommercial
80 purposes and are operated less than fifty hours per year or aircraft that are home
81 built from a kit, five percent;

82 (5) Poultry, twelve percent; and

83 (6) Tools and equipment used for pollution control and tools and
84 equipment used in retooling for the purpose of introducing new product lines or
85 used for making improvements to existing products by any company which is
86 located in a state enterprise zone and which is identified by any standard
87 industrial classification number cited in subdivision (6) of section 135.200, RSMo,
88 twenty-five percent.

89 4. The person listing the property shall enter a true and correct statement
90 of the property, in a printed blank prepared for that purpose. The statement,
91 after being filled out, shall be signed and either affirmed or sworn to as provided
92 in section 137.155. The list shall then be delivered to the assessor.

93 5. All subclasses of real property, as such subclasses are established in

94 section 4(b) of article X of the Missouri Constitution and defined in section
95 137.016, shall be assessed at the following percentages of true value:

- 96 (1) For real property in subclass (1), nineteen percent;
97 (2) For real property in subclass (2), twelve percent; and
98 (3) For real property in subclass (3), thirty-two percent.

99 6. Manufactured homes, as defined in section 700.010, RSMo, which are
100 actually used as dwelling units shall be assessed at the same percentage of true
101 value as residential real property for the purpose of taxation. The percentage of
102 assessment of true value for such manufactured homes shall be the same as for
103 residential real property. If the county collector cannot identify or find the
104 manufactured home when attempting to attach the manufactured home for
105 payment of taxes owed by the manufactured home owner, the county collector
106 may request the county commission to have the manufactured home removed from
107 the tax books, and such request shall be granted within thirty days after the
108 request is made; however, the removal from the tax books does not remove the tax
109 lien on the manufactured home if it is later identified or found. **For purposes**
110 **of this section**, a manufactured home located in a manufactured home rental
111 park, rental community or on real estate not owned by the manufactured home
112 owner shall be considered personal property. **For purposes of this section**, a
113 manufactured home located on real estate owned by the manufactured home
114 owner may be considered real property.

115 7. Each manufactured home assessed shall be considered a parcel for the
116 purpose of reimbursement pursuant to section 137.750, unless the manufactured
117 home has been converted to real [property in compliance with section 700.111]
118 **estate as defined in subsection 7 of section 442.015**, RSMo, and assessed
119 as a realty improvement to the existing real estate parcel.

120 8. Any amount of tax due and owing based on the assessment of a
121 manufactured home shall be included on the personal property tax statement of
122 the manufactured home owner unless the manufactured home has been converted
123 to real [property in compliance with section 700.111] **estate as defined in**
124 **subsection 7 of section 442.015**, RSMo, in which case the amount of tax due
125 and owing on the assessment of the manufactured home as a realty improvement
126 to the existing real estate parcel shall be included on the real property tax
127 statement of the real estate owner.

128 9. The assessor of each county and each city not within a county shall use
129 the trade-in value published in the October issue of the National Automobile

130 Dealers' Association Official Used Car Guide, or its successor publication, as the
131 recommended guide of information for determining the true value of motor
132 vehicles described in such publication. In the absence of a listing for a particular
133 motor vehicle in such publication, the assessor shall use such information or
134 publications which in the assessor's judgment will fairly estimate the true value
135 in money of the motor vehicle.

136 10. Before the assessor may increase the assessed valuation of any parcel
137 of subclass (1) real property by more than fifteen percent since the last
138 assessment, excluding increases due to new construction or improvements, the
139 assessor shall conduct a physical inspection of such property.

140 11. If a physical inspection is required, pursuant to subsection 10 of this
141 section, the assessor shall notify the property owner of that fact in writing and
142 shall provide the owner clear written notice of the owner's rights relating to the
143 physical inspection. If a physical inspection is required, the property owner may
144 request that an interior inspection be performed during the physical
145 inspection. The owner shall have no less than thirty days to notify the assessor
146 of a request for an interior physical inspection.

147 12. A physical inspection, as required by subsection 10 of this section,
148 shall include, but not be limited to, an on-site personal observation and review
149 of all exterior portions of the land and any buildings and improvements to which
150 the inspector has or may reasonably and lawfully gain external access, and shall
151 include an observation and review of the interior of any buildings or
152 improvements on the property upon the timely request of the owner pursuant to
153 subsection 11 of this section. Mere observation of the property via a drive-by
154 inspection or the like shall not be considered sufficient to constitute a physical
155 inspection as required by this section.

156 13. The provisions of subsections 11 and 12 of this section shall only apply
157 in any county with a charter form of government with more than one million
158 inhabitants.

159 14. A county or city collector may accept credit cards as proper form of
160 payment of outstanding property tax or license due. No county or city collector
161 may charge surcharge for payment by credit card which exceeds the fee or
162 surcharge charged by the credit card bank, processor, or issuer for its service. A
163 county or city collector may accept payment by electronic transfers of funds in
164 payment of any tax or license and charge the person making such payment a fee
165 equal to the fee charged the county by the bank, processor, or issuer of such

166 electronic payment.

167 15. Any county or city not within a county in this state may, by an
168 affirmative vote of the governing body of such county, opt out of the provisions of
169 this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by
170 house bill no. 1150 of the ninety-first general assembly, second regular session
171 and section 137.073 as modified by house committee substitute for senate
172 substitute for senate committee substitute for senate bill no. 960, ninety-second
173 general assembly, second regular session, for the next year of the general
174 reassessment, prior to January first of any year. No county or city not within a
175 county shall exercise this opt-out provision after implementing the provisions of
176 this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by
177 house bill no. 1150 of the ninety-first general assembly, second regular session
178 and section 137.073 as modified by house committee substitute for senate
179 substitute for senate committee substitute for senate bill no. 960, ninety-second
180 general assembly, second regular session, in a year of general reassessment. For
181 the purposes of applying the provisions of this subsection, a political subdivision
182 contained within two or more counties where at least one of such counties has
183 opted out and at least one of such counties has not opted out shall calculate a
184 single tax rate as in effect prior to the enactment of house bill no. 1150 of the
185 ninety-first general assembly, second regular session. A governing body of a city
186 not within a county or a county that has opted out under the provisions of this
187 subsection may choose to implement the provisions of this section and sections
188 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the
189 ninety-first general assembly, second regular session, and section 137.073 as
190 modified by house committee substitute for senate substitute for senate
191 committee substitute for senate bill no. 960, ninety-second general assembly,
192 second regular session, for the next year of general reassessment, by an
193 affirmative vote of the governing body prior to December thirty-first of any year.

194 16. The governing body of any city of the third classification with more
195 than twenty-six thousand three hundred but fewer than twenty-six thousand
196 seven hundred inhabitants located in any county that has exercised its authority
197 to opt out under subsection 15 of this section may levy separate and differing tax
198 rates for real and personal property only if such city bills and collects its own
199 property taxes or satisfies the entire cost of the billing and collection of such
200 separate and differing tax rates. Such separate and differing rates shall not
201 exceed such city's tax rate ceiling.

362.105. 1. Every bank and trust company created under the laws of this state may for a fee or other consideration, directly or through a subsidiary company, and upon complying with any applicable licensing statute:

(1) Conduct the business of receiving money on deposit and allowing interest thereon not exceeding the legal rate or without allowing interest thereon, and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or personal property, and upon collateral of personal security at a rate of interest not exceeding that allowed by law, and also of buying, investing in, selling and discounting negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and for all loans and discounts made, the corporation may receive and retain the interest in advance;

(2) Accept for payment, at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one year; provided, that no bank or trust company shall incur liabilities under this subdivision to an amount equal at any time in the aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with the approval of the director under such general regulations as to amount of acceptances as the director may prescribe;

(3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act" and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any member by the Federal Reserve Act and any amendments thereto. The member bank or trust company and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of this chapter relating to banks or trust companies;

(4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation and to make such payments to and to make such deposits with the Federal Deposit Insurance Corporation and to pay such assessments made by such corporation as will enable the bank or trust company to obtain the benefits of the insurance of deposits under the act of Congress known as "The

37 Banking Act of 1933" and any amendments thereto;

38 (5) Invest in a bank service corporation as defined by the act of Congress
39 known as the "Bank Service Corporation Act", Public Law 87-856, as approved
40 October 23, 1962, to the same extent as provided by that act or any amendment
41 thereto;

42 (6) Hold a noncontrolling equity interest in any business entity that
43 conducts only activities that are financial in nature or incidental to financial
44 activity or that is established pursuant to subdivision (16) of this subsection
45 where the majority of the stock or other interest is held by Missouri banks,
46 Missouri trust companies, national banks located in Missouri, or any foreign bank
47 with a branch or branches in Missouri, or any combination of these financial
48 institutions; provided that if the entity is defined pursuant to Missouri law as any
49 type of financial institution subsidiary or other type of entity subject to special
50 conditions or regulations, those conditions and regulations shall remain
51 applicable, and provided that such business entity may be formed as any type of
52 business entity, in which each investor's liability is limited to the investment in
53 and loans to the business entity as otherwise provided by law;

54 (7) Receive upon deposit for safekeeping personal property of every
55 description, and to own or control a safety vault and rent the boxes therein;

56 (8) Purchase and hold the stock of one safe deposit company organized
57 and existing under the laws of the state of Missouri and doing a safe deposit
58 business on premises owned or leased by the bank or trust company at the main
59 banking house and any branch operated by the bank or trust company; provided,
60 that the purchasing and holding of the stock is first duly authorized by resolution
61 of the board of directors of the bank or trust company and by the written approval
62 of the director, and that all of the shares of the safe deposit company shall be
63 purchased and held, and shall not be sold or transferred except as a whole and
64 not be pledged at all, all sales or transfers or pledges in violation hereof to be
65 void;

66 (9) Act as the fiscal or transfer agent of the United States, of any state,
67 municipality, body politic or corporation and in such capacity to receive and
68 disburse money, to transfer, register and countersign certificates of stock, bonds
69 and other evidences of indebtedness;

70 (10) Acquire or convey real property for the following purposes:

71 (a) Real property conveyed to it in satisfaction or part satisfaction of debts
72 previously contracted in the course of its business; and

73 (b) Real property purchased at sales under judgment, decrees or liens held
74 by it;

75 (11) Purchase, hold and become the owner and lessor of personal property
76 acquired upon the specific request of and for use of a customer; and, in addition,
77 leases that neither anticipate full purchase price repayment on the leased asset,
78 nor require the lease to cover the physical life of the asset, other than those for
79 motor vehicles which will not be used by bank or trust company personnel, and
80 may incur such additional obligations as may be incident to becoming an owner
81 and lessor of the property, subject to the following limitations:

82 (a) Lease transactions do not result in loans for the purpose of section
83 362.170, but the total amount disbursed under leasing obligations or rentals by
84 any bank to any person, partnership, association, or corporation shall at no time
85 exceed the legal loan limit permitted by statute except upon the written approval
86 of the director of finance;

87 (b) Lease payments are in the nature of rent rather than interest, and the
88 provisions of chapter 408, RSMo, are not applicable;

89 (12) Contract with another bank or trust company, bank service
90 corporation or other partnership, corporation, association or person, within or
91 without the state, to render or receive services such as check and deposit sorting
92 and posting, computation and posting of interest and other credits and charges,
93 preparation and mailing of checks, statements, notices, and similar items, or any
94 other clerical, bookkeeping, accounting, statistical, financial counseling, or similar
95 services, or the storage, transmitting or processing of any information or data;
96 except that, the contract shall provide, to the satisfaction of the director of
97 finance, that the party providing such services to a bank or trust company will
98 be subject to regulation and examination to the same extent as if the services
99 were being performed by the bank or trust company on its own premises. This
100 subdivision shall not be deemed to authorize a bank or trust company to provide
101 any customer services through any system of electronic funds transfer at places
102 other than bank premises;

103 (13) Purchase and hold stock in a corporation whose only purpose is to
104 purchase, lease, hold or convey real property of a character which the bank or
105 trust company holding stock in the corporation could itself purchase, lease, hold
106 or convey pursuant to the provisions of paragraph (a) of subdivision (10) of this
107 subsection; provided, the purchase and holding of the stock is first duly
108 authorized by resolution of the board of directors of the bank or trust company

109 and by the written approval of the director, and that all of the shares of the
110 corporation shall be purchased and held by the bank or trust company and shall
111 not be sold or transferred except as a whole;

112 (14) Purchase and sell investment securities, without recourse, solely
113 upon order and for the account of customers; and establish and maintain one or
114 more mutual funds and offer to the public shares or participations therein. Any
115 bank which engages in such activity shall comply with all provisions of chapter
116 409, RSMo, regarding the licensing and registration of sales personnel for mutual
117 funds so offered, provided that such banks shall register as a broker-dealer with
118 the office of the commissioner of securities and shall consent to supervision and
119 inspection by that office and shall be subject to the continuing jurisdiction of that
120 office;

121 (15) Make debt or equity investments in corporations or projects, whether
122 for profit or not for profit, designed to promote the development of the community
123 and its welfare, provided that the aggregate investment in all such corporations
124 and in all such projects does not exceed five percent of the unimpaired capital of
125 the bank, and provided that this limitation shall not apply to loans made under
126 the authority of other provisions of law, and other provisions of law shall not
127 limit this subdivision;

128 (16) Offer through one or more subsidiaries any products and services
129 which a national bank may offer through its financial subsidiaries, subject to the
130 limitations that are applicable to national bank financial subsidiaries, and
131 provided such bank or trust company meets the division of finance safety and
132 soundness considerations. This subdivision is enacted to provide in part
133 competitive equality with national banks' powers under the Gramm-Leach-Bliley
134 Act of 1999, Public Law 106-102.

135 2. In addition to the power and authorities granted in subsection 1 of this
136 section, and notwithstanding any limitations therein, a bank or trust company
137 may:

138 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real
139 property and improvements thereto suitable for the convenient conduct of its
140 functions. The bank may derive income from renting or leasing such real
141 property or improvements or both. If the purchase or lease of such real property
142 or improvements exceeds the legal loan limit or is from an officer, director,
143 employee, affiliate, principal shareholder or a related interest of such person,
144 prior approval shall be obtained from the director of finance; and

145 (2) Loan money on real estate **as defined in section 442.010, RSMo,**
146 and handle escrows, settlements and closings on real estate for the benefit of the
147 bank's customers, as a core part of the banking business, notwithstanding any
148 other provision of law to the contrary.

149 3. In addition to the powers and authorities granted in subsection 1 of
150 this section, every trust company created under the laws of this state shall be
151 authorized and empowered to:

152 (1) Receive money in trust and to accumulate the same at such rate of
153 interest as may be obtained or agreed upon, or to allow such interest thereon as
154 may be prescribed or agreed;

155 (2) Accept and execute all such trusts and perform such duties of every
156 description as may be committed to it by any person or persons whatsoever, or
157 any corporation, and act as assignee, receiver, trustee and depository, and to
158 accept and execute all such trusts and perform such duties of every description
159 as may be committed or transferred to it by order, judgment or decree of any
160 courts of record of this state or other states, or of the United States;

161 (3) Take, accept and hold, by the order, judgment or decree of any court
162 of this state, or of any other state, or of the United States, or by gift, grant,
163 assignment, transfer, devise or bequest of any person or corporation, any real or
164 personal property in trust, and to execute and perform any and all the legal and
165 lawful trusts in regard to the same upon the terms, conditions, limitations and
166 restrictions which may be declared, imposed, established or agreed upon in and
167 by the order, judgment, decree, gift, grant, assignment, transfer, devise or
168 bequest;

169 (4) Buy, invest in and sell all kinds of stocks or other investment
170 securities;

171 (5) Execute, as principal or surety, any bond or bonds required by law to
172 be given in any proceeding, in law or equity, in any of the courts of this state or
173 other states, or of the United States;

174 (6) Act as trustee, personal representative, or conservator or in any other
175 like fiduciary capacity;

176 (7) Act as attorney-in-fact or agent of any person or corporation, foreign
177 or domestic, in the management and control of real or personal property, the sale
178 or conveyance of same, the investment of money, and for any other lawful
179 purpose.

180 4. (1) In addition to the powers and authorities granted in this section,

181 the director of finance may, from time to time, with the approval of the state
182 banking board, issue orders granting such other powers and authorities as have
183 been granted to financial institutions subject to the supervision of the federal
184 government to:

185 (a) State-chartered banks and trust companies which are necessary to
186 enable such banks and trust companies to compete;

187 (b) State-chartered banks and trust companies to establish branches to
188 the same extent that federal law permits national banks to establish branches;

189 (c) Subsidiaries of state-chartered banks and trust companies to the same
190 extent powers are granted to national bank subsidiaries to enable such banks and
191 trust companies to compete;

192 (d) State-chartered banks and trust companies to establish trust
193 representative offices to the same extent national banks are permitted such
194 offices.

195 (2) The orders shall be promulgated as provided in section 361.105, RSMo,
196 and shall not be inconsistent with the constitution and the laws of this state.

197 5. As used in this section, the term "subsidiary" shall include one or more
198 business entities of which the bank or trust company is the owner, provided the
199 owner's liability is limited by the investment in and loans to the subsidiary as
200 otherwise provided for by law.

201 6. A bank or trust company to which authority is granted by regulation
202 in subsection 4 of this section, based on the population of the political
203 subdivision, may continue to exercise such authority for up to five years after the
204 appropriate decennial census indicates that the population of the town in which
205 such bank or trust company is located has exceeded the limits provided for by
206 regulation pursuant to subsection 4 of this section.

365.020. Unless otherwise clearly indicated by the context, the following
2 words and phrases have the meanings indicated:

3 (1) "Cash sale price", the price stated in a retail installment contract for
4 which the seller would have sold to the buyer, and the buyer would have bought
5 from the seller, the motor vehicle which is the subject matter of the retail
6 installment contract, if the sale had been a sale for cash or at a cash price instead
7 of a retail installment transaction at a time sale price. The cash sale price may
8 include any taxes, registration, certificate of title, license and other fees and
9 charges for accessories and their installment and for delivery, servicing, repairing
10 or improving the motor vehicle;

11 (2) "Director", the office of the director of the division of finance;

12 (3) "Holder" of a retail installment contract, the retail seller of the motor
13 vehicle under the contract or, if the contract is purchased by a sales finance
14 company or other assignee, the sales finance company or other assignee;

15 (4) "Insurance company", any form of lawfully authorized insurer in this
16 state;

17 (5) "Motor vehicle", any new or used automobile, mobile home,
18 **manufactured home as defined in section 700.010, RSMo, excluding a**
19 **manufactured home with respect to which the requirements of**
20 **subsections 1 to 3 of section 700.111, RSMo, as applicable, have been**
21 **satisfied**, motorcycle, all-terrain vehicle, motorized bicycle, moped, motortricycle,
22 truck, trailer, semitrailer, truck tractor, or bus primarily designed or used to
23 transport persons or property on a public highway, road or street;

24 (6) "Official fees", the fees prescribed by law for filing, recording or
25 otherwise perfecting and releasing or satisfying any title or lien retained or taken
26 by a seller in connection with a retail installment transaction;

27 (7) "Person", an individual, partnership, corporation, association, and any
28 other group however organized;

29 (8) "Principal balance", the cash sale price of the motor vehicle which is
30 the subject matter of the retail installment transaction plus the amounts, if any,
31 included in the sale, if a separate identified charge is made therefor and stated
32 in the contract, for insurance and other benefits, including any amounts paid or
33 to be paid by the seller pursuant to an agreement with the buyer to discharge a
34 security interest, lien, or lease interest on property traded in and official fees,
35 minus the amount of the buyer's down payment in money or
36 goods. Notwithstanding any law to the contrary, any amount actually paid by the
37 seller pursuant to an agreement with the buyer to discharge a security interest,
38 lien or lease on property traded in which was included in a contract prior to
39 August 28, 1999, is valid and legal;

40 (9) "Retail buyer" or "buyer", a person who buys a motor vehicle from a
41 retail seller in a retail installment transaction under a retail installment
42 contract;

43 (10) "Retail installment contract" or "contract", an agreement evidencing
44 a retail installment transaction entered into in this state pursuant to which the
45 title to or a lien upon the motor vehicle, which is the subject matter of the retail
46 installment transaction is retained or taken by the seller from the buyer as

47 security for the buyer's obligation. The term includes a chattel mortgage or a
48 conditional sales contract;

49 (11) "Retail installment transaction", a sale of a motor vehicle by a retail
50 seller to a retail buyer on time under a retail installment contract for a time sale
51 price payable in one or more deferred installments;

52 (12) "Retail seller" or "seller", a person who sells a motor vehicle, not
53 principally for resale, to a retail buyer under a retail installment contract;

54 (13) "Sales finance company", a person engaged, in whole or in part, in the
55 business of purchasing retail installment contracts from one or more sellers. The
56 term includes but is not limited to a bank, trust company, loan and investment
57 company, savings and loan association, financing institution, or registrant
58 pursuant to sections 367.100 to 367.200, RSMo, if so engaged. The term shall not
59 include a person who makes only isolated purchases of retail installment
60 contracts, which purchases are not being made in the course of repeated or
61 successive purchases of retail installment contracts from the same seller;

62 (14) "Time price differential", the amount, however denominated or
63 expressed, as limited by section 365.120, in addition to the principal balance to
64 be paid by the buyer for the privilege of purchasing the motor vehicle on time to
65 be paid for by the buyer in one or more deferred installments;

66 (15) "Time sale price", the total of the cash sale price of the motor vehicle
67 and the amount, if any, included for insurance and other benefits if a separate
68 identified charge is made therefor and the amounts of the official fees and time
69 price differential.

365.200. 1. For any motor vehicle which is not subject to the Missouri
2 motor vehicle time sales law as provided in sections 365.010 to 365.160, a seller
3 is permitted to include in the contractual time sale of a motor vehicle the
4 outstanding balance of a prior loan or lease of a motor vehicle used as a
5 trade-in. For the purposes of this section, a "time sale contract" is a contract
6 evidencing an installment transaction entered into in this state pursuant to
7 which the title to or a lien upon the motor vehicle which is the subject of the
8 installment transaction is retained or taken by the seller from the buyer as
9 security for the buyer's obligation. The term includes a security agreement or a
10 contract for the bailment or leasing of the motor vehicle by which the bailee or
11 lessee contracts to pay as compensation for its use a sum substantially equivalent
12 to or in excess of its value and by which it is agreed that the bailee or lessee is
13 bound to become, or has the option of becoming, the owner of a motor vehicle

14 upon satisfying the contract. "Motor vehicle" is any new or used automobile,
15 mobile home, **manufactured home as defined in section 700.010, RSMo,**
16 **excluding a manufactured home with respect to which the**
17 **requirements of subsections 1 to 3 of section 700.111, RSMo, as**
18 **applicable, have been satisfied,** motorcycle, truck, trailer, semitrailer, truck
19 tractor or bus.

20 2. Any seller as provided in this section shall first qualify as a retail seller
21 pursuant to sections 365.010 to 365.160.

369.229. 1. Every association may:

2 (1) Make loans secured by its accounts to the extent of the withdrawal
3 value thereof and unsecured loans to any account owner but not exceeding such
4 amount individually or in the aggregate as may be established by the director of
5 the division of finance by regulation;

6 (2) Make loans of any type or kind, approved by the director of the
7 division of finance, secured by mortgage or deed of trust constituting a first lien
8 on real estate **as defined in section 442.010, RSMo,** or a leasehold interest
9 therein and having an unexpired term of at least five years or some term in
10 excess of five years as may be fixed by regulation of the director of the division
11 of finance;

12 (3) Make additional real estate loans secured by liens immediately
13 subsequent to its own first lien upon the same property and with or without
14 additional security;

15 (4) Purchase real estate loans of the same character as that upon which
16 the association may make an original loan and lend money on the security of such
17 loans;

18 (5) Participate in loans with other lenders on real estate of any type that
19 the association could originate;

20 (6) Sell with or without recourse any real estate loan it holds or any
21 participating interest therein.

22 2. Every association may, subject to such regulations as the director of the
23 division of finance may prescribe:

24 (1) Make loans secured by the cash surrender value of any life insurance
25 or annuity policy;

26 (2) Make loans for the purpose of repair, improvement, rehabilitation,
27 furnishing or equipping real estate **as defined in section 442.010, RSMo;**

28 (3) Make loans, and purchase obligations representing loans, for the

29 purpose of mobile home financing, including development, holding and leasing of
30 mobile home parks or sites, **provided that, for purposes of this section**
31 **mobile home includes a manufactured home as defined in section**
32 **700.010, RSMo;**

33 (4) Make loans for the payment of educational expenses;

34 (5) Make loans to homeowners with or without security for any purpose,
35 but the aggregate of the unpaid balances of all such loans to any one borrower
36 shall not exceed at any time the sum of five thousand dollars or such greater sum
37 as the director of the division of finance may allow by regulation;

38 (6) Make loans to its directors, officers, and employees; and

39 (7) Make such other loans secured or unsecured as the director of the
40 division of finance by regulation may permit.

370.300. 1. A credit union may lend to its members at reasonable rates
2 of interest, which shall not exceed the maximum rate in similar classes allowed
3 all other lenders under the laws of this state; however, a minimum interest
4 charge not exceeding one dollar per month shall be allowable in all cases.

5 2. A credit union may charge a borrower expenses of making a loan
6 including title examinations on real estate **as defined in section 442.010,**
7 **RSMo,** used as security for a loan, credit investigations, credit life insurance, and
8 filing and recording fees by governmental agencies.

9 3. The board may at the close of a dividend period allocate a portion of
10 receipts from interest on loans for the purpose of making an interest refund to
11 members. The refund when made shall be made in proportion to the interest paid
12 by members during the dividend period. The board may deny a refund to a
13 member whose loans have been delinquent during the period. The board may
14 limit the refund to interest from specific classes of loans and make the interest
15 refund to members whose loans are included in such classes.

400.9-303. (a) This section applies to goods covered by a certificate of
2 title, even if there is no other relationship between the jurisdiction under whose
3 certificate of title the goods are covered and the goods or the debtor.

4 (b) Goods become covered by a certificate of title when a valid application
5 for the certificate of title and the applicable fee are delivered to the appropriate
6 authority. Goods cease to be covered by a certificate of title at the earlier of the
7 time the certificate of title ceases to be effective under the law of the issuing
8 jurisdiction or the time the goods become covered subsequently by a certificate of
9 title issued by another jurisdiction.

10 (c) The local law of the jurisdiction under whose certificate of title the
11 goods are covered governs perfection, the effect of perfection or nonperfection, and
12 the priority of a security interest in goods covered by a certificate of title from the
13 time the goods become covered by the certificate of title until the goods cease to
14 be covered by the certificate of title.

15 (d) When a notice of lien is filed in accordance with chapter 301 or 306,
16 RSMo, then the lien is perfected and this chapter shall not govern perfection or
17 nonperfection or the priority of the lien even though a valid application for a
18 certificate of title and the applicable fee was not delivered to the appropriate
19 authority or the certificate of title was not issued by such authority.

20 (e) **Except as otherwise provided in this subsection and in section**
21 **400.9-334(e)(4),** article 9 of this chapter [shall] **does not apply to [liens on] the**
22 **perfection or nonperfection, the priority, or the termination of a**
23 **security interest in a** manufactured [homes] **home** perfected in accordance
24 with sections 700.350 to 700.390, RSMo, and the perfection or nonperfection, the
25 priority and **the** termination of [the lien shall be] **any such security interest**
26 **are governed exclusively** by those sections[, except liens or encumbrances
27 on]. **The perfection or nonperfection, the priority, and the termination**
28 **of a security interest in** manufactured homes perfected [pursuant to] **by**
29 **filing under** article 9 of this chapter, after June 30, 2001, and before August 28,
30 2002, [and the perfection or nonperfection, the priority, termination, rights,
31 duties, and interests flowing from them] are and shall remain [valid and may be
32 terminated, completed, consummated, or enforced as required or permitted]
33 **governed** by article 9 of this chapter, provided such [liens on such manufactured
34 homes are] **security interest is** not perfected in accordance with sections
35 700.350 to 700.390, RSMo, [however when conflicting lienholders file liens on the
36 same] **and provided further that a security interest in a** manufactured
37 home[, the lien filed] **perfected** under sections 700.350 to 700.390, RSMo, [shall
38 have] **has** priority over [the lien filed] **security interests in the same**
39 **manufactured home perfected by filing** under article 9 of this chapter[, for]
40 **during** the time period after June 30, 2001, and before August 28, 2002.

41 (f) **Article 9 of this chapter does not apply to a security interest**
42 **in a manufactured home which is real estate as defined in subsection**
43 **7 of section 442.015, RSMo. Article 9 of this chapter does apply to a**
44 **security interest in a manufactured home which has been permanently**
45 **affixed to real estate in accordance with subsection 1 of section 442.015,**

46 **RSMo, and which thereafter was detached or severed from such real**
47 **estate, provided that:**

48 **(1) Article 9 of this chapter applies to such security interest only**
49 **on and after all requirements of subsection 4 of section 700.111, RSMo,**
50 **have been satisfied with respect to such manufactured home; and**

51 **(2) On and after the satisfaction of such requirements, the**
52 **perfection or nonperfection, the priority, and the termination of such**
53 **security interest are governed exclusively by sections 700.350 to**
54 **700.390, RSMo.**

400.9-311. (a) Except as otherwise provided in subsection (d), the filing
2 of a financing statement is not necessary or effective to perfect a security interest
3 in property subject to:

4 (1) A statute, regulation, or treaty of the United States whose
5 requirements for a security interest's obtaining priority over the rights of a lien
6 creditor with respect to the property preempt section 400.9-310(a);

7 (2) Sections 301.600 to 301.661, RSMo, **section 700.350, RSMo,** and
8 section 400.2A-304; or

9 (3) A certificate-of-title statute of another jurisdiction which provides for
10 a security interest to be indicated on the certificate as a condition or result of the
11 security interest's obtaining priority over the rights of a lien creditor with respect
12 to the property.

13 (b) Compliance with the requirements of a statute, regulation, or treaty
14 described in subsection (a) for obtaining priority over the rights of a lien creditor
15 is equivalent to the filing of a financing statement under this article. Except as
16 otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and
17 (e) for goods covered by a certificate of title, a security interest in property subject
18 to a statute, regulation, or treaty described in subsection (a) may be perfected
19 only by compliance with those requirements, and a security interest so perfected
20 remains perfected notwithstanding a change in the use or transfer of possession
21 of the collateral.

22 (c) Except as otherwise provided in subsection (d) and section 400.9-316(d)
23 and (e), duration and renewal of perfection of a security interest perfected by
24 compliance with the requirements prescribed by a statute, regulation, or treaty
25 described in subsection (a) are governed by the statute, regulation, or treaty. In
26 other respects, the security interest is subject to this article.

27 (d) During any period in which collateral is inventory held for sale or

28 lease by a person or leased by that person as lessor and that person is in the
29 business of selling or leasing goods of that kind, this section does not apply to a
30 security interest in that collateral created by that person as debtor.

408.015. As used in sections 408.020 to 408.562:

2 (1) "Bank" shall mean bank, trust company, or bank and trust company;

3 (2) "Business loan" shall mean a loan to an individual or a group of
4 individuals, the proceeds of which are to be used in a business or for the purpose
5 of acquiring an interest in a business. The term shall also include a loan to a
6 trust, estate, cooperative, association, or limited or general partnership;

7 (3) "Corporation" shall mean any corporation, whether for profit or not for
8 profit, and including any urban redevelopment corporation;

9 (4) "Lender" shall include any bank, savings and loan association, credit
10 union, corporation, partnership, or any other person or entity who makes loans
11 or extends credit;

12 (5) "Monthly Index of Long Term United States Government Bond Yields"
13 shall mean the monthly unweighted average yield for all outstanding United
14 States Treasury bonds neither due nor callable in less than ten years, based on
15 the daily closing bid prices in the over the counter market, as determined by the
16 Board of Governors of the Federal Reserve System, published in the Federal
17 Reserve Bulletin, and expressed in terms of percent per annum;

18 (6) "Residential real estate" shall mean any real estate used or intended
19 to be used as a residence by not more than four families, one of whom is the
20 borrower, **including a manufactured home as defined in section 700.010,**
21 **RSMo, which is real estate as defined in subsection 7 of section 442.015,**
22 **RSMo;**

23 (7) "Residential real estate loan" shall mean a loan made for the
24 acquisition, construction, repair, or improvement of, or secured by, residential
25 real estate. The term shall also include any loan made to refinance such a loan.
26 No loan secured by residential real estate shall be considered to be a business
27 loan unless such loan meets the requirements of subdivision (2) of this section
28 and subdivision (2) of section 408.035.

408.052. 1. No lender shall charge, require or receive, on any residential
2 real estate loan, any points or other fees of any nature whatsoever, excepting
3 insurance, including insurance for involuntary unemployment coverage, and a
4 one-percent origination fee, whether from the buyer or the seller or any other
5 person, except that the lender may charge bona fide expenses paid by the lender

6 to any other person or entity except to an officer, employee, or director of the
7 lender or to any business in which any officer, employee or director of the lender
8 owns any substantial interest for services actually performed in connection with
9 a loan. In addition to the foregoing, if the loan is for the construction, repair, or
10 improvement of residential real estate, the lender may charge a fee not to exceed
11 one percent of the loan amount for inspection and disbursement of the proceeds
12 of the loan to third parties. Notwithstanding the foregoing, the parties may
13 contract for a default charge for any installment not paid in full within fifteen
14 days of its scheduled due date. The restrictions of this section shall not apply:

15 (1) To any loan which is insured or covered by guarantee made by any
16 department, board, bureau, commission, agency or establishment of the United
17 States, pursuant to the authority of any act of Congress heretofore or hereafter
18 adopted; and

19 (2) To any loan for which an offer or commitment or agreement to
20 purchase has been received from and which is made with the intention of
21 reselling such loan to the Federal Housing Administration, Farmers Home
22 Administration, Federal National Mortgage Association, Government National
23 Mortgage Association, Federal Home Loan Mortgage Corporation, or to any
24 successor to the above-mentioned organizations, to any other state or federal
25 governmental or quasi-governmental organization; and

26 (3) Provided that the 1994 reenactment of this section shall not be
27 construed to be action taken in accordance with Public Law 96-221, Section
28 501(b)(4). Any points or fees received in excess of those permitted under this
29 section shall be returned to the person from whom received upon demand.

30 2. Notwithstanding the language in subsection 1 of this section, a lender
31 may pay to an officer, employee or director of the lender, or to any business in
32 which such person has an interest, bona fide fees for services actually and
33 necessarily performed in good faith in connection with a residential real estate
34 loan, provided:

35 (1) Such services are individually listed by amount and payee on the
36 loan-closing documents; and

37 (2) Such lender may use the preemption of Public Law 96-221, Section 501
38 with respect to the residential real estate loan in question. When fees charged
39 need not be disclosed in the annual percentage rate required by Title 15, U.S.C.
40 Sections 1601, et seq., and regulations thereunder because such fees are de
41 minimis amounts or for other reasons, such fees need not be included in the

42 annual percentage rate for state examination purposes.

43 3. The lender may charge and collect bona fide fees for services actually
44 and necessarily performed in good faith in connection with a residential real
45 estate loan as provided in subsection 2 of this section; however, the lender's board
46 of directors shall determine whether such bona fide fees shall be paid to the
47 lender or businesses related to the lender in subsection 2 of this section, but may
48 allow current contractual relationships to continue for up to two years.

49 4. **The lender may offer, sell, and finance automobile club**
50 **memberships, home and auto security plans, and other plans and**
51 **services that provide a benefit to the borrower.**

52 5. If any points or fees are charged, required or received, which are in
53 excess of those permitted by this section, or which are not returned upon demand
54 when required by this section, then the person paying the same points or fees or
55 his or her legal representative may recover twice the amount paid together with
56 costs of the suit and reasonable attorney's fees, provided that the action is
57 brought within five years of such payment.

58 [5.] 6. Any lender who knowingly violates the provisions of this section
59 is guilty of a class B misdemeanor.

408.094. Nothing in this chapter shall be construed to prohibit
2 **the sale of a deficiency waiver addendum, guaranteed asset protection,**
3 **or a similar product purchased as part of a loan transaction with**
4 **collateral and at the borrower's option, provided the cost of the product**
5 **is disclosed in the loan contract provided that no plan shall include**
6 **reimbursement for a deductible on a property insurance claim.**

408.140. 1. No further or other charge or amount whatsoever shall be
2 directly or indirectly charged, contracted for or received for interest, service
3 charges or other fees as an incident to any such extension of credit except as
4 provided and regulated by sections 367.100 to 367.200, RSMo, and except:

5 (1) On loans for thirty days or longer which are other than "open-end
6 credit" as such term is defined in the federal Consumer Credit Protection Act and
7 regulations thereunder, a fee, not to exceed five percent of the principal amount
8 loaned not to exceed seventy-five dollars may be charged by the lender; however,
9 no such fee shall be permitted on any extension, refinance, restructure or renewal
10 of any such loan, unless any investigation is made on the application to extend,
11 refinance, restructure or renew the loan;

12 (2) The lawful fees actually and necessarily paid out by the lender to any

13 public officer for filing, recording, or releasing in any public office any instrument
14 securing the loan, which fees may be collected when the loan is made or at any
15 time thereafter; however, premiums for insurance in lieu of perfecting a security
16 interest required by the lender may be charged if the premium does not exceed
17 the fees which would otherwise be payable;

18 (3) If the contract so provides, a charge for late payment on each
19 installment or minimum payment in default for a period of not less than fifteen
20 days in an amount not to exceed five percent of each installment due or the
21 minimum payment due or fifteen dollars, whichever is greater, not to exceed fifty
22 dollars. If the contract so provides, a charge for late payment on each twenty-five
23 dollars or less installment in default for a period of not less than fifteen days
24 shall not exceed five dollars;

25 (4) If the contract so provides, a charge for late payment for a single
26 payment note in default for a period of not less than fifteen days in an amount
27 not to exceed five percent of the payment due; provided that, the late charge for
28 a single payment note shall not exceed fifty dollars;

29 (5) Charges or premiums for insurance written in connection with any
30 loan against loss of or damage to property or against liability arising out of
31 ownership or use of property as provided in section 367.170, RSMo; however,
32 notwithstanding any other provision of law, with the consent of the borrower,
33 such insurance may cover property all or part of which is pledged as security for
34 the loan, and charges or premiums for insurance providing life, health, accident,
35 or involuntary unemployment coverage;

36 (6) Reasonable towing costs and expenses of retaking, holding, preparing
37 for sale, and selling any personal property in accordance with section 400.9,
38 RSMo;

39 (7) Charges assessed by any institution for processing a refused
40 instrument plus a handling fee of not more than twenty-five dollars;

41 (8) If the contract or promissory note, signed by the borrower, provides for
42 attorney fees, and if it is necessary to bring suit, such attorney fees may not
43 exceed fifteen percent of the amount due and payable under such contract or
44 promissory note, together with any court costs assessed. The attorney fees shall
45 only be applicable where the contract or promissory note is referred for collection
46 to an attorney, and is not handled by a salaried employee of the holder of the
47 contract;

48 (9) Provided the debtor agrees in writing, the lender may collect a fee in

49 advance for allowing the debtor to defer up to three monthly loan payments, so
50 long as the fee is no more than the lesser of fifty dollars or ten percent of the loan
51 payments deferred, no extensions are made until the first loan payment is
52 collected and no more than one deferral in a twelve-month period is agreed to and
53 collected on any one loan; this subdivision applies to nonprecomputed loans only
54 and does not affect any other subdivision;

55 (10) If the open-end credit contract is tied to a transaction account in a
56 depository institution, such account is in the institution's assets and such
57 contract provides for loans of thirty-one days or longer which are "open-end
58 credit", as such term is defined in the federal Consumer Credit Protection Act and
59 regulations thereunder, the creditor may charge a credit advance fee of the lesser
60 of twenty-five dollars or five percent of the credit advanced from time to time
61 from the line of credit; such credit advance fee may be added to the open-end
62 credit outstanding along with any interest, and shall not be considered the
63 unlawful compounding of interest as that term is defined in section 408.120;

64 **(11) A deficiency waiver addendum, guaranteed asset protection,**
65 **or a similar product purchased as part of a loan transaction with**
66 **collateral and at the borrower's option, provided the cost of the product**
67 **is disclosed in the loan contract;**

68 **(12) A lender may offer, sell, and finance automobile club**
69 **memberships, home and auto security plans, and other plans and**
70 **services that provide a benefit to the borrower.**

71 2. Other provisions of law to the contrary notwithstanding, an open-end
72 credit contract under which a credit card is issued by a company, financial
73 institution, savings and loan or other credit issuing company whose credit card
74 operations are located in Missouri may charge an annual fee, provided that no
75 finance charge shall be assessed on new purchases other than cash advances if
76 such purchases are paid for within twenty-five days of the date of the periodic
77 statement therefor.

78 3. Notwithstanding any other provision of law to the contrary, in addition
79 to charges allowed pursuant to section 408.100, an open-end credit contract
80 provided by a company, financial institution, savings and loan or other credit
81 issuing company which is regulated pursuant to this chapter may charge an
82 annual fee not to exceed fifty dollars.

408.233. 1. No charge other than that permitted by section 408.232 shall
2 be directly or indirectly charged, contracted for or received in connection with any

3 second mortgage loan, except as provided in this section:

4 (1) Fees and charges prescribed by law actually and necessarily paid to
5 public officials for perfecting, releasing, or satisfying a security interest related
6 to the second mortgage loan;

7 (2) Taxes;

8 (3) Bona fide closing costs paid to third parties, which shall include:

9 (a) Fees or premiums for title examination, title insurance, or similar
10 purposes including survey;

11 (b) Fees for preparation of a deed, settlement statement, or other
12 documents;

13 (c) Fees for notarizing deeds and other documents;

14 (d) Appraisal fees; and

15 (e) Fees for credit reports;

16 (4) Charges for insurance as described in subsection 2 of this section;

17 (5) Nonrefundable [fee] **fees** not to exceed **in total** five percent of the
18 principal which may be used by the lender to reduce the rate on a second
19 mortgage loan;

20 (6) Any amounts paid to the lender by any person, corporation or entity,
21 other than the borrower, to reduce the rate on a second mortgage loan or to assist
22 the borrower in qualifying for the loan;

23 (7) For revolving loans, an annual fee not to exceed fifty dollars may be
24 assessed.

25 2. An additional charge may be made for insurance written in connection
26 with the loan, including insurance protecting the lender against the borrower's
27 default or other credit loss, and:

28 (1) For insurance against loss of or damage to property where no such
29 coverage already exists; and

30 (2) For insurance providing life, accident, health or involuntary
31 unemployment coverage.

32 3. The cost of any insurance shall not exceed the rates filed with the
33 department of insurance, financial institutions and professional registration, and
34 the insurance shall be obtained from an insurance company duly authorized to
35 conduct business in this state. Any person or entity making second mortgage
36 loans, or any of its employees, may be licensed to sell insurance permitted in this
37 section.

38 4. On any second mortgage loan, a default charge may be contracted for

39 and received for any installment or minimum payment not paid in full within
40 fifteen days of its scheduled due date equal to five percent of the amount or
41 fifteen dollars, whichever is greater, not to exceed fifty dollars. A default charge
42 may be collected only once on an installment or a payment due however long it
43 remains in default. A default charge may be collected at the time it accrues or
44 at any time thereafter and for purposes of subsection 3 of section 408.234 a
45 default charge shall be treated as a payment. No default charge may be collected
46 on an installment or a payment due which is paid in full within fifteen days of its
47 scheduled due date even though an earlier installment or payment or a default
48 charge on earlier installment or payments may not have been paid in full.

49 5. The lender shall, in addition to the charge authorized by subsection 4
50 of this section, be allowed to assess the borrower or other maker of refused
51 instrument the actual charge made by any institution for processing the
52 negotiable instrument, plus a handling fee of not more than twenty-five dollars;
53 and, if the contract or promissory note, signed by the borrower, provides for
54 attorney fees, and if it is necessary to bring suit, such attorney fees may not
55 exceed fifteen percent of the amount due and payable under such contract or
56 promissory note, together with any court costs assessed. The attorney fees shall
57 only be applicable where the contract or promissory note is referred for collection
58 to an attorney, and are not handled by a salaried employee of the holder of the
59 contract or note.

60 6. No provision of this section shall be construed to prohibit the
61 sale of a deficiency waiver addendum, guaranteed asset protection, or
62 a similar product purchased as part of a loan transaction with
63 collateral and at the borrower's option, provided the cost of the product
64 is disclosed in the loan contract provided that no plan shall include
65 reimbursement for a deductible on a property insurance claim.

66 7. The lender may offer, sell, and finance automobile club
67 memberships, home and auto security plans, and other plans and
68 services that provide a benefit to the borrower.

408.250. Unless otherwise clearly indicated by the context, the following
2 words when used in sections 408.250 to 408.370, for the purposes of sections
3 408.250 to 408.370, shall have the meanings respectively ascribed to them in this
4 section:

5 (1) "Cash sale price" means the price stated in a retail time transaction
6 for which the seller would have sold or furnished to the buyer, and the buyer

7 would have bought or obtained from the seller, the goods or services which are
8 the subject matter of the retail time transaction, if such sale were for cash. The
9 cash sale price may include the cost of taxes, official fees, if any, and charges for
10 accessories and their installation and delivery, and for the servicing, repairing or
11 improving of goods. If a retail time transaction involves the repair,
12 modernization, alteration or rehabilitation of real property, the cash sale price
13 may include reasonable fees and costs actually to be paid for construction permits
14 and similar fees, the services of an attorney and any title search and title
15 insurance relating to any mortgage, lien or other security interest taken, granted
16 or reserved pursuant to contract;

17 (2) "Credit" means the right granted by a creditor to a debtor to defer
18 payment of a debt or to incur debt and defer its payment. It includes the right
19 to incur debt and defer its payment pursuant to the use of a card, plate, coupon
20 book, or other credit confirmation or identification device or number or other
21 identifying description;

22 (3) The term "creditor" refers only to creditors who regularly extend, or
23 arrange for the extension of, credit whether in connection with loans, sales of
24 property or services, or otherwise;

25 (4) "Goods" means all tangible chattels personal and merchandise
26 certificates or coupons issued by a retail seller exchangeable for tangible chattels
27 personal of such seller, but the term does not include motor vehicles,
28 nonprocessed farm products, livestock, money, things in action, or intangible
29 personal property. The term includes tangible chattels personal which, at the
30 time of the sale or subsequently, are to be so affixed to realty as to become a part
31 thereof whether or not severable therefrom;

32 (5) "Holder" of a retail time contract means the retail seller of the goods
33 or services under the contract or, if the contract is purchased or otherwise
34 acquired, the person purchasing or otherwise acquiring the contract;

35 (6) "Insurance company" means any form of lawfully authorized insurer
36 in this state;

37 (7) "Motor vehicle" means any new or used automobile, motor home,
38 **manufactured home as defined in section 700.010, RSMo, excluding a**
39 **manufactured home with respect to which the requirements of**
40 **subsections 1 to 3 of section 700.111, RSMo, as applicable, have been**
41 **satisfied**, motorcycle, truck, trailer, semitrailer, truck tractor, or bus, primarily
42 designed or used to transport persons or property on a public highway, road or

43 street, or a mobile or modular home or farm machinery or implements;

44 (8) "Official fees" means the fees prescribed by law for filing, recording or
45 otherwise perfecting and releasing or satisfying any title or lien retained or taken
46 by a seller in connection with a retail time transaction;

47 (9) "Person" means an individual, partnership, corporation, association,
48 and any other group however organized;

49 (10) "Principal balance" means the cash sale price of the goods or services
50 which are the subject matter of a retail time transaction plus the amount, if any,
51 included in a retail time contract, if a separate identified charge is made therefor
52 and stated in the contract, for insurance and other benefits and official fees,
53 minus the amount of the buyer's down payment in money or goods;

54 (11) "Retail buyer" or "buyer" means a person who buys goods or obtains
55 services to be used primarily for personal, family, or household purposes and not
56 primarily for business, commercial, or agricultural purposes from a retail seller
57 in a retail time transaction;

58 (12) "Retail charge agreement" means an agreement entered into in this
59 state between a retail seller and a retail buyer prescribing the terms of retail
60 time transactions to be made from time to time pursuant to such agreement, and
61 which provides for a time charge to be computed on the buyer's total unpaid
62 balance from time to time;

63 (13) "Retail seller" or "seller" means a person who regularly sells or offers
64 to sell goods or services to a buyer primarily for the latter's personal, family, or
65 household use and not primarily for business, commercial, or agricultural
66 use. The term also includes a person who regularly grants credit to retail buyers
67 for the purpose of purchasing goods or services from any person, pursuant to a
68 retail charge agreement, but shall not apply to any person licensed or chartered
69 and regulated to engage regularly in the business of making loans from or in this
70 state;

71 (14) "Retail time contract" means an agreement evidencing one or more
72 retail time transactions entered into in this state pursuant to which a buyer
73 engages to pay in one or more deferred payments the time sale price of goods or
74 services. The term includes a chattel mortgage; conditional sales contract; and
75 a contract for the bailment or leasing of goods by which the bailee or lessee
76 contracts to pay as compensation for their use a sum substantially equivalent to
77 or in excess of their cash sale price and by which it is agreed that the bailee or
78 lessee is bound to become, or, for no further or a merely nominal consideration

79 has the option of becoming, the owner of the goods upon full compliance with the
80 provisions of the contract;

81 (15) "Retail time transaction" means a contract to sell or furnish or the
82 sale of or furnishing of goods or services by a retail seller to a retail buyer for
83 which payment is to be made in one or more deferred payments under and
84 pursuant to a retail time contract or a retail charge agreement;

85 (16) "Services" means work, labor and services of any kind furnished or
86 agreed to be furnished by a retail seller but does not include professional services
87 including, but not limited to, services performed by an accountant, physician,
88 lawyer or the like, unless the furnishing of such professional services is the
89 subject of a signed retail time transaction;

90 (17) "Time charge" means the amount, however denominated or expressed,
91 in excess of the cash sale price under a retail charge agreement or the principal
92 balance under a retail time contract which a retail buyer contracts to pay or pays
93 for goods or services. It includes the extension to the buyer of the privilege of
94 paying therefor in one or more deferred payments;

95 (18) "Time sale price" means the total of the cash sale price of the goods
96 or services and the amount, if any, included for insurance and other benefits if
97 a separate identified charge is made therefor, and the amounts of the official fees,
98 and the time charge.

408.300. 1. Notwithstanding the provisions of any other law, the seller
2 or other holder under a retail time contract may charge, receive and collect a time
3 charge, which shall be in lieu of any interest charges, except such as may arise
4 under the terms of sections 408.250 to 408.370 after maturity of the time contract
5 and which charge shall not exceed the amount agreed to by the parties to the
6 retail time contract. The time charge under this subsection shall be computed on
7 the principal balance of each transaction, as determined under subsection 5 of
8 section 408.260, on contracts payable in successive monthly payments
9 substantially equal in amount from the date of the contract to the maturity of the
10 final payment, notwithstanding that the total time balance thereof is required to
11 be paid in one or more deferred payments, or if goods are delivered or services
12 performed more than ten days after that date, with the date of commencement of
13 delivery of goods or performance of services to the maturity of the final
14 payment. When a retail time contract provides for payment other than in
15 substantially equal successive monthly payments, the time charge shall not
16 exceed the amount which will provide the same return as is permitted on

17 substantially equal monthly payment contracts. Each day may be counted as
18 one-thirtieth of a month. In lieu of any other charge, a minimum time charge of
19 twelve dollars may be charged, received, and collected on each such contract.

20 2. Notwithstanding the provisions of any other law, the seller and
21 assignee under a retail charge agreement may charge, receive and collect a time
22 charge which shall not exceed the amount agreed to by the parties to the retail
23 charge agreement. The time charge under this subsection shall be computed on
24 an amount not exceeding the greater of either:

25 (1) The average daily balance of the account in the billing cycle for which
26 the charge is made, which is the sum of the amount unpaid each day during that
27 cycle divided by the number of days in that cycle; amount unpaid on a day is
28 determined by adding to any balance unpaid as of the beginning of that day all
29 purchases and other debits and deducting all payments and other credits made
30 or received as of that day; or

31 (2) The unpaid balance of the account on the last day of the billing cycle
32 after first deducting all payments, credits and refunds during the billing cycle;
33 or for all unpaid balances within a range of not in excess of ten dollars on the
34 basis of the median amount within such range, if as so computed such time
35 charge is applied to all unpaid balances within such range. A minimum time
36 charge not in excess of seventy cents per month may be charged, received and
37 collected.

38 3. The time charge shall include all charges incident to investigating and
39 making any retail time transaction. No fee, expense, delinquency charge,
40 collection charge, or other charge whatsoever, shall be charged, received, or
41 collected except as provided in sections 408.250 to 408.370.

42 **4. No provision of this section shall be construed to prohibit the**
43 **sale of a deficiency waiver addendum, guaranteed asset protection, or**
44 **a similar product purchased as part of a loan transaction with**
45 **collateral and at the borrower's option, provided the cost of the product**
46 **is disclosed in the loan contract provided that no plan shall include**
47 **reimbursement for a deductible on a property insurance claim.**

436.350. As used in sections 436.350 to 436.365, unless the context clearly
2 requires otherwise, the following terms shall mean:

3 (1) "Action", any civil lawsuit, action, or proceeding, in contract or tort, or
4 otherwise, for damages or indemnity, brought to assert a claim, whether by
5 petition, complaint, counterclaim, or cross-claim, for damage to, diminution in the

6 value of, or the loss of use of real or personal property caused by an alleged
7 construction defect. Action does not include any claim originating in small claims
8 court, or any civil action in tort alleging personal injury or wrongful death to a
9 person or persons resulting from an alleged construction defect;

10 (2) "Association":

11 (a) An association or unit owners' association as defined and provided for
12 in subdivision (3) of section 448.1-103, RSMo;

13 (b) A homeowners' association, including but not limited to a nonprofit
14 corporation or unincorporated association of homeowners created pursuant to a
15 declaration to own and operate portions of a planned community or other
16 residential subdivision and which has the power under the declaration to assess
17 association members to pay the costs and expenses incurred in the performance
18 of the association's obligations under the declaration, or tenants-in-common with
19 respect to the ownership of common areas or amenities of a planned community
20 or other residential subdivision; or

21 (c) Any cooperative form of ownership of multiunit housing;

22 (3) "Claimant", a homeowner or association which asserts a claim against
23 a contractor concerning an alleged construction defect;

24 (4) "Construction defect", for the purposes of sections 436.350 to 436.365,
25 a deficiency in, or a deficiency arising from, any of the following:

26 (a) Defective material, products, or components used in new residential
27 construction or from a substantial remodel;

28 (b) Violation of the applicable codes and ordinances, including those
29 ordinances which regulate zoning and the subdivision of land, in effect at the
30 time of the commencement of construction of residential improvements, or as to
31 a substantive remodel, at the commencement of such substantial remodel;
32 provided however, that any matter that is in compliance with applicable codes
33 and ordinances, including without limitation those ordinances which regulate
34 zoning and the subdivision of land, in effect at the commencement of construction
35 of residential improvements, or to a substantial remodel as the case may be, shall
36 conclusively establish that such matter is not, nor shall it be deemed or construed
37 to be a construction defect, unless a construction defect as to such matter is
38 established because of defective material, products, or components used in new
39 residential construction or in a substantial remodel;

40 (c) Failure to construct residential improvements in accordance with
41 accepted trade standards for good and workmanlike construction at the time of

42 construction. Compliance with the applicable codes and ordinances, including
43 without limitation those ordinances which regulate zoning and the subdivision of
44 land, in effect at the commencement of construction, or of a substantial
45 remodeling as the case may be, shall conclusively establish construction in
46 accordance with accepted trade standards for good and workmanlike construction,
47 with respect to all matters specified in those codes;

48 (d) Failure to construct residential improvements in accordance with the
49 agreement between the contractor and the claimant, notwithstanding anything
50 to the contrary in this subdivision;

51 (5) "Contractor", any person, company, firm, partnership, corporation,
52 association, or other entity that is engaged in the business of designing,
53 developing, constructing, or substantially remodeling residences;

54 (6) "Homeowner", any person, company, firm, partnership, corporation,
55 association, or other entity who contracts with a contractor for the construction,
56 substantial remodel of a residence, or the sale of a residence constructed by such
57 contractor. Homeowner also includes a subsequent purchaser of a residence from
58 any homeowner;

59 (7) "Residence", a single-family house, duplex, triplex, quadraplex, or a
60 unit in a multiunit residential structure in which title to each individual unit is
61 transferred to the owner under a condominium or cooperative system, and shall
62 include common areas and common elements as defined in subdivision (4) of
63 section 448.1-103, RSMo. Residence shall include the land and improvements to
64 land under and around the house, unit, or structure. Residence shall not include
65 a manufactured home as defined in section 700.010, RSMo;

66 (8) "Serve" or "service", personal service to the person intended to be
67 notified or mailing to the last known address of such person;

68 (9) "Substantial remodel", a remodel of a residence, for which the total
69 cost exceeds one-half of the assessed value of the residence for property tax
70 purposes at the time the contract for the remodel work was made.

441.005. Except as otherwise provided, when used in chapter 534, RSMo,
2 chapter 535, RSMo, or this chapter, the following terms mean:

3 (1) "Lease", a written or oral agreement for the use or possession of
4 premises;

5 (2) "Lessee", any person who leases premises from another, and any
6 person residing on the premises with the lessee's permission;

7 (3) "Premises", land, tenements, condominium or cooperative units, air

8 rights and all other types of real property leased under the terms of a rental
9 agreement, including any facilities and appurtenances, to such premises, and any
10 grounds, areas and facilities held out for the use of tenants generally or the use
11 of which is promised to the tenant. "Premises" include structures, fixed or
12 mobile, temporary or permanent, vessels, **manufactured home as defined in**
13 **section 700.010, RSMo**, mobile trailer homes and vehicles which are used or
14 intended for use primarily as a dwelling or as a place for commercial or industrial
15 operations or storage;

16 (4) "Rent", a stated payment for the temporary possession or use of a
17 house, land or other real property, made at fixed intervals by a tenant to a
18 landlord.

442.010. When used in this chapter unless otherwise apparent from the
2 context:

3 (1) The term "adult" shall be construed as meaning any person who is
4 eighteen years of age or older;

5 (2) The term "minor" shall be construed as meaning any person who is
6 less than eighteen years of age;

7 (3) The term "real estate" shall be construed as coextensive in meaning
8 with lands, tenements and hereditaments, and as embracing all chattels real **and**
9 **as including a manufactured home as defined in section 700.010, RSMo,**
10 **which is real estate as defined in subsection 7 of section 442.015.**

442.015. 1. For the purposes of this section, "manufactured home"
2 means a manufactured home as defined in section 700.010,
3 RSMo. Notwithstanding the foregoing, for the purposes of 11 U.S.C.
4 Section 1322(b)(2), a manufactured home shall be deemed to be real
5 property. For the purposes of this section, a manufactured home is
6 permanently affixed if it is anchored to real estate by attachment to a
7 permanent foundation, constructed in accordance with applicable state
8 and local building codes and manufacturer's specifications as provided
9 in 24 CFR Part 3285, and connected to residential utilities, such as,
10 water, gas, electricity, or sewer or septic service.

11 2. To convey or voluntarily encumber a manufactured home as
12 real estate, the following conditions shall be met:

13 (1) The manufactured home shall be permanently affixed to real
14 estate;

15 (2) The ownership interests in the manufactured home and the

16 real estate to which the manufactured home is or shall be permanently
17 affixed shall be identical, provided, however, that the owner of the
18 manufactured home, if not the owner of the real estate, is in possession
19 of the real estate under the terms of a lease in recordable form that has
20 a term that continues for at least twenty years after the date of
21 execution, and the consent of the lessor of the real estate;

22 (3) The person or persons having an ownership interest in such
23 manufactured home shall execute and record with the recorder of
24 deeds of the county in which the real estate is located an affidavit of
25 affixation as provided in subsection 3 of this section, and satisfy the
26 other applicable requirements of this section; and

27 (4) Upon receipt of a certified copy of the affidavit of affixation,
28 any person designated for filing the affidavit of affixation with the
29 director of revenue under paragraph (h) of subdivision (1) of subsection
30 3 of this section shall file the certified copy of affidavit of affixation
31 with the director of revenue as follows:

32 (a) In a case described in item (i) of subparagraph a. of
33 paragraph (d) of subdivision (1) of subsection 3 of this section, the
34 certified copy of the affidavit of affixation and the original
35 manufacturer's certificate of origin, each as recorded in the county in
36 which the real estate is located, shall be filed with the director of
37 revenue under subsection 1 of section 700.111, RSMo;

38 (b) In a case described in item (i) of subparagraph b. of
39 paragraph (d) of subdivision (1) of subsection 3 of this section, the
40 certified copy of the affidavit of affixation, as recorded in the county
41 in which the real estate is located, and the original certificate of title
42 shall be filed with the director of revenue under subsection 2 of section
43 700.111, RSMo; and

44 (c) In a circumstance described in item (i) of subparagraph a. of
45 paragraph (d) of subdivision (1), item (i) of subparagraph b. of
46 paragraph (d), or paragraph (f) of subsection 3 of this section, the
47 certified copy of the affidavit of affixation, as recorded in the county
48 in which the real estate is located and an application for confirmation
49 of conversion shall be filed with the director of revenue under
50 subsection 3 of section 700.111, RSMo.

51 3. (1) An affidavit of affixation shall contain or be accompanied
52 by:

53 (a) The name of the manufacturer, the make, the model name, the
54 model year, the dimensions, and the manufacturer's serial number of
55 the manufactured home, and whether the manufactured home is new
56 or used;

57 (b) a. A statement that the party executing the affidavit is the
58 owner of the real estate described therein or:

59 b. If not the owner of the real estate:

60 (i) A statement that the party executing the affidavit is in
61 possession of the real estate under the terms of a lease in recordable
62 form that has a term that continues for at least twenty years after the
63 date of execution of the affidavit; and

64 (ii) The consent of the lessor of the real estate endorsed upon or
65 attached to the affidavit and acknowledged or proved in the manner as
66 to entitle a conveyance to be recorded;

67 (c) The street address and the legal description of the real estate
68 to which the manufactured home is or shall be permanently affixed;

69 (d) a. If the manufactured home is not covered by a certificate
70 of title, a statement by the owner to that effect, and either:

71 (i) A statement by the owner of the manufactured home that the
72 manufactured home is covered by a manufacturer's certificate of origin,
73 the date the manufacturer's certificate of origin was issued, the
74 manufacturer's serial number, and a statement that annexed to the
75 affidavit of affixation is the original manufacturer's certificate of origin
76 for the manufactured home, duly endorsed to the owner of the
77 manufactured home, and that the owner of the manufactured home
78 shall surrender the manufacturer's certificate of origin to the director
79 of revenue; or

80 (ii) A statement that the owner of the manufactured home, after
81 diligent search and inquiry, is unable to produce the original
82 manufacturer's certificate of origin for the manufactured home and
83 that the owner of the manufactured home shall apply to the director of
84 revenue for a confirmation of conversion of the manufactured home; or

85 b. If the manufactured home is covered by a certificate of title,
86 either:

87 (i) A statement by the owner of the manufactured home that the
88 manufactured home is covered by a certificate of title, the date the title
89 was issued, the title number, and that the owner of the manufactured

90 home shall surrender the title; or

91 (ii) A statement that the owner of the manufactured home, after
92 diligent search and inquiry, is unable to produce the certificate of title
93 for the manufactured home and that the owner of the manufactured
94 home shall apply to the director of revenue for a confirmation of
95 conversion of the manufactured home;

96 (e) A statement whether or not the manufactured home is subject
97 to one or more security interests or liens and:

98 a. If the manufactured home is subject to one or more security
99 interests or liens, the name and address of each party holding a
100 security interest in or lien on the manufactured home, including but
101 not limited to, each holder shown on any certificate of title issued by
102 the director of revenue, if any, the original principal amount secured
103 by each security interest or lien, and a statement that the security
104 interest or lien shall be released; or

105 b. A statement that each security interest in or lien on the
106 manufactured home, if any, has been released, together with due proof
107 of each such release;

108 (f) If the manufactured home is covered by neither a
109 manufacturer's certificate of origin nor a certificate of title, a
110 statement by the owner of the manufactured home to that effect and
111 that the owner of the manufactured home shall apply to the director of
112 revenue for a confirmation of conversion of the manufactured home;

113 (g) A statement that the manufactured home is or shall be
114 permanently affixed to the real estate; and

115 (h) The name and address of a person designated for filing the
116 certified copy of the affidavit of affixation with the director of revenue,
117 after it has been duly recorded in the real estate records, as provided
118 in subsection 5 of this section.

119 (2) An affidavit of affixation shall be duly acknowledged or
120 proved in like manner as to entitle a conveyance to be recorded, and
121 when so acknowledged or proved and upon payment of the lawful fees
122 therefor, the recorder of deeds shall immediately cause the affidavit of
123 affixation and any attachments to be duly recorded and indexed in the
124 same manner as other instruments affecting real property.

125 (3) The affidavit of affixation shall be accompanied by an
126 applicable fee for recording and issuing a certified copy of such

127 affidavit.

128 4. Neither the act of permanently affixing a manufactured home
129 to real estate nor the recording of the affidavit of affixation shall
130 impair the rights of any holder of a security interest in or lien on a
131 manufactured home perfected as provided in section 700.350, RSMo,
132 unless and until the due filing with and acceptance by the director of
133 revenue of an application to surrender the title as provided in
134 subsection 1 of section 700.111, RSMo, and the release of such security
135 interest or lien as provided in section 700.370, RSMo. Upon the filing
136 of such a release, the security interest or lien perfected under section
137 700.350, RSMo, is terminated.

138 5. The recorder of deeds shall deliver a certified copy of the
139 affidavit of affixation and all attachments thereto to the person or
140 party delivering the documents to the recorder for record. Upon
141 receipt of a certified copy of the affidavit of affixation by the person
142 designated therein, such person shall deliver for filing to the director
143 of revenue such certified copy of the affidavit of affixation and the
144 other documents as provided in subdivision (4) of subsection 2 of this
145 section.

146 6. A manufactured home shall be deemed to be real estate when
147 all of the following events have occurred:

148 (1) The home is permanently affixed to land as provided in
149 subsection 1 of this section;

150 (2) An affidavit of affixation conforming to the requirements of
151 subsection 3 of this section has been recorded in the conveyance
152 records in the office of the county recorder in the county where the
153 manufactured home is permanently affixed;

154 (3) A certified copy of the affidavit of affixation has been
155 delivered for filing to the director of revenue as provided in subsection
156 5 of this section; and

157 (4) The requirements of subsections 1 to 3 of section 700.111,
158 RSMo, as applicable, have been satisfied.

159 7. Upon the satisfaction of the requirements of subsection 6 of
160 this section, such manufactured home shall be deemed to be real estate;
161 any mortgage, deed of trust, lien, or security interest which can attach
162 to land, buildings erected thereon or fixtures affixed thereto shall
163 attach as of the date of its recording in the same manner as if the

164 manufactured home were built from ordinary building materials on
165 site. Title to such manufactured home shall be transferred by deed or
166 other form of conveyance that is effective to transfer an interest in real
167 estate, together with the land to which such structure has been
168 affixed. The manufactured home shall be deemed to be real estate and
169 shall be governed by the laws applicable to real estate.

170 8. Except as provided in subsections 3, 5, 6, and 7 of this section,
171 an affidavit of affixation is not necessary or effective to convey or
172 encumber a manufactured home or to change the character of the
173 manufactured home to real estate. No conveyance of land upon which
174 is located a manufactured home for which no affidavit of affixation has
175 been recorded or for which an affidavit of severance has been recorded
176 shall effect a conveyance or transfer of any interest in said
177 manufactured home. Any such transfer or encumbrance of such
178 manufactured home may only be made under the provisions of chapter
179 700, RSMo, and any agreement by any party to the transaction whereby
180 the requirements of this subsection are waived shall be void as
181 contrary to public policy.

182 9. Nothing in this section shall impair any rights existing under
183 law prior to August 28, 2009, of anyone claiming an interest in the
184 manufactured home.

185 10. (1) If and when a manufactured home for which an affidavit
186 of affixation has been recorded is detached or severed from the real
187 estate to which it is affixed, the person or persons having an interest
188 in the real estate shall record an affidavit of severance in the records
189 of real property conveyances of the county in which the affidavit of
190 affixation with respect to the manufactured home is recorded. The
191 affidavit of severance shall contain or be accompanied by:

192 (a) The name, residence, and mailing address of the owner of the
193 manufactured home;

194 (b) A description of the manufactured home including the name
195 of the manufacturer, the make, the model name, the model year, the
196 dimensions, and the manufacturer's serial number of the manufactured
197 home and whether it is new or used;

198 (c) The book number, page number, and date of recordation of
199 the affidavit of affixation;

200 (d) A statement:

201 a. Of any facts or information known to the party executing the
202 affidavit that could affect the validity of the title of the manufactured
203 home or the existence or nonexistence of a security interest in or lien
204 on it; or

205 b. That no such facts or information are known to such party;

206 (e) A declaration by an attorney-at-law duly admitted to practice
207 in the courts of the state of Missouri or an agent of a title insurance
208 company duly licensed to issue policies of title insurance in the state
209 of Missouri that:

210 a. The manufactured home is free and clear of, or has been
211 released from, all recorded security interests, liens, and encumbrances;
212 and

213 b. Any facts or information known to him or her that could affect
214 the validity of the title of the manufactured home or the existence or
215 nonexistence of a security interest in or lien on it; or

216 c. That no such facts or information are known to him or her;
217 and

218 (f) The name and address of the person designated for filing the
219 certified copy of the affidavit of severance with the director of revenue,
220 after it has been duly recorded in the real estate records, as provided
221 in subsection 11 of this section.

222 (2) The affidavit of severance shall be duly acknowledged or
223 proved in like manner as to entitle a conveyance to be recorded, and
224 when so acknowledged or proved and upon payment of the lawful fees
225 therefor, such recorder of deeds shall immediately cause the affidavit
226 of severance and any attachments thereto to be duly recorded and
227 indexed in the same manner as other instruments affecting real
228 property.

229 (3) The affidavit of severance shall also be accompanied by an
230 applicable fee for recording and issuing a certified copy of such
231 affidavit.

232 (4) Upon written request, the director of revenue shall provide
233 written acknowledgment of compliance with the provisions of this
234 subsection.

235 11. The recorder of deeds shall deliver a certified copy of the
236 affidavit of severance to the person or party delivering the documents
237 to the recorder for record. Upon receipt of a certified copy of the

238 **affidavit of severance, the person designated therein shall deliver such**
239 **certified copy of the affidavit of severance and the other documents, as**
240 **provided in subdivision (1) of subsection 10 of this section, to the**
241 **director of revenue.**

513.010. 1. The word "levy", as used in this chapter, shall be construed
2 to mean the actual seizure of property by the officer charged with the execution
3 of the writ.

4 2. The term "real estate", as used in this chapter shall be construed to
5 include all estate and interest in lands, tenements and hereditaments, **including**
6 **a manufactured home as defined in section 700.010, RSMo, which is real**
7 **estate as defined in subsection 7 of section 442.015, RSMo.**

700.010. As used in sections 700.010 to 700.500, for the purpose of
2 sections 700.010 to 700.500, the following terms mean:

3 (1) "Authorized representative", any person, firm or corporation, or
4 employee thereof, approved or hired by the commission to perform inspection
5 services;

6 (2) "Code", the standards relating to manufactured homes, or modular
7 units as adopted by the commission. The commission, in its discretion, may
8 incorporate, in whole or in part, the standards codes promulgated by the
9 American National Standards Institute, the United States Department of Housing
10 and Urban Development or other recognized agencies or organizations;

11 (3) "Commission", the public service commission;

12 (4) "Dealer", any person, other than a manufacturer, who sells or offers
13 for sale four or more used homes or one or more new manufactured homes, or one
14 or more new modular units in any consecutive twelve-month period;

15 (5) "Installer", an individual who is licensed by the commission to install
16 manufactured homes under sections 700.650 to 700.692;

17 (6) "Manufactured home", a [factory-built structure or structures which,
18 in the traveling mode, is eight body feet or more in width or forty body feet or
19 more in length, or, when erected on site, contains three hundred twenty or more
20 square feet, equipped with the necessary service connections and made so as to
21 be readily movable as a unit or units on its or their own running gear and
22 designed to be used as a dwelling unit or units with or without a permanent
23 foundation. The phrase "without a permanent foundation" indicates that the
24 support system is constructed with the intent that the manufactured home placed
25 thereon may be moved from time to time at the convenience of the owner]

26 structure, transportable in one or more sections, which, in the traveling
27 mode, is eight body feet or more in width or forty body feet or more in
28 length, or, when erected on site, is three hundred twenty or more
29 square feet, and which is built on a permanent chassis and designed to
30 be used as a dwelling with or without a permanent foundation when
31 connected to the required utilities, and includes the plumbing, heating,
32 air-conditioning, and electrical systems contained therein. The term
33 includes any structure that meets all of the requirements of this
34 paragraph except the size requirements and with respect to which the
35 manufacturer voluntarily files a certification required by the United
36 States Secretary of Housing and Urban Development and complies with
37 the standards established under Title 42 of the United States Code;

38 (7) "Manufacturer", any person who manufactures manufactured homes,
39 or modular units, including persons who engage in importing manufactured
40 homes, or modular units for resale;

41 (8) "Modular unit", a transportable building unit designed to be used by
42 itself or to be incorporated with similar units at a point-of-use into a modular
43 structure to be used for residential, commercial, educational or industrial
44 purposes. This definition shall not apply to structures under six hundred fifty
45 square feet used temporarily and exclusively for construction site office purposes;

46 (9) "New", being sold or offered for sale to the first purchaser for purposes
47 other than resale;

48 (10) "Person", an individual, partnership, corporation or other legal entity;

49 (11) "Premises", a lot, plot, or parcel of land including the buildings,
50 structures, and manufactured homes thereon;

51 (12) "Recreational park trailer", a recreational park trailer as defined in
52 the American National Standards Institute (ANSI) A119.5 Standard on
53 Recreational Park Trailers. A recreational park trailer is not a recreational
54 vehicle;

55 (13) "Recreational vehicle", a recreational vehicle as defined in the
56 American National Standards Institute (ANSI) A119.2 Standard on Recreational
57 Vehicles;

58 (14) "Seal", a device, label or insignia issued by the public service
59 commission, U.S. Department of Housing and Urban Development, or its agent,
60 to be displayed on the exterior of the manufactured home, or modular unit to
61 evidence compliance with the code;

62 (15) "Setup", the operations performed at the occupancy site which
63 renders a manufactured home or modular unit fit for habitation, which operations
64 include, but are not limited to, moving, blocking, leveling, supporting, and
65 assembling multiple or expandable units.

700.100. 1. The commission may refuse to register or refuse to renew the
2 registration of any person who fails to comply with the provisions of sections
3 700.010 to 700.115. Notification of unfavorable action by the commission on any
4 application for registration or renewal of registration must be delivered to the
5 applicant within thirty days from date it is received by the
6 commission. Notification of unfavorable action by the commission on any
7 application for registration or renewal of registration must be accompanied by a
8 notice informing the recipient that the decision of the commission may be
9 appealed as provided in chapter 386, RSMo.

10 2. The commission may consider a complaint filed with it charging a
11 registered manufacturer or dealer with a violation of the provisions of this
12 section, which charges, if proven, shall constitute grounds for revocation or
13 suspension of his **or her** registration, or the placing of the registered
14 manufacturer or dealer on probation.

15 3. The following specifications shall constitute grounds for the suspension,
16 revocation or placing on probation of a manufacturer's or dealer's registration:

17 (1) If required, failure to comply with the provisions of section 301.280,
18 RSMo;

19 (2) Failing to be in compliance with the provisions of section 700.090;

20 (3) If a corporation, failing to file all franchise or sales tax forms required
21 by Missouri law;

22 (4) Engaging in any conduct which constitutes a violation of the provisions
23 of section 407.020, RSMo;

24 (5) Failing to comply with the provisions of Sections 2301-2312 of Title 15
25 of the United States Code (Magnuson-Moss Warranty Act);

26 (6) As a dealer, failing to arrange for the proper initial setup of any new
27 manufactured home or modular unit sold from or in the state of Missouri, except
28 as allowed under subsection 5 of section 700.656; the dealer shall receive a
29 written waiver of that service from the purchaser or his or her authorized agent;

30 (7) **As a dealer, failing to obtain for each used manufactured**
31 **home or used modular unit sold a written notice, signed, and dated by**
32 **the purchaser or the purchaser's agent that states: "The Missouri**

33 **Public Service Commission does not regulate setup of used**
34 **manufactured homes and used modular units sold by the dealer.";**

35 **(8)** Requiring any person to purchase any type of insurance from that
36 manufacturer or dealer as a condition to his **or her** being sold any manufactured
37 home or modular unit;

38 **[(8)] (9)** Requiring any person to arrange financing or utilize the services
39 of any particular financing service as a condition to his **or her** being sold any
40 manufactured home or modular unit; provided, however, the registered
41 manufacturer or dealer may reserve the right to establish reasonable conditions
42 for the approval of any financing source;

43 **[(9)] (10)** Engaging in conduct in violation of section 700.045;

44 **[(10)] (11)** Failing to comply with the provisions of section 301.210,
45 RSMo;

46 **[(11)] (12)** Failing to pay all necessary fees and assessments authorized
47 pursuant to sections 700.010 to 700.115.

48 4. The commission may order that any suspension, revocation, or
49 probation ordered under subsection 3 of this section shall apply to all
50 manufacturer's or dealer's registrations that are held by the same manufacturer
51 or dealer or that are owned or controlled by the same person or persons if a
52 continued and consistent pattern of the violations have been identified by the
53 commission to be present with each [licensee] **registrant** under the same control
54 or ownership.

700.111. 1. [The owner of a manufactured home may convert the
2 manufactured home to real property by:

3 (1) Attaching the manufactured home to a permanent foundation situated
4 on real estate owned by the manufactured home owner; and

5 (2) The removal or modification of the transporting apparatus including
6 but not limited to wheels, axles and hitches rendering it impractical to reconvert
7 the real property thus created to a manufactured home.] **(1) The owner or**
8 **owners of a manufactured home that is covered by a manufacturer's**
9 **certificate of origin and that is permanently affixed to real estate as**
10 **defined in subsection 1 of section 442.015, RSMo, or which the owner**
11 **intends to permanently affix to real estate as defined in subsection 1 of**
12 **section 442.015, RSMo, may surrender the manufacturer's certificate of**
13 **origin to the manufactured home to the director of revenue by filing**
14 **with the director of revenue, in the form prescribed by the director, an**

15 application for surrender of manufacturer's certificate of origin
16 containing or accompanied by:

17 (a) The name, residence, and mailing address of the owner;

18 (b) A description of the manufactured home including the name
19 of the manufacturer, the make, the model name, the model year, the
20 dimensions, and the manufacturer's serial number of the manufactured
21 home and whether it is new or used and any other information the
22 director of revenue requires;

23 (c) The date of purchase by the owner of the manufactured home,
24 the name and address of the person from whom the home was acquired
25 and the names and addresses of any security interest holders and
26 lienholders in the order of their apparent priority;

27 (d) A statement signed by the owner, stating either:

28 a. Any facts or information known to the owner that could affect
29 the validity of the title to the manufactured home or the existence or
30 nonexistence of a security interest in or lien on it; or

31 b. That no such facts or information are known to the owner;

32 (e) A certified copy of the affidavit of affixation as provided in
33 accordance with subsection 5 of section 442.015, RSMo;

34 (f) The original manufacturer's certificate of origin;

35 (g) The name and mailing address of each person wishing
36 written acknowledgment of surrender from the director of revenue;

37 (h) The applicable fee for filing the application for surrender;
38 and

39 (i) Any other information and documents the director of revenue
40 reasonably requires to identify the owner of the manufactured home
41 and to enable it to determine whether the owner satisfied the
42 requirements of subsection 6 of section 442.015, RSMo, and is entitled
43 to surrender the manufacturer's certificate of origin, and the existence
44 or nonexistence of security interests in or liens on the manufactured
45 home.

46 (2) When satisfied of the genuineness and regularity of the
47 surrender of a manufacturer's certificate of origin to a manufactured
48 home and upon satisfaction of the requirements of subdivision (1) of
49 this subsection, the director of revenue shall:

50 (a) Cancel the manufacturer's certificate of origin and update its
51 records in accordance with the provisions of section 700.320; and

52 (b) Provide written acknowledgment of compliance with the
53 provisions of this section to each person identified on the application
54 for surrender of a manufacturer's certificate of origin under paragraph
55 (g) of subdivision (1) of this subsection.

56 (3) Upon satisfaction of the requirements of this subsection a
57 manufactured home shall be conveyed and encumbered as provided in
58 chapter 442, RSMo. If the application to surrender a manufacturer's
59 certificate of origin is delivered to the director of revenue within sixty
60 days of recording the related affidavit of affixation with the recorder
61 of deeds in the county in which the real estate to which the
62 manufactured home is or shall be affixed and the application is
63 thereafter accepted by the director of revenue, the requirements of this
64 subsection shall be deemed satisfied as of the date the affidavit of
65 affixation was recorded.

66 (4) Upon written request, the director of revenue shall provide
67 written acknowledgment of compliance with the provisions of this
68 subsection.

69 2. [The conversion of a manufactured home to real property by the method
70 provided in subsection 1 of this section shall prohibit any political subdivision of
71 this state from declaring or treating that manufactured home as other than real
72 property.] (1) The owner or owners of a manufactured home that is
73 covered by a certificate of title and that is permanently affixed to real
74 estate in accordance with subsection 1 of section 442.015, RSMo, or
75 which the owner intends to permanently affix to real estate in
76 accordance with subsection 1 of section 442.015, RSMo, may surrender
77 the certificate of title to the manufactured home to the director of
78 revenue by filing with the director of revenue an application for
79 surrender of title containing or accompanied by:

80 (a) The name, residence, and mailing address of the owner;

81 (b) A description of the manufactured home including the name
82 of the manufacturer, the make, the model name, the model year, the
83 dimensions, and the manufacturer's serial number of the manufactured
84 home and whether it is new or used and any other information the
85 director of revenue requires;

86 (c) The date of purchase by the owner of the manufactured home,
87 the name and address of the person from whom the home was acquired
88 and the names and addresses of any security interest holders and

89 lienholders in the order of their apparent priority;

90 (d) A statement signed by the owner, stating either:

91 a. Any facts or information known to the owner that could affect
92 the validity of the title to the manufactured home or the existence or
93 nonexistence of a security interest in or lien on it; or

94 b. That no such facts or information are known to the owner;

95 (e) A certified copy of the affidavit of affixation provided in
96 accordance with subsection 5 of section 442.015, RSMo;

97 (f) The original certificate of title;

98 (g) The name and mailing address of each person wishing
99 written acknowledgment of surrender from the director of revenue;

100 (h) The applicable fee for filing the application for surrender;
101 and

102 (i) Any other information and documents the director of revenue
103 reasonably requires to identify the owner of the manufactured home
104 and to enable it to determine whether the owner satisfied the
105 requirements of subsection 6 of section 442.015, RSMo, and is entitled
106 to surrender the certificate of title and the existence or nonexistence
107 of security interests in or liens on the manufactured home.

108 (2) The director of revenue shall not accept for surrender a
109 certificate of title to a manufactured home unless and until all security
110 interests or liens perfected under section 700.350 have been released.

111 (3) When satisfied of the genuineness and regularity of the
112 surrender of a certificate of title to a manufactured home and upon
113 satisfaction of the requirements of subdivisions (1) and (2) of this
114 subsection, the director of revenue shall:

115 (a) Cancel the certificate of title and update its records in
116 accordance with the provisions of section 700.320; and

117 (b) Provide written acknowledgment of compliance with the
118 provisions of this section to each person identified on the application
119 for surrender of title under paragraph (g) of subdivision (1) of this
120 subsection.

121 (4) Upon satisfaction of the requirements of this subsection a
122 manufactured home shall be conveyed and encumbered as provided in
123 chapter 442, RSMo. If the application to surrender a certificate of title
124 is delivered to the director of revenue within sixty days of recording
125 the related affidavit of affixation with the recorder of deeds in the

126 county in which the real estate to which the manufactured home is or
127 shall be affixed, and the application is thereafter accepted by the
128 director of revenue, the requirements of this subsection shall be
129 deemed satisfied as of the date the affidavit of affixation was recorded.

130 (5) Upon written request, the director of revenue shall provide
131 written acknowledgment of compliance with the provisions of this
132 subsection.

133 3. (1) The owner or owners of a manufactured home that is not
134 covered by a manufacturer's certificate of origin or a certificate of title,
135 or that is covered by a manufacturer's certificate of origin which the
136 owner of the manufactured home, after diligent search and inquiry, is
137 unable to produce, and that is permanently affixed to real estate in
138 accordance with subsection 1 of section 442.015, RSMo, or which the
139 owner intends to permanently affix to real estate as defined in
140 subsection 1 of section 442.015, RSMo, may apply to the director of
141 revenue by filing with the director of revenue an application for
142 confirmation of conversion containing or accompanied by:

143 (a) The name, residence, and mailing address of the owner;

144 (b) A description of the manufactured home including the name
145 of the manufacturer, the make, the model name, the model year, the
146 dimensions, and the manufacturer's serial number of the manufactured
147 home and whether it is new or used and any other information the
148 director of revenue requires;

149 (c) The date of purchase by the owner of the manufactured home,
150 the name and address of the person from whom the home was acquired
151 and the names and addresses of any security interest holders and
152 lienholders in the order of their apparent priority;

153 (d) A statement signed by the owner, stating either:

154 a. Any facts or information known to the owner that could affect
155 the validity of the title to the manufactured home or the existence or
156 nonexistence of a security interest in or lien on it; or

157 b. That no such facts or information are known to the owner;

158 (e) A certified copy of the affidavit of affixation as provided in
159 accordance with subsection 5 of section 442.015, RSMo;

160 (f) A declaration by an attorney-at-law, duly admitted to practice
161 in the courts of the state of Missouri, or an agent of a title insurance
162 company duly licensed to issue policies of title insurance in the state

163 of Missouri, that the manufactured home is free and clear of, or has
164 been released from, all recorded security interests, liens and
165 encumbrances; and

166 a. Any facts or information known to him or her that could affect
167 the validity of the title of the manufactured home or the existence or
168 nonexistence of any security interest in or lien on it; or

169 b. That no such facts or information are known to him or her;

170 (g) The name and mailing address of each person wishing
171 written acknowledgment of surrender from the director of revenue;

172 (h) The applicable fee for filing the application for surrender;
173 and

174 (i) Any other information and documents the director of revenue
175 reasonably requires to identify the owner of the manufactured home
176 and to enable it to determine whether the owner satisfied the
177 requirements of subsection 6 of section 442.015, RSMo, and the
178 existence or nonexistence of security interests in or liens on the
179 manufactured home.

180 (2) When satisfied of the genuineness and regularity of the
181 application for confirmation of conversion of a manufactured home and
182 upon satisfaction of the requirements of subdivision (1) of this
183 subsection, the director of revenue shall:

184 (a) Update its records in accordance with the provisions of
185 section 700.320; and

186 (b) Provide written acknowledgment of compliance with the
187 provisions of this subsection to each person identified on the
188 application for confirmation of conversion under paragraph (g) of
189 subdivision (1) of this subsection.

190 (3) Upon satisfaction of the requirements of this subsection, a
191 manufactured home shall be conveyed and encumbered as provided in
192 chapter 442, RSMo. If the application for confirmation of conversion
193 of a manufactured home is delivered to the director of revenue within
194 sixty days of recording the related affidavit of affixation with the
195 recorder of deeds in the county in which the real estate to which the
196 manufactured home is or shall be affixed and the application is
197 thereafter accepted by the director of revenue, the requirements of this
198 subsection shall be deemed satisfied as of the date the affidavit of
199 affixation was recorded.

200 (4) Upon written request, the director of revenue shall provide
201 written acknowledgment of compliance with the provisions of this
202 subsection.

203 4. (1) Notwithstanding any other provision of law, where a
204 manufactured home has been permanently affixed to real estate and an
205 affidavit of affixation has been recorded in the real estate records in
206 the county in which the manufactured home is located in accordance
207 with section 442.015, RSMo, and where the manufactured home
208 subsequently is detached or severed from the real estate, the owner or
209 owners of the manufactured home may apply for a new certificate of
210 title by filing with the director of revenue an application for a
211 certificate of title to a manufactured home, containing or accompanied
212 by:

213 (a) The name, residence, and mailing address of the owner;

214 (b) A description of the manufactured home including the name
215 of the manufacturer, the make, the model name, the model year, the
216 dimensions, and the manufacturer's serial number of the manufactured
217 home and whether it is new or used and any other information the
218 director of revenue requires;

219 (c) A statement signed by the applicant, stating either:

220 a. Any facts or information known to the applicant that could
221 affect the validity of the title of the manufactured home or the
222 existence or nonexistence of any security interest in or lien on it; or

223 b. That no such facts or information are known to the applicant;

224 (d) A certified copy of the affidavit of severance provided in
225 accordance with section 442.015, RSMo;

226 (e) A declaration by an attorney-at-law, duly admitted to practice
227 in the courts of the state of Missouri, or an agent of a title insurance
228 company duly licensed to issue policies of title insurance in the state
229 of Missouri, that the manufactured home is free and clear of, or has
230 been released from, all recorded security interests, liens and
231 encumbrances; and

232 a. Any facts or information known to him or her that could affect
233 the validity of the title of the manufactured home or the existence or
234 nonexistence of any security interest in or lien on it; or

235 b. That no such facts or information are known to him or her;

236 (f) The applicable fee for filing the application; and

237 (g) Any other information and documents the director of revenue
238 reasonably requires to identify the manufactured home and to enable
239 it to determine whether the owner is entitled to a certificate of title
240 and the existence or nonexistence of security interests in or liens on
241 the manufactured home.

242 (2) When satisfied of the genuineness and regularity of the
243 application for a certificate of title to a manufactured home and upon
244 satisfaction of the requirements of subdivision (1) of this subsection,
245 the department of revenue shall issue a new certificate of title and
246 update its records in accordance with the provisions of section 700.320.

247 (3) Immediately upon satisfaction of the requirements of this
248 subsection, a manufactured home shall be conveyed and encumbered
249 as personal property.

250 (4) Upon written request, the director of revenue shall provide
251 written acknowledgment of compliance with the provisions of this
252 subsection.

253 5. The department of revenue shall promulgate rules to
254 implement the provisions of this section. Any rule or portion of a rule,
255 as that term is defined in section 536.010, RSMo, that is created under
256 the authority delegated in this section shall become effective only if it
257 complies with and is subject to all of the provisions of chapter 536,
258 RSMo, and, if applicable, section 536.028, RSMo. This section and
259 chapter 536, RSMo, are nonseverable and if any of the powers vested
260 with the general assembly under chapter 536, RSMo, to review, to delay
261 the effective date, or to disapprove and annul a rule are subsequently
262 held unconstitutional, then the grant of rulemaking authority and any
263 rule proposed or adopted after August 28, 2009, shall be invalid and
264 void.

700.320. 1. Except as provided in section 700.111, the owner of any
2 new or used manufactured home, as defined in section 700.010, shall make
3 application to the director of revenue for an official certificate of title to such
4 manufactured home in the manner prescribed by law for the acquisition of
5 certificates of title to motor vehicles, and the rules promulgated pursuant thereto.
6 All fees required by section 301.190, RSMo, for the titling of motor vehicles and
7 all penalties provided by law for the failure to title motor vehicles shall apply to
8 persons required to make application for an official certificate of title by this
9 subsection. In case there is any duplication in serial numbers assigned any

10 manufactured homes, or no serial number has been assigned by the
11 manufacturer, the director shall assign the serial numbers for the manufactured
12 homes involved.

13 2. At the time the owner of any new manufactured home, as defined in
14 section 700.010, which was acquired in a transaction subject to sales tax under
15 the Missouri sales tax law makes application to the director of revenue for an
16 official certificate of title for such manufactured home, he shall present to the
17 director of revenue evidence satisfactory to the director of revenue showing the
18 purchase price exclusive of any charge incident to the extension of credit paid by
19 or charged to the applicant in the acquisition of the manufactured home, or that
20 no sales tax was incurred in its acquisition, and if sales tax was incurred in its
21 acquisition, the applicant shall pay or cause to be paid to the director of revenue
22 the sales tax provided by the Missouri sales tax law in addition to the
23 registration fees now or hereafter required according to law, and the director of
24 revenue shall not issue a certificate of title for any new manufactured home
25 subject to sales tax as provided in the Missouri sales tax law until the tax levied
26 for the sale of the same under sections 144.010 to 144.510, RSMo, has been paid
27 as provided in this section, **but except as provided in subsection 2 of**
28 **section 700.111, the director of revenue shall not suspend or revoke a**
29 **certificate of title to a manufactured home by reason of the fact that at**
30 **any time it shall become affixed in any manner to real estate.** As used
31 in this subsection, the term "purchase price" shall mean the total amount of the
32 contract price agreed upon between the seller and the applicant in the acquisition
33 of the new manufactured home regardless of the medium of payment therefor. In
34 the event that the purchase price is unknown or undisclosed, or that the evidence
35 thereof is not satisfactory to the director of revenue, the same shall be fixed by
36 appraisement by the director. The director of the department of revenue shall
37 endorse upon the official certificate of title issued by him upon such application
38 an entry showing that such sales tax has been paid or that the manufactured
39 home represented by the certificate is exempt from sales tax and state the ground
40 for such exemption.

41 3. A certificate of title for a manufactured home issued in the names of
42 two or more persons that does not show on the face of the certificate that the
43 persons hold their interest in the manufactured home as tenants in common, on
44 death of one of the named persons, may be transferred to the surviving owner or
45 owners. **Except as provided in subsection 5 of this section,** on proof of

46 death of one of the persons in whose names the certificate was issued, surrender
47 of the outstanding certificate of title, and on application and payment of the fee
48 for an original certificate of title, the director of revenue shall issue a new
49 certificate of title for the manufactured home to the surviving owner or owners;
50 and the current valid certificate of number shall be so transferred.

51 4. A certificate of title for a manufactured home issued in the names of
52 two or more persons that shows on its face that the persons hold their interest in
53 the manufactured home as tenants in common, on death of one of the named
54 persons, may be transferred by the director of revenue on application by the
55 surviving owners and the personal representative or successors of the deceased
56 owner. **Except as provided in subsection 5 of this section**, upon being
57 presented proof of death of one of the persons in whose names the certificate of
58 title was issued, surrender of the outstanding certificate of title, and on
59 application and payment of the fee for an original certificate of title, the director
60 of revenue shall issue a new certificate of title for the manufactured home to the
61 surviving owners and personal representative or successors of the deceased
62 owner; and the current valid certificate of number shall be so transferred.

63 5. **The director of revenue shall not issue a certificate of title to**
64 **a manufactured home with respect to which there has been recorded**
65 **an affidavit of affixation under section 442.015, RSMo, unless with**
66 **respect to the same manufactured home there has been recorded an**
67 **affidavit of severance under section 442.015, RSMo.**

68 6. **The director of revenue shall file, upon receipt, each affidavit**
69 **of affixation and affidavit of severance relating to a manufactured**
70 **home that is delivered in accordance with section 442.015, RSMo, when**
71 **satisfied of its genuineness and regularity.**

72 7. **The director of revenue shall maintain a record of each**
73 **affidavit of affixation and each affidavit of severance filed in**
74 **accordance with subsection 6 of this section. The record shall state the**
75 **name of each owner of the related manufactured home, the county of**
76 **recordation, the date of recordation, and the book and page number of**
77 **each book of records in which there has been recorded an affidavit of**
78 **affixation or affidavit of severance under section 442.015, RSMo, and**
79 **any other information the director of revenue prescribes.**

80 8. **The director of revenue shall file, upon receipt, each**
81 **application for surrender of the manufacturer's certificate of origin**

82 relating to a manufactured home that is delivered in accordance with
83 subsection 1 of section 700.111, when satisfied of its genuineness and
84 regularity.

85 9. The director of revenue shall file, upon receipt, each
86 application for surrender of the certificate of title relating to a
87 manufactured home that is delivered in accordance with subsection 2
88 of section 700.111, when satisfied of its genuineness and regularity.

89 10. The director of revenue shall file, upon receipt, each
90 application for confirmation of conversion relating to a manufactured
91 home that is delivered in accordance with subsection 3 of section
92 700.111, when satisfied of its genuineness and regularity.

93 11. The director of revenue shall maintain a record of each
94 manufacturer's certificate of origin accepted for surrender as provided
95 in subsection 1 of section 700.111. The record shall state the name of
96 each owner of the manufactured home, the date the manufacturer's
97 certificate of origin was accepted for surrender, the county of
98 recordation, the date of recordation, and the book and page number of
99 each book of records in which there has been recorded an affidavit of
100 affixation under section 442.015, RSMo, and any other information the
101 director of revenue prescribes.

102 12. The director of revenue shall maintain a record of each
103 manufactured home certificate of title accepted for surrender as
104 provided in subsection 2 of section 700.111. The record shall state the
105 name of each owner of the manufactured home, the date the certificate
106 of title was accepted for surrender, the county of recordation, the date
107 of recordation, and the book and page number of each book of records
108 in which there has been recorded an affidavit of affixation under
109 section 442.015, RSMo, and any other information the director of
110 revenue prescribes.

111 13. The director of revenue shall maintain a record of each
112 application for confirmation of conversion accepted as provided in
113 subsection 3 of section 700.111. The record shall state the name of each
114 owner of the manufactured home, the county of recordation, the date
115 of recordation, and the book and page number of each book of records
116 in which there has been recorded an affidavit of affixation under
117 section 442.015, RSMo, and any other information the director of
118 revenue prescribes.

119 14. The holder of a manufacturer's certificate of origin to a
120 manufactured home may deliver it to any person to facilitate conveying
121 or encumbering the manufactured home. Any person receiving any
122 such manufacturer's certificate of origin so delivered holds it in trust
123 for the person delivering it.

124 15. Notwithstanding any other provision of law, a certificate of
125 title issued by the director of revenue to a manufactured home is prima
126 facie evidence of the facts appearing on it, notwithstanding the fact
127 that such manufactured home, at any time, shall have become affixed
128 in any manner to real estate.

 700.330. 1. A sole owner of a manufactured home, and multiple
2 owners of a manufactured home who hold their interest as joint tenants
3 with right of survivorship or as tenants by the entirety, on application
4 and payment of the fee required for an original certificate of
5 ownership, may request the director of revenue to issue a certificate of
6 ownership for the manufactured home in beneficiary form which
7 includes a directive to the director of revenue to transfer the
8 certificate of ownership on death of the sole owner or on death of all
9 multiple owners to one beneficiary or to two or more beneficiaries as
10 joint tenants with right of survivorship or as tenants by the entirety
11 named on the face of the certificate.

12 2. A certificate of ownership in beneficiary form shall not be
13 issued to persons who hold their interest in a manufactured home as
14 tenants in common.

15 3. A certificate of ownership issued in beneficiary form shall
16 include after the name of the owner, or after the names of multiple
17 owners, the words "transfer on death to" or the abbreviation "TOD"
18 followed by the name of the beneficiary or beneficiaries.

19 4. (1) During the lifetime of a sole owner and during the lifetime
20 of all multiple owners, the signature or consent of the beneficiary or
21 beneficiaries shall not be required for any transaction relating to the
22 manufactured home for which a certificate of ownership in beneficiary
23 form has been issued.

24 (2) A certificate of ownership in beneficiary form may be
25 revoked or the beneficiary or beneficiaries changed at any time before
26 the death of a sole owner or surviving multiple owner only by the
27 following methods:

28 (a) By a sale of the manufactured home with proper assignment
29 and delivery of the certificate of ownership to another person; or

30 (b) By filing an application to reissue the certificate of
31 ownership with no designation of a beneficiary or with the designation
32 of a different beneficiary or beneficiaries with the director of revenue
33 in proper form and accompanied by the payment of the fee for an
34 original certificate of ownership.

35 (3) The beneficiary's or beneficiaries' interest in the
36 manufactured home at death of the owner or surviving owner shall be
37 subject to any contract of sale, assignment of ownership or security
38 interest to which the owner or owners of the manufactured home were
39 subject during their lifetime.

40 (4) The designation of a beneficiary or beneficiaries in a
41 certificate of ownership issued in beneficiary form may not be changed
42 or revoked by a will, any other instrument, or a change in
43 circumstances, or otherwise be changed or revoked except as provided
44 by subdivision (2) of this subsection.

45 5. (1) On proof of death of one of the owners of two or more
46 multiple owners, or of a sole owner, surrender of the outstanding
47 certificate of ownership, and on application and payment of the fee for
48 an original certificate of ownership, the director of revenue shall issue
49 a new certificate of ownership for the manufactured home to the
50 surviving owner or owners or, if none, to the surviving beneficiary or
51 beneficiaries, subject to any outstanding security interest; and the
52 current valid certificate of number shall be so transferred.

53 (2) The director of revenue may rely on a death certificate or
54 record or report that constitutes prima facie proof or evidence of death
55 under subdivisions (1) and (2) of section 472.290, RSMo.

56 (3) The transfer of a manufactured home at death under this
57 section is effective by reason of sections 301.675 to 301.682, RSMo, and
58 sections 306.455 to 306.465, RSMo, and is not to be considered as
59 testamentary, or to be subject to the requirements of section 473.087 or
60 section 474.320, RSMo.

 700.350. 1. As used in sections 700.350 to 700.390, the term
2 "manufactured home" shall have the same [meanings] meaning given it in
3 [section 700.010 or] section 400.9-102(a)(53), RSMo.

4 2. Unless excepted by section 700.375, a lien or encumbrance, including

5 a security interest under article 9 of chapter 400, RSMo, on a
6 manufactured home shall not be valid against subsequent transferees or
7 lienholders of the manufactured home who took without knowledge of the lien or
8 encumbrance unless the lien or encumbrance is perfected as provided in sections
9 700.350 to 700.380.

10 3. A lien or encumbrance on a manufactured home is perfected by the
11 delivery to the director of revenue of a notice of lien in a format as prescribed by
12 the director of revenue. Such lien or encumbrance shall be perfected as of the
13 time of its creation if the delivery of the notice of lien required in this subsection
14 to the director of revenue is completed within thirty days thereafter, otherwise
15 such lien or encumbrance shall be perfected as of the time of the delivery;
16 **provided, however, that a purchase money security interest in a**
17 **manufactured home under article 9 of chapter 400, RSMo, is perfected**
18 **against the rights of judicial lien creditors and execution creditors on**
19 **and after the date such purchase money security interest attaches; and**
20 **further provided that the holder of a security interest in or a lien on a**
21 **manufactured home may deliver lien release documents to any person**
22 **to facilitate conveying or encumbering the manufactured home. Any**
23 **person receiving any such documents so delivered holds the documents**
24 **in trust for the security interest holder or the lienholder.** A notice of lien
25 shall contain the name and address of the owner of the manufactured home and
26 the secured party, a description of the manufactured home **and the secured**
27 **party, a description of the manufactured home**, including any identification
28 number and such other information as the department of revenue shall prescribe.
29 A notice of lien substantially complying with the requirements of this section is
30 effective even though it contains minor errors which are not seriously
31 misleading. Liens may secure future advances. The future advances may be
32 evidenced by one or more notes or other documents evidencing indebtedness and
33 shall not be required to be executed or delivered prior to the date of the future
34 advance lien securing them. The fact that a lien may secure future advances
35 shall be clearly stated on the security agreement and noted as "subject to future
36 advances" in the notice of lien and noted on the certificate of ownership if the
37 motor vehicle or trailer is subject to only one lien. To secure future advances
38 when an existing lien on a manufactured home does not secure future advances,
39 the lienholder shall file a notice of lien reflecting the lien to secure future
40 advances. A lien to secure future advances is perfected in the same time and

41 manner as any other lien, except as follows: proof of the lien for future advances
42 is maintained by the department of revenue; however, there shall be additional
43 proof of such lien when the notice of lien reflects such lien for future advances,
44 is receipted by the department of revenue, and returned to the lienholder.

45 4. Whether a manufactured home is subject to a lien or encumbrance shall
46 be determined by the laws of the jurisdiction where the manufactured home was
47 when the lien or encumbrance attached, subject to the following:

48 (1) If the parties understood at the time the lien or encumbrances
49 attached that the manufactured home would be kept in this state and it is
50 brought into this state within thirty days thereafter for purposes other than
51 transportation through this state, the validity and effect of the lien or
52 encumbrance in this state shall be determined by the laws of this state;

53 (2) If the lien or encumbrance was perfected under the laws of the
54 jurisdiction where the manufactured home was when the lien or encumbrance
55 attached, the following rules apply:

56 (a) If the name of the lienholder is shown on an existing certificate of title
57 or ownership issued by that jurisdiction, his lien or encumbrance continues
58 perfected in this state;

59 (b) If the name of the lienholder is not shown on an existing certificate of
60 title or ownership issued by the jurisdiction, the lien or encumbrance continues
61 perfected in this state for three months after the first certificate of title of the
62 manufactured home is issued in this state, and also thereafter if, within the
63 three-month period, it is perfected in this state. The lien or encumbrance may
64 also be perfected in this state after the expiration of the three-month period, in
65 which case perfection dates from the time of perfection in this state;

66 (3) If the lien or encumbrance was not perfected under the laws of the
67 jurisdiction where the manufactured home was when the lien or encumbrance
68 attached, it may be perfected in this state, in which case perfection dates from the
69 time of perfection in this state;

70 (4) A lien or encumbrance may be perfected under paragraph (b) of
71 subdivision (2) or subdivision (3) of this subsection in the same manner as
72 provided in subsection 3 of this section or by the lienholder delivering to the
73 director of revenue a notice of lien or encumbrance in the form the director
74 prescribes and the required fee.

75 5. By rules and regulations, the director of revenue shall establish a
76 security procedure for the purpose of verifying that an electronic notice of lien or

77 notice of satisfaction of lien on a manufactured home given as permitted in this
78 chapter is that of the lienholder, verifying that an electronic notice of
79 confirmation of ownership and perfection of a lien given as required in this
80 chapter is that of the director of revenue, and detecting error in the transmission
81 or the content of such notice. A security procedure may require the use of
82 algorithms or other codes, identifying words or numbers, encryption, callback
83 procedures or similar security devices. Comparison of a signature on a
84 communication with an authorized specimen signature shall not by itself be a
85 security procedure.

86 6. All transactions involving liens or encumbrances on manufactured
87 homes perfected pursuant to sections 700.350 to 700.390 after June 30, 2001, and
88 before August 28, 2002, and the rights, duties, and interests flowing from them
89 are and shall remain valid thereafter and may be terminated, completed,
90 consummated, or enforced as required or permitted by section 400.9-303, RSMo,
91 or this section. Section 400.9-303, RSMo, and this section are remedial in nature
92 and shall be given that construction.

93 7. [The repeal and reenactment of subsections 3 and 4 of this section shall
94 become effective July 1, 2003] **Except as otherwise provided in section**
95 **442.015, RSMo, subsections 1 and 2 of section 700.111, subsection 2 of**
96 **section 700.360, and subsection 2 of section 700.375, after a certificate**
97 **of title has been issued to a manufactured home and as long as the**
98 **manufactured home is subject to any security interest perfected under**
99 **this section, the department shall not file an affidavit of affixation, nor**
100 **cancel the manufacturer's certificate of origin, nor revoke the**
101 **certificate of title, and, in any event, the validity and priority of any**
102 **security interest perfected under this section shall continue,**
103 **notwithstanding the provision of any other law.**

700.360. 1. **Except as provided in subsection 2 of this section, if**
2 an owner creates a lien or encumbrance on a manufactured home:

3 (1) The owner shall immediately execute the application, either in the
4 space provided therefor on the certificate of title or on a separate form the
5 director of revenue prescribes, to name the lienholder on the certificate of title,
6 showing the name and address of the lienholder and the date of his security
7 agreement, and shall cause the certificate of title, the application and the
8 required fee to be mailed or delivered to the director of revenue. Failure of the
9 owner to do so, including naming the lienholder in such application, is a class A

10 misdemeanor;

11 (2) The lienholder or an authorized agent licensed pursuant to sections
12 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien
13 as prescribed by the director of revenue accompanied by all other necessary
14 documentation to perfect a lien as provided in this section;

15 (3) To perfect a lien for a subordinate lienholder when a transfer of
16 ownership occurs, the subordinate lienholder shall either mail or deliver, or cause
17 to be mailed or delivered, a completed notice of lien to the department of revenue,
18 accompanied by authorization from the first lienholder. The owner shall ensure
19 the subordinate lienholder is recorded on the application for title at the time the
20 application is made to the department of revenue. To perfect a lien for a
21 subordinate lienholder when there is no transfer of ownership, the owner or
22 lienholder in possession of the certificate shall either mail or deliver, or cause to
23 be mailed or delivered, the owner's application for title, certificate, notice of lien,
24 authorization from the first lienholder and title fee to the department of
25 revenue. The delivery of the certificate and executing a notice of authorization
26 to add a subordinate lien does not affect the rights of the first lienholder under
27 the security agreement;

28 (4) Upon receipt of the documents and fee required in subdivision (3) of
29 this section, the director of revenue shall issue a new certificate of ownership
30 containing the name and address of the new lienholder, and shall mail the
31 certificate as prescribed in section 700.355, or if a lienholder who has elected for
32 the director of revenue to retain possession of an electronic certificate of
33 ownership, the lienholder shall either mail or deliver to the director a notice of
34 authorization for the director to add a subordinate lienholder to the existing
35 certificate. Upon receipt of such authorization, a notice of lien and required
36 documents and title fee, if applicable, from a subordinate lienholder, the director
37 shall add the subordinate lienholder to the certificate of ownership being
38 electronically retained by the director and provide confirmation of the addition
39 to both lienholders.

40 **2. With respect to a manufactured home that is or will be**
41 **permanently affixed to real estate, upon recordation of an affidavit of**
42 **affixation under section 442.015, RSMo, and satisfaction of the**
43 **requirements of subsections 1 to 3 of section 700.111, as applicable, any**
44 **perfection or termination of a security interest with respect to such**
45 **permanently affixed property shall be governed by chapter 442, RSMo.**

700.370. 1. Upon the satisfaction of a lien or encumbrance on a
2 manufactured home, the lienholder shall, within ten days after demand, release
3 the lien or encumbrance on the certificate or a separate document, and mail or
4 deliver the certificate or separate document to the owner or any person who
5 delivers to the lienholder an authorization from the owner to receive the
6 certificate or separate document. Each perfected subordinate lienholder, if any,
7 shall release such lien or encumbrance as provided in this section for the first
8 lienholder. The release on the certificate or separate document shall be
9 notarized. The owner may cause the certificate of title, the release, and the
10 required fee to be mailed or delivered to the director of revenue, who shall release
11 the lienholder's rights on the certificate and issue a new certificate of title.

12 **2. If the electronic certificate of ownership is in the possession**
13 **of the director of revenue, the lienholder shall notify the director**
14 **within ten business days of any release of a lien and provide the**
15 **director with the most current address of the owner. The director shall**
16 **note such release on the electronic certificate and if no other lien exists**
17 **the director shall mail or deliver the certificate free of any lien to the**
18 **owner.**

700.375. 1. Sections 700.350 to 700.380 shall not apply to or affect:

- 2 (1) A lien given by statute or rule of law to a supplier of services or
3 materials for the manufactured home;
- 4 (2) A lien given by statute to the United States, this state or any political
5 subdivision of this state;
- 6 (3) A lien or encumbrance on a manufactured home created by a
7 manufacturer or dealer who holds the manufactured home for sale.

8 2. The method provided in sections 700.350 to 700.380 of perfecting and
9 giving notice of liens or encumbrances subject to sections 700.350 to 700.380 is
10 exclusive; **provided, however, that with respect to a manufactured home**
11 **that is or will be permanently affixed to real estate, upon recordation**
12 **of an affidavit of affixation under section 442.015, RSMo, and**
13 **satisfaction of the requirements of subsections 1 to 3 of section 700.111,**
14 **as applicable, any perfection or termination of a security interest with**
15 **respect to such permanently affixed property shall be governed by**
16 **chapter 442, RSMo.**

700.385. 1. When the holder of any indebtedness secured by a security
2 agreement or other contract for security covering a manufactured home, who has

3 a notice of lien on file with the director of revenue, repossesses the manufactured
4 home either by legal process or in accordance with the terms of a contract
5 authorizing the repossession of the manufactured home without legal process, the
6 holder may obtain a certificate of ownership from the director of revenue upon
7 presentation of:

8 (1) An application form furnished by the director of revenue which shall
9 contain a full description of the manufactured home and the manufacturer's or
10 other identifying number;

11 (2) A notice of lien receipt or the original certificate of ownership
12 reflecting the holder's lien; and

13 (3) An affidavit of the holder, certified under penalties of perjury for
14 making a false statement to a public official, that the debtor defaulted in payment
15 of the debt, and that the holder repossessed the manufactured home either by
16 legal process or in accordance with the terms of the contract, **and the name and**
17 **address of the owner of the real estate, other than the debtor, from**
18 **whom the home was repossessed, and that the holder has paid to the**
19 **real property owner all rent that has accrued in the real property**
20 **owner's favor that the holder is obligated to pay under the provisions**
21 **of section 700.529**, and the specific address where the manufactured home is
22 held. Such affidavit shall also state that the lienholder has the written consent
23 from all owners or lienholders of record to repossess the manufactured home or
24 has provided all the owners or lienholders with written notice of the repossession.

25 2. On a manufactured home, the lienholder shall first give:

26 (1) Ten days' written notice by first class United States mail, postage
27 prepaid, to each of the owners and other lienholders, if any, of the manufactured
28 home at each of their last mailing addresses as shown by the last prior certificate
29 of ownership, if any issued, or the most recent address on the lienholder's records,
30 that an application for a repossessed title will be made; or

31 (2) The lienholder may, ten days prior to applying for a repossession title,
32 include the information in the above notice in the appropriate uniform
33 commercial code notice under sections 400.9-613 or 400.9-614, RSMo. Such
34 alternative notice to all owners and lienholders shall be valid and enforceable
35 under both the uniform commercial code and this section, provided it otherwise
36 complies with the provisions of the uniform commercial code.

37 3. Upon the holder's presentation of the papers required by subsection 1
38 of this section and the payment of a fee of ten dollars, the director of revenue, if

39 he **or she** is satisfied with the genuineness of the papers, shall issue and deliver
40 to the holder a certificate of ownership which shall be in its usual form except it
41 shall be clearly captioned "Reposessed Title". Each reposessed title so issued
42 shall, for all purposes, be treated as an original certificate of ownership and shall
43 supersede the outstanding certificate of ownership, if any, and duplicates thereof,
44 if any, on the manufactured home, all of which shall become null and void.

45 4. In any case where there is no certificate of ownership, or duplicate
46 thereof, outstanding in the name of the debtor on the reposessed manufactured
47 home, the director of revenue shall issue a reposessed title to the holder and
48 shall proceed to collect all unpaid fees, taxes, charges and penalties owed by the
49 debtor, in addition to the fee specified in subsection 3 of this section.

50 5. The director of revenue may prescribe rules and regulations for the
51 effective administration of this section. Any rule or portion of a rule, as that term
52 is defined in section 536.010, RSMo, that is created under the authority delegated
53 in this section shall become effective only if it complies with and is subject to all
54 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
55 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
56 powers vested with the general assembly pursuant to chapter 536, RSMo, to
57 review, to delay the effective date, or to disapprove and annul a rule are
58 subsequently held unconstitutional, then the grant of rulemaking authority and
59 any rule proposed or adopted after August 28, 2006, shall be invalid and void.

700.525. As used in sections 700.525 to 700.541, the following terms
2 mean:

3 (1) ["Abandoned", a physical absence from the property, and either:

4 (a) Failure by a renter of real property to pay any required rent for fifteen
5 consecutive days, along with the discontinuation of utility service to the rented
6 property for such period; or

7 (b) Indication of or notice of abandonment of real property rented from a
8 landlord;

9 (2)] "Manufactured home", a [factory-built structure] **manufactured**
10 **home** as defined in [subdivision (6) or] **section 700.010, RSMo, excluding a**
11 **manufactured home with respect to which the requirements of**
12 **subsections 1 to 3 of section 700.111, or a modular unit as defined in**
13 **subdivision (8) of section 700.010.**

700.526. A manufactured home as defined in section 700.010
2 **which is placed on the real estate of another under a rental agreement**

3 shall be deemed abandoned if:

4 (1) The real property owner has a reasonable belief that the
5 homeowner has vacated the premises and intends not to return; and

6 (2) That rent is due and the homeowner has not paid such rent
7 for thirty days; and

8 (3) The homeowner has failed to respond to the real property
9 owner's notice of lien and abandonment set out in subsection 3 of
10 section 700.527 by either failing to pay the rent or file a petition in the
11 associate circuit court to contest the issue of abandonment and the lien.

700.527. 1. If a person abandons a manufactured home on any real
2 property owned by another who is renting such real property to the owner of the
3 manufactured home, and such abandonment is without the consent of the owner
4 of the real property, **and the abandoned manufactured home is not subject**
5 **to any lien perfected according to sections 700.350 to 700.380**, the owner
6 of the real property [may seek possession of and title to the manufactured home
7 in accordance with the provisions of sections 700.525 to 700.541 subject to the
8 interest of any party with a security interest in the manufactured home] **shall**
9 **have a lien for unpaid rent against the manufactured home. The lien**
10 **for unpaid rent shall be enforced as provided in this section and may**
11 **be contested as provided in section 700.528.**

12 2. [The landlord seeking possession of the manufactured home shall
13 submit a report to the director of revenue. Such report shall include the
14 following:

15 (1) An application, which shall be upon a blank form furnished by the
16 director of revenue and shall contain the full description of the manufactured
17 home and the manufacturer's or other identifying number;

18 (2) An affidavit of the landlord seeking possession of the manufactured
19 home, stating that the manufactured home is abandoned as defined by section
20 700.525 and applicable rule of the department, the duration of such
21 abandonment, that the manufactured home is located upon real property owned
22 by the landlord, and that the manufactured home is the subject of a valid rental
23 agreement signed by the renter, along with the original, or a photostatic or
24 conformed copy of the original contract for rental of real property; and

25 (3) Any other information that the director of revenue may require by
26 rule.] **The lien for unpaid rent shall be enforced as provided in this**
27 **section and may be contested as provided in section 700.528.**

28 3. The real property owner claiming a lien on an abandoned
29 manufactured home shall give written notice to the owner of the
30 manufactured home, by certified mail, return receipt requested. The
31 notice shall contain the following:

32 (1) The name, address, and telephone number of the real
33 property owner;

34 (2) The name of the owner of the manufactured home and the
35 make, year, and serial number of the manufactured home;

36 (3) That the manufactured home is abandoned as provided in
37 section 700.526 and applicable rule of the director of revenue;

38 (4) The duration of such abandonment;

39 (5) That the manufactured home is located on real estate owned
40 by the real property owner;

41 (6) That the home is located on such real estate by reason of a
42 valid rental agreement;

43 (7) That the homeowner is in default of the rental agreement;

44 (8) The amount of rent accrued to the date of the notice and the
45 monthly rate at which future rent will accrue until the abandoned
46 home is redeemed;

47 (9) That the homeowner has not paid or made arrangements for
48 the payment of the accrued rent;

49 (10) That the real property owner claims a lien for all such rent;

50 (11) That the owner of the manufactured home may redeem the
51 abandoned manufactured home at any time during business hours by
52 paying all rent accrued under the terms of the rental agreement;

53 (12) That the manufactured homeowner has a right to contest the
54 real property owner's lien by filing, within ten days of receipt of the
55 notice required by this section, a petition in the associate circuit
56 division of circuit court of the county in which the manufactured home
57 is located;

58 (13) That if the manufactured home remains unredeemed thirty
59 days from the date of mailing of the notice and within ten days of
60 mailing of the notice a petition is not filed to contest the lien, the real
61 property owner may apply to the director of revenue for a lien
62 title. Upon receipt of a lien title, the real property owner shall have
63 the right to sell the manufactured home to recover unpaid rent, actual
64 and necessary expenses incurred in obtaining a lien title, and

65 conducting and advertising the sale.

66 4. The real property owner's lien and the sum of which the
67 homeowner shall be obligated to pay to satisfy the lien shall be the
68 unpaid rent accrued under the terms of the rental agreement to the
69 date the homeowner satisfied the lien or if not so satisfied to the date
70 the home is sold under this section.

71 5. The owner of the manufactured home shall not have the right
72 to remove the home from the real property owner's property until such
73 time as all rent provided for the rental agreement is paid.

74 6. If the homeowner has not paid or made arrangements for the
75 payment of the accrued rent with the real property owner within thirty
76 days from the date of mailing of the notice and no petition as provided
77 in section 700.528 has been filed in the associate circuit division of the
78 circuit court in the county in which the abandoned manufactured home
79 is located to contest the lien or if filed has been dismissed or judgment
80 has been entered on the petition establishing the real property owner's
81 lien, the real property owner may apply to the director of revenue for
82 a certificate of title in order to enforce the lien.

83 7. The application for a lien title shall be in the form furnished
84 by the director of revenue and shall contain and be accompanied by:

85 (1) The make, year, and serial number of the manufactured home;

86 (2) An affidavit of the owner of real property seeking possession
87 of the manufactured home that states:

88 (a) The manufactured home is abandoned as provided in section
89 700.526 and by applicable rule of the director of revenue;

90 (b) The duration of such abandonment;

91 (c) The manufactured home is located upon real property owned
92 by the real property owner;

93 (d) The manufactured home is located on the real estate by
94 reason of a valid rental agreement;

95 (e) The homeowner is in default of the rental agreement;

96 (f) The amount of past-due rent and the monthly rate at which
97 future rent will accrue under the rental agreement;

98 (g) The homeowner has not paid or made arrangements for the
99 payment of the rent;

100 (h) The owner of real property claims a lien for all such rent;

101 (i) The real property owner mailed the notice required by

102 subsection 3 of this section to the owner of the manufactured home by
103 certified mail, return receipt requested;

104 (j) The manufactured homeowner has not filed a petition in the
105 associate circuit division of circuit court contesting the real property
106 owner's lien, or if a petition was filed, that either the homeowner's
107 petition was dismissed or that a judgment in the real property owner's
108 favor establishing the lien was entered;

109 (3) A copy of the thirty-day notice given by certified mail to the
110 owner of the manufactured home;

111 (4) A copy of the certified mail receipt indicating that the owner
112 was sent the notice as required in subsection 3 of this section;

113 (5) A copy of the envelope or mailing container showing the
114 address and postal marking that indicate the notice was not
115 forwardable or address unknown;

116 (6) An original, photostatic or conformed copy of the original
117 contract for the rental of the real property;

118 (7) A copy of any judgment of dismissal of the homeowner's
119 petition to contest the lien or a judgment awarding the real property
120 owner a lien against the manufactured home; and

121 (8) Any other information that the director of revenue may
122 require by rule.

123 8. If the director is satisfied with the genuineness of the
124 application and supporting documents submitted under this section,
125 the director shall issue, in the manner a repossessed title is issued, a
126 certificate of ownership or certificate of title to the real property
127 owner which shall be captioned "lien title".

128 9. Upon receipt of a lien title, the holder shall within thirty days
129 begin proceedings to sell the manufactured home as prescribed in this
130 section. The real property owner shall be entitled to any actual and
131 necessary expenses incurred in obtaining the lien title, including, but
132 not limited to reasonable attorney's fees and cost of advertising.

133 10. The sale of the manufactured home shall be held only after
134 giving the owner not less than twenty days' notice, by one of the
135 following means:

136 (1) By personal delivery to the owner of a copy of the notice set
137 out below;

138 (2) By mailing a copy of the notice set out in subsection 11 of this

139 section, by registered mail addressed to the owner of the manufactured
140 home in which case a return receipt shall be evidence of due notice;

141 (3) By publishing the notice not less than twice in a newspaper
142 of general circulation in the county in which the manufactured home
143 is to be sold, the last publication to be not less than twenty days prior
144 to the date of sale; or

145 (4) If no newspaper is published within the county in which said
146 manufactured home is to be sold, then by posting the notice, not less
147 than twenty days prior to the date of sale, on five handbills placed in
148 five different places in the county in which the manufactured home is
149 to be sold and with one of such handbills posted where the
150 manufactured home is located.

151 11. The form of the notice shall be substantially as follows:

152 "NOTICE

153 Notice is hereby given that on (insert date), sale will be held at (insert
154 place), to sell the following manufactured home to enforce a lien
155 existing under the laws of the state of Missouri for real estate rental,
156 unless the manufactured home is redeemed prior to the date of sale:

157 Name of Owner: Description of Manufacturer's Amount of Lien:

158 Manufactured Serial Number:

159 Home:

160 Name of Lienor:".

161 12. The owner of the manufactured home may redeem the home
162 prior to the sale by payment of all rents due and owing to the real
163 property owner under the rental agreement to the date of sale or
164 payment, whichever is sooner, and payment of actual and necessary
165 expenses incurred in obtaining the lien, including but not limited to
166 reasonable attorney's fees, and necessary expenses of advertising the
167 sale.

168 13. If the manufactured home is not redeemed prior to the date
169 of sale provided in the notice set forth in this section, the real property
170 owner may sell the manufactured home on the day and at the place
171 specified in the notice. The proceeds of sale shall be distributed in the
172 following order:

173 (1) To the satisfaction of real property owner's past-due rent and
174 reimbursement of its actual and necessary expenses incurred in
175 obtaining the lien and lien title, including attorney's fees and the

176 necessary expenses of advertising the sale provided for in this section;

177 (2) The excess, if any, shall be paid to the manufactured
178 homeowner.

179 If the manufactured homeowner cannot be located within thirty days
180 of the date of sale, the excess, if any, shall be deposited with the county
181 treasurer of the county in which the home was sold and in the case of
182 a sale within a city not within a county with its treasurer, together
183 with a sworn statement containing the name of the owner, description
184 of the manufactured home by manufacturer's serial number, amount of
185 lien, sale price, name of purchaser, and costs and manner of
186 advertising.

187 14. Such treasurer shall credit such excess to the general
188 revenue fund of the county or a city not within a county, subject to the
189 right of the owner to reclaim the same at any time within three years
190 of the date of such deposit with the treasurer, after presentation of
191 proper evidence of ownership and obtaining an order of the county
192 commission, or comptroller of a city not within a county, directed to
193 said treasurer for the return of such excess deposit.

194 15. Any lienor failing to or refusing to deliver to such treasurer
195 the excess proceeds of sale together with a sworn statement as required
196 in this section within thirty days after such sale, shall be liable for
197 double the excess of proceeds of such sale, to be recovered in any court
198 of competent jurisdiction by civil action.

199 16. The real property owner's compliance with the requirements
200 of this section shall be a perpetual bar to any action against such
201 owner of real property by any person for the recovery of the
202 manufactured home or its value or of any damages growing out of the
203 taking of possession and sale of such manufactured home.

204 17. The real property owner may be a purchaser at the public
205 sale conducted under this section.

700.528. 1. The owner of the abandoned manufactured home,
2 within ten days of the mailing of the real property owner's notification
3 provided for in subsection 3 of section 700.527, may file a petition in
4 the associate circuit division of circuit court in the county in which the
5 abandoned manufactured home is located to contest the real property
6 owner's lien. The petition shall name the real property owner as a
7 defendant. The director of revenue shall not be a party to such

8 petition, but a copy of the petition shall be served on the director who
9 shall not issue a lien title to such abandoned manufactured home until
10 the court by judgment upholds the lien or until the homeowner's
11 petition is dismissed.

12 2. Upon the filing of the petition in the associate circuit division
13 of circuit court, the owner may have the manufactured home released
14 from the lien upon posting with the court, for the benefit of the real
15 property owner, a cash or surety bond or other adequate security equal
16 to the amount of the rental charges due and those which will accrue
17 during the term of the proceedings to ensure payment of such rent in
18 the event the manufactured homeowner does not prevail. Upon posting
19 of the bond, the court shall issue an order notifying the real property
20 owner of the posting of the bond and directing the real property owner
21 to release the manufactured home to its owner. The court shall then
22 proceed to determine the parties' rights to the proceeds of the bond.

23 3. If the court determines the homeowner owes unpaid rent
24 under the rent agreement, the court shall give judgment to the real
25 property owner in the sum of the unpaid rent, declare a lien in the real
26 property owner's favor against the manufactured home, or if bond has
27 been posted, order that so much of the bond proceeds as are necessary
28 to satisfy the judgment to be immediately paid to the real property
29 owner. The real property owner shall enforce the lien for the unpaid
30 rent by submitting an application for lien title in the form and
31 containing the information required by section 700.527. The real
32 property owner shall attach to the application for lien title a copy of
33 the judgment rendered by the associate circuit court. The homeowner
34 may satisfy the lien by paying the amount set out in the judgment
35 together with statutory judgment interest.

700.529. [Upon proof of all the foregoing in section 700.527 by proper
2 affidavit and upon compliance with the provisions of sections 700.525 to 700.541,
3 the director of revenue shall, if requested, issue a new certificate of title to the
4 landlord.] 1. If a person abandons a manufactured home on any real
5 property owned by another who is renting such real property to the
6 owner of the manufactured home, and such abandonment is without the
7 consent of the owner of the real property, and there exists a lien
8 perfected according to sections 700.350 to 700.380 on the manufactured
9 home which is in default, the owner of the real property shall have a

10 lien for unpaid rental against the manufactured home upon compliance
11 with the provisions of this section by giving notice to the manufactured
12 homeowner and any party with a perfected lien in the abandoned home
13 by certified mail, postage prepaid and return receipt requested. The
14 notice shall contain the following:

15 (1) The name, address, and telephone number of the real
16 property owner;

17 (2) The name and last known address of the owner of the
18 manufactured home;

19 (3) The make, year, and serial number of the manufactured home;

20 (4) That the manufactured home is abandoned as provided in
21 section 700.526 and by applicable rule of the director;

22 (5) That the manufactured home is located on real estate owned
23 by the real property owner;

24 (6) That the home is located on the real estate by reason of a
25 valid rental agreement;

26 (7) That the homeowner is in default of the rental agreement;

27 (8) The amount of past-due rent and the monthly rate at which
28 future rent will accrue under the rental agreement;

29 (9) That the homeowner has not paid or made arrangements for
30 the payment of the rent;

31 (10) That the real property owner claims a lien for such rental;

32 (11) That the owner of the manufactured home may redeem the
33 home at any time during business hours by paying all unpaid rent
34 accrued under the terms of the rental agreement through the date of
35 removal of the home from the real property owner's premises and the
36 perfected lienholder may redeem the abandoned manufactured home
37 at any time during business hours by paying all rent specified in the
38 rental agreement which accrues during the period beginning thirty
39 days after this notice has been mailed to the perfected lienholder and
40 continuing to the date the home is removed from real property owner's
41 premises;

42 (12) That the manufactured homeowner and the perfected
43 lienholder shall each have the right to contest the real property
44 owner's lien by filing, within ten days of the date of mailing the notice
45 required by this section, a petition in the associate circuit division of
46 the circuit court of the county in which the manufactured home is

47 located;

48 (13) That if the rent due remains unpaid thirty days from the
49 date mailing of the notice and within ten days of mailing of the notice
50 the petition referred to in subdivision (12) of this subsection is not filed
51 to contest the lien, the real property owner shall have a lien against the
52 manufactured home which shall be superior to the perfected
53 lienholder's lien and the amount of the lien shall continue to accrue
54 monthly until the home is removed from real property owner's
55 premises.

56 2. The real property owner's lien and the sum which the
57 homeowner shall be obligated to pay to satisfy the lien shall be the
58 unpaid rent accrued under the terms of the rental agreement through
59 the date the home is removed from real property owner's premises and
60 the real property owner's lien and the sum which the perfected
61 lienholder shall be obligated to pay to satisfy the lien shall be the
62 unpaid rental specified in the rental agreement which accrues during
63 the period beginning thirty days after the notice specified in this
64 section has been mailed to the lienholder and continuing to the date
65 the home is removed from real property owner's premises. If an
66 injunction or stay order issued by any court of competent jurisdiction
67 prohibits the lienholder from removing the home, the lienholder's
68 obligation to pay the rent shall abate until the date the injunction or
69 stay order is lifted.

70 3. The owner of the manufactured home shall not have the right
71 to remove the home from the real property owner's property until such
72 time as all rent provided for in the rental agreement is paid and the
73 perfected lienholder shall not have the right to remove the home until
74 such time as the lienholder has paid all rent it is obligated to pay to the
75 real property owner under the provisions of this section.

76 4. Until a perfected lienholder has paid all rent it is obligated to
77 pay to the real property owner accrued in the real property owner's
78 favor under the provisions of this section, the director shall not issue
79 a certificate of title or repossession title to the manufactured home to
80 the perfected lienholder.

81 5. The owner of the abandoned manufactured home or the
82 perfected lienholder, within ten days of mailing of the notice specified
83 in subsection 1 of this section, may file a petition in the associate

84 circuit division of the circuit court of the county in which the
85 abandoned manufactured home is located to contest the real property
86 owner's lien. If the court determines the homeowner or the perfected
87 lienholder owe unpaid rent, the court shall declare a lien in real
88 property owner's favor and shall separately state the amount of the
89 homeowner or the perfected lienholder's obligation to the date of the
90 judgment. The homeowner and the perfected lienholder may satisfy the
91 lien by paying the amount set out in the judgment of the court.

700.630. 1. A sole owner of a manufactured home, and multiple owners
2 of a manufactured home who hold their interest as joint tenants with right of
3 survivorship or as tenants by the entirety, on application and payment of the fee
4 required for an original certificate of ownership, may request the director of
5 revenue to issue a certificate of ownership for the manufactured home in
6 beneficiary form which includes a directive to the director of revenue to transfer
7 the certificate of ownership on death of the sole owner or on death of all multiple
8 owners to one beneficiary or to two or more beneficiaries as joint tenants with
9 right of survivorship or as tenants by the entirety named on the face of the
10 certificate. The directive to the director of revenue shall also permit the
11 beneficiary or beneficiaries to make one reassignment of the original certificate
12 of ownership upon the death of the owner to another owner without transferring
13 the certificate to the beneficiary or beneficiaries' name.

14 2. A certificate of ownership in beneficiary form may not be issued to
15 persons who hold their interest in a manufactured home as tenants in common.

16 3. A certificate of ownership issued in beneficiary form shall include after
17 the name of the owner, or after the names of multiple owners, the words "transfer
18 on death to" or the abbreviation "TOD" followed by the name of the beneficiary
19 or beneficiaries.

20 4. (1) During the lifetime of a sole owner and during the lifetime of all
21 multiple owners, or prior to the death of the last surviving multiple owner, the
22 signature or consent of the beneficiary or beneficiaries shall not be required for
23 any transaction relating to the manufactured home for which a certificate of
24 ownership in beneficiary form has been issued.

25 (2) A certificate of ownership in beneficiary form may be revoked or the
26 beneficiary or beneficiaries changed at any time before the death of a sole owner
27 or the last surviving multiple owner only by the following methods:

28 (a) By a sale of the manufactured home with proper assignment and

29 delivery of the certificate of ownership to another person; or

30 (b) By filing an application to reissue the certificate of ownership with no
31 designation of a beneficiary or with the designation of a different beneficiary or
32 beneficiaries with the director of revenue in proper form and accompanied by the
33 payment of the fee for an original certificate of ownership.

34 (3) The beneficiary's or beneficiaries' interest in the manufactured home
35 at death of the owner or surviving owner shall be subject to any contract of sale,
36 assignment of ownership or security interest to which the owner or owners of the
37 manufactured home were subject during their lifetime.

38 (4) The designation of a beneficiary or beneficiaries in a certificate of
39 ownership issued in beneficiary form may not be changed or revoked by a will,
40 any other instrument, or a change in circumstances, or otherwise be changed or
41 revoked except as provided by subdivision (2) of this subsection.

42 5. (1) On proof of death of one of the owners of two or more multiple
43 owners, or of a sole owner, surrender of the outstanding certificate of ownership,
44 and on application and payment of the fee for an original certificate of ownership,
45 the director of revenue shall issue a new certificate of ownership for the
46 manufactured home to the surviving owner or owners or, if none, to the surviving
47 beneficiary or beneficiaries, subject to any outstanding security interest; and the
48 current valid certificate of number shall be so transferred. If the surviving
49 beneficiary or beneficiaries makes a request of the director of revenue, the
50 director may allow the beneficiary or beneficiaries to make one assignment of
51 title.

52 (2) The director of revenue may rely on a death certificate or record or
53 report that constitutes prima facie proof or evidence of death under subdivisions
54 (1) and (2) of section 472.290, RSMo.

55 (3) The transfer of a manufactured home at death pursuant to this section
56 is not to be considered as testamentary, or to be subject to the requirements of
57 section 473.087, RSMo, or section 474.320, RSMo.

58 **6. For the purposes of this section, a "manufactured home" is a**
59 **manufactured home as defined in section 700.010 excluding a**
60 **manufactured home with respect to which the applicable requirements**
61 **of subsections 1 to 3 of section 700.111 have been satisfied.**

[700.530. The provisions of sections 700.525 to 700.539
2 shall not affect the right of a secured party to take possession of,
3 and title to, a manufactured home pursuant to section 400.9-503,

4 RSMo, section 700.386 or otherwise as allowed by contract or law.]

1 [700.531. The director of revenue shall notify the owner of
2 record of the manufactured home and any holder of a security
3 interest in the manufactured home of its status of abandonment,
4 the name and business address of the landlord seeking possession
5 of the manufactured home, and the right of the landlord to seek
6 title to the manufactured home pursuant to sections 700.525 to
7 700.541 if such manufactured home remains abandoned or if the
8 owner of record of the manufactured home and any holder of a
9 security interest in the manufactured home does not respond to the
10 notice. The notice shall be given within fifteen working days of the
11 receipt of the application of the landlord pursuant to subsection 2
12 of section 700.527.]

1 [700.533. The owner of such manufactured home or the
2 holder of a valid security interest therein which is in default may
3 claim title to it from the landlord seeking possession of the
4 manufactured home upon proof of ownership or valid security
5 interest which is in default and payment of all reasonable rents
6 due and owing to the landlord.]

1 [700.535. If the manufactured home is titled in Missouri,
2 the valid owner of the manufactured home or the holder of a valid
3 security interest therein may voluntarily relinquish any claim to
4 the manufactured home by affirmatively declaring such
5 relinquishment or by failing to respond to the notice required by
6 section 700.531 within thirty days of the mailing or delivery of such
7 notice by the director of revenue.]

1 [700.537. The lienholder of an abandoned manufactured
2 home may repossess an abandoned manufactured home by
3 notifying by registered mail, postage prepaid, the owner if known,
4 and any lienholders of record, at their last known addresses, that
5 application for a certificate of title will be made unless the owner
6 or lienholder of record makes satisfactory arrangements with the
7 owner of real property upon which such abandoned manufactured
8 home is situated within thirty days of the mailing of the
9 notice. This notice shall be supplied by the use of a form designed
10 and provided by the director of revenue.]

[700.539. 1. Within thirty days after the notification form required by section 700.537 has been mailed, and the owner or lienholder has made satisfactory arrangements with the owner of real property, the lienholder who sent notification pursuant to sections 700.525 to 700.541 may apply to the director of revenue for a certificate of title. The application shall be accompanied by:

(1) An affidavit of the lienholder that he is in compliance with all requirements of sections 700.525 to 700.541;

(2) A copy of the receipt indicating that the owner or lienholder of record has received the notice required by sections 700.525 to 700.541;

(3) A fee as required by the director of revenue by rule.

2. Upon proof of the foregoing by proper affidavit and upon compliance with all requirements of sections 700.525 to 700.541, the director of revenue shall, if requested, issue a new certificate of title to the lienholder in possession within fifteen working days after request.]