

SECOND REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 630**  
**95TH GENERAL ASSEMBLY**

---

Reported from the Committee on Ways and Means, February 18, 2010, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Removed from the Consent Calendar February 23, 2010.

Re-reported from the Committee on Ways and Means, February 25, 2010, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 630, adopted March 2, 2010.

Taken up for Perfection March 2, 2010. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3142S.05P

---

**AN ACT**

To repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 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 twenty-nine new sections relating to manufactured homes, with penalty provisions and an effective date.

---

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

Section A. Sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 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700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 442.015, 513.010, 700.010, 700.100, 700.111, 700.320, 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:

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St.

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

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] **is real [property in compliance with section**  
118 **700.111, RSMo] estate as defined in subsection 7 of section 442.015** and  
119 assessed 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  
123 converted to] **is real [property in compliance with section 700.111, RSMo] estate**  
124 **as defined in subsection 7 of section 442.015**, in which case the amount of  
125 tax due and owing on the assessment of the manufactured home as a realty  
126 improvement to the existing real estate parcel shall be included on the real  
127 property tax 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  
2 state may for a fee or other consideration, directly or through a subsidiary  
3 company, and upon complying with any applicable licensing statute:

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

13       (2) Accept for payment, at a future date, drafts drawn upon it by its  
14 customers and to issue letters of credit authorizing the holders thereof to draw  
15 drafts upon it or upon its correspondents at sight or on time not exceeding one  
16 year; provided, that no bank or trust company shall incur liabilities under this  
17 subdivision to an amount equal at any time in the aggregate to more than its

18 paid-up and unimpaired capital stock and surplus fund, except with the approval  
19 of the director under such general regulations as to amount of acceptances as the  
20 director may prescribe;

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

32 (4) Subscribe for and purchase such stock in the Federal Deposit  
33 Insurance Corporation and to make such payments to and to make such deposits  
34 with the Federal Deposit Insurance Corporation and to pay such assessments  
35 made by such corporation as will enable the bank or trust company to obtain the  
36 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**, and  
146 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, excluding a**  
19 **manufactured home with respect to which the requirements of**  
20 **subsections 1 to 3 of section 700.111, as applicable, have been satisfied,**  
21 motorcycle, all-terrain vehicle, motorized bicycle, moped, motortricycle, truck,  
22 trailer, semitrailer, truck tractor, or bus primarily designed or used to transport  
23 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, excluding**  
16 **a manufactured home with respect to which the requirements of**  
17 **subsections 1 to 3 of section 700.111, as applicable, have been satisfied,**  
18 motorcycle, truck, trailer, semitrailer, truck tractor or bus.

19 2. Any seller as provided in this section shall first qualify as a retail seller  
20 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**, or a leasehold interest therein  
9 and having an unexpired term of at least five years or some term in excess of five  
10 years as may be fixed by regulation of the director of the division of finance;

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

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

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

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

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

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

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

27 (3) Make loans, and purchase obligations representing loans, for the  
28 purpose of mobile home financing, including development, holding and leasing of  
29 mobile home parks or sites, **provided that, for purposes of this section**  
30 **mobile home includes a manufactured home as defined in section**  
31 **700.010**;

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

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

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

38 (7) Make such other loans secured or unsecured as the director of the  
39 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**, used  
7 as security for a loan, credit investigations, credit life insurance, and filing and



8 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. Article 9 of this chapter does apply to a security**  
44 **interest in a manufactured home which has been permanently affixed**  
45 **to real estate in accordance with subsection 1 of section 442.015, and**  
46 **which thereafter was detached or severed from such real estate,**  
47 **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, have**  
50 **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.**

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**, and section  
8 400.2A-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 **which is real estate as defined in subsection 7 of section 442.015;**

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

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, excluding a**  
39 **manufactured home with respect to which the requirements of**  
40 **subsections 1 to 3 of section 700.111, as applicable, have been satisfied,**  
41 motorcycle, truck, trailer, semitrailer, truck tractor, or bus, primarily designed  
42 or used to transport persons or property on a public highway, road or street, or  
43 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.

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 homes as defined in**  
13 **section 700.010**, mobile trailer homes and vehicles which are used or intended  
14 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, which**  
10 **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  
3 700.010. 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;

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; and

44 (c) In a case described in item (ii) of subparagraph a. of



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

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, unless  
132 and until the due filing with and acceptance by the director of revenue  
133 of an application to surrender the title as provided in subsection 2 of  
134 section 700.111, and the release of such security interest or lien as  
135 provided in section 700.370. Upon the filing of such a release, the  
136 security interest or lien perfected under section 700.350, is terminated.

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

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

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

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

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

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

158           7. Upon the satisfaction of the requirements of subsection 6 of  
159 this section, such manufactured home shall be deemed to be real estate;  
160 any mortgage, deed of trust, lien, or security interest which can attach  
161 to land, buildings erected thereon or fixtures affixed thereto shall  
162 attach as of the date of its recording in the same manner as if the  
163 manufactured home were built from ordinary building materials on  
164 site. Title to such manufactured home shall be transferred by deed or  
165 other form of conveyance that is effective to transfer an interest in real  
166 estate, together with the land to which such structure has been  
167 affixed. The manufactured home shall be deemed to be real estate and  
168 shall be governed by the laws applicable to real estate.

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

181           9. Nothing in this section shall impair any rights existing under  
182 law prior to August 28, 2010, of anyone claiming an interest in the  
183 manufactured home.

184           10. (1) If and when a manufactured home for which an affidavit  
185 of affixation has been recorded is detached or severed from the real  
186 estate to which it is affixed, the person or persons having an interest  
187 in the real estate shall record an affidavit of severance in the records  
188 of real property conveyances of the county in which the affidavit of  
189 affixation with respect to the manufactured home is recorded. The  
190 affidavit of severance shall contain or be accompanied by:

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

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

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

199           **(d) A statement:**

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

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

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

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

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

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

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

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

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

230 affidavit.

231       **11. The recorder of deeds shall deliver a certified copy of the**  
232 **affidavit of severance to the person or party delivering the documents**  
233 **to the recorder for record. Upon receipt of a certified copy of the**  
234 **affidavit of severance, the person designated therein shall deliver such**  
235 **certified copy of the affidavit of severance and the other documents, as**  
236 **provided in subdivision (1) of subsection 10 of this section, to the**  
237 **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, which is real estate**  
7 **as defined in subsection 7 of section 442.015.**

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, or which the owner intends**

11 to permanently affix to real estate as defined in subsection 1 of section  
12 442.015, may surrender the manufacturer's certificate of origin to the  
13 manufactured home to the director of revenue by filing with the  
14 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;

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 the director to determine whether the owner satisfied the  
42 requirements of subsection 6 of section 442.015, and is entitled to  
43 surrender the manufacturer's certificate of origin, and the existence or  
44 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  
51 the department's records in accordance with the provisions of section  
52 700.320; and

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

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

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

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

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

82 (b) A description of the manufactured home including the name  
83 of the manufacturer, the make, the model name, the model year, the  
84 dimensions, and the manufacturer's serial number of the manufactured

85 home and whether it is new or used and any other information the  
86 director of revenue requires;

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

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

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

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

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

98 (f) The original certificate of title;

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

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

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

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

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

116 (a) Cancel the certificate of title and update the department's  
117 records in accordance with the provisions of section 700.320; and

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

122           (4) Upon satisfaction of the requirements of this subsection a  
123 manufactured home shall be conveyed and encumbered as provided in  
124 chapter 442. If the application to surrender a certificate of title is  
125 delivered to the director of revenue within sixty days of recording the  
126 related affidavit of affixation with the recorder of deeds in the county  
127 in which the real estate to which the manufactured home is or shall be  
128 affixed, and the application is thereafter accepted by the director of  
129 revenue, the requirements of this subsection shall be deemed satisfied  
130 as of the date the affidavit of affixation was recorded.

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

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

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

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

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

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

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

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

160           **(e) A certified copy of the affidavit of affixation as provided in**  
161 **accordance with subsection 5 of section 442.015;**

162           **(f) A declaration by an attorney-at-law, duly admitted to practice**  
163 **in the courts of the state of Missouri, or an agent of a title insurance**  
164 **company duly licensed to issue policies of title insurance in the state**  
165 **of Missouri, that the manufactured home is free and clear of, or has**  
166 **been released from, all recorded security interests, liens and**  
167 **encumbrances; and**

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

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

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

174           **(h) The applicable fee for filing the application for surrender;**  
175 **and**

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

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

186           **(a) Update the department's records in accordance with the**  
187 **provisions of section 700.320; and**

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

192           **(3) Upon satisfaction of the requirements of this subsection, a**  
193 **manufactured home shall be conveyed and encumbered as provided in**  
194 **chapter 442. If the application for confirmation of conversion of a**  
195 **manufactured home is delivered to the director of revenue within sixty**

196 days of recording the related affidavit of affixation with the recorder  
197 of deeds in the county in which the real estate to which the  
198 manufactured home is or shall be affixed and the application is  
199 thereafter accepted by the director of revenue, the requirements of this  
200 subsection shall be deemed satisfied as of the date the affidavit of  
201 affixation was recorded.

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

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

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

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

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

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

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

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

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

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

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

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

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

243           (2) When satisfied of the genuineness and regularity of the  
244 application for a certificate of title to a manufactured home and upon  
245 satisfaction of the requirements of subdivision (1) of this subsection,  
246 the director shall issue a new certificate of title and update the  
247 department's records in accordance with the provisions of section  
248 700.320.

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

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

255           5. The department of revenue shall promulgate rules to  
256 implement the provisions of this section. The department of revenue  
257 shall also promulgate standard affidavit of affixation forms, affidavit  
258 of severance forms, and confirmation of conversion forms that comply  
259 with the provisions of this section. Any rule or portion of a rule, as  
260 that term is defined in section 536.010, that is created under the  
261 authority delegated in this section shall become effective only if it  
262 complies with and is subject to all of the provisions of chapter 536, and,  
263 if applicable, section 536.028. This section and chapter 536, are  
264 nonseverable and if any of the powers vested with the general assembly  
265 under chapter 536, to review, to delay the effective date, or to  
266 disapprove and annul a rule are subsequently held unconstitutional,  
267 then the grant of rulemaking authority and any rule proposed or  
268 adopted after August 28, 2010, shall be invalid and 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 appraisalment 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 unless with respect to**  
66 **the same manufactured home there has been recorded an affidavit of**  
67 **severance under section 442.015.**

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, and any other  
79 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, and any other information the director  
101 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, and any other information the director of revenue  
110 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, and any other information the director of revenue  
118 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.

129           16. When an owner wants to add or delete a name or names on an  
130 application for certificate of title to a manufactured home that would cause it to  
131 be inconsistent with the name or names listed on the notice of lien, the owner  
132 shall provide the director with documentation evidencing the lienholder's  
133 authorization to add or delete a name or names on an application for certificate  
134 of title.

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

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, is perfected against**  
18 **the rights of judicial lien creditors and execution creditors on and after**  
19 **the date such purchase money security interest attaches; and further**  
20 **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, including any  
27 identification number and such other information as the department of revenue  
28 shall prescribe. A notice of lien substantially complying with the requirements  
29 of this section is effective even though it contains minor errors which are not  
30 seriously misleading. Liens may secure future advances. The future advances  
31 may be evidenced by one or more notes or other documents evidencing  
32 indebtedness and shall not be required to be executed or delivered prior to the  
33 date of the future advance lien securing them. The fact that a lien may secure  
34 future advances shall be clearly stated on the security agreement and noted as  
35 "subject to future advances" in the notice of lien and noted on the certificate of  
36 ownership if the motor vehicle or trailer is subject to only one lien. To secure  
37 future advances when an existing lien on a manufactured home does not secure  
38 future advances, the lienholder shall file a notice of lien reflecting the lien to  
39 secure future advances. A lien to secure future advances is perfected in the same  
40 time and manner as any other lien, except as follows: proof of the lien for future  
41 advances is maintained by the department of revenue; however, there shall be  
42 additional proof of such lien when the notice of lien reflects such lien for future  
43 advances, is receipted by the department of revenue, and returned to the  
44 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, subsections 1 and 2 of section 700.111, subsection 2 of section**  
96 **700.360, and subsection 2 of section 700.375, after a certificate of title**  
97 **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, and satisfaction of the requirements**  
43 **of subsections 1 to 3 of section 700.111, as applicable, any perfection or**  
44 **termination of a security interest with respect to such permanently**  
45 **affixed property shall be governed by chapter 442.**

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. Except as otherwise provided in paragraph (e) of section 400.9-**  
9 **303, with respect to security interests in manufactured homes perfected**  
10 **by filing under article 9 of chapter 400 and before August 28, 2002, the**  
11 **method provided in sections 700.350 to 700.380 of perfecting and giving notice of**  
12 **liens or encumbrances subject to sections 700.350 to 700.380 is exclusive;**  
13 **provided, however, that with respect to a manufactured home that is**  
14 **or will be permanently affixed to real estate, upon recordation of an**  
15 **affidavit of affixation under section 442.015, and satisfaction of the**  
16 **requirements of subsections 1 to 3 of section 700.111, as applicable, any**  
17 **perfection or termination of a security interest with respect to such**  
18 **permanently affixed property shall be governed by chapter 442.**

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 "Repossession Title". Each repossessed 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 repossessed manufactured  
47 home, the director of revenue shall issue a repossessed 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] **shall mean: a**  
10 **manufactured home** as defined in [subdivision (6) or] **section 700.010,**  
11 **excluding a manufactured home with respect to which the**  
12 **requirements of subsections 1 to 3 of section 700.111, as applicable,**  
13 **have been satisfied, or a modular unit as defined in subdivision (8) of**  
14 **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.

206 18. The provisions of this section shall not apply to a  
207 manufactured home which is real estate as defined in subsection 7 of  
208 section 442.015.

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. Notwithstanding the foregoing, the director of revenue shall**  
59 **not issue a certificate of ownership to a manufactured home to which**  
60 **there has been recorded an affidavit of affixation under section 442.015**  
61 **unless with respect to the same manufactured home there has been**  
62 **recorded an affidavit of severance under section 442.015.**

[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.]

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

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

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

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

[700.539. 1. Within thirty days after the notification form

2 required by section 700.537 has been mailed, and the owner or  
3 lienholder has made satisfactory arrangements with the owner of  
4 real property, the lienholder who sent notification pursuant to  
5 sections 700.525 to 700.541 may apply to the director of revenue for  
6 a certificate of title. The application shall be accompanied by:

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

9 (2) A copy of the receipt indicating that the owner or  
10 lienholder of record has received the notice required by sections  
11 700.525 to 700.541;

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

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

Section B. The repeal of sections 700.530, 700.531, 700.533, 700.535,  
2 700.537, and 700.539, the repeal and reenactment of sections 137.115, 362.105,  
3 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250,  
4 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360,  
5 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, and 700.630, and the  
6 enactment of sections 442.015, 700.526, and 700.528, of this act shall become  
7 effective March 1, 2011.

Copy ✓