

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

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HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 175

AN ACT

To repeal sections 54.280, 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, RSMo, and to enact in lieu thereof fifteen new sections relating to procedures for the collection of local government funds.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 54.280, 67.457, 67.463, 67.469,  
2 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405,  
3 140.460, 140.470, and 140.665, RSMo, are repealed and fifteen new  
4 sections enacted in lieu thereof, to be known as sections 54.280,  
5 67.457, 67.463, 67.469, 67.1521, 140.050, 140.115, 140.150,  
6 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and  
7 140.665, to read as follows:

8           54.280. 1. The county collector-treasurer of counties  
9 having adopted or which may hereafter adopt township organization  
10 shall have the power to collect all current, back, and delinquent  
11 real and personal property taxes, including merchants' and  
12 manufacturers' licenses, taxes on railroads and utilities, and  
13 other corporations, the current and delinquent or nonresident

1 lands or town lots, and all other local taxes, including ditch  
2 and levee taxes, and to prosecute for and make sale thereof, the  
3 same that is now or may hereafter be vested in the county  
4 collectors under the general laws of this state. The  
5 collector-treasurer shall, at the time of making his annual  
6 settlement in each year, deposit the tax books in the office of  
7 the county clerk, and within thirty days thereafter the clerk  
8 shall make, in a book to be called "the back tax book", a correct  
9 list, in numerical order, of all tracts of land and town lots  
10 which have been returned delinquent, and return said list to the  
11 collector-treasurer, taking his or her receipt therefor.

12 2. Notwithstanding any other provision of law to the  
13 contrary, for the collection of all current real estate and  
14 personal property taxes and current delinquent real estate and  
15 personal property taxes, the collector-treasurer shall collect on  
16 behalf of the county the following fees to be deposited into the  
17 county general fund:

18 (1) In any county in which the total amount of real estate  
19 and personal property taxes levied for any one year is five  
20 million dollars or less, a fee of three percent on the total  
21 amount of real estate and personal property taxes levied;

22 (2) In any county in which the total amount of real estate  
23 and personal property taxes levied for any one year exceeds five  
24 million dollars but is equal to or less than nine million  
25 dollars, a fee of two and one-half percent on the total amount of  
26 real estate and personal property taxes levied;

27 (3) In any county in which the total amount of real estate  
28 and personal property taxes levied for any one year is greater

1 than nine million dollars but equal to or less than thirteen  
2 million dollars, a fee of two percent on the total amount of real  
3 estate and personal property taxes levied;

4 (4) In any county in which the total amount of real estate  
5 and personal property taxes levied for any one year is greater  
6 than thirteen million dollars, a fee of one and one-half percent  
7 on the total amount of real estate and personal property taxes  
8 levied.

9 67.457. 1. To establish a neighborhood improvement  
10 district, the governing body of any city or county shall comply  
11 with either of the procedures described in subsection 2 or 3 of  
12 this section.

13 2. The governing body of any city or county proposing to  
14 create a neighborhood improvement district may by resolution  
15 submit the question of creating such district to all qualified  
16 voters residing within such district at a general or special  
17 election called for that purpose. Such resolution shall set  
18 forth the project name for the proposed improvement, the general  
19 nature of the proposed improvement, the estimated cost of such  
20 improvement, the boundaries of the proposed neighborhood  
21 improvement district to be assessed, and the proposed method or  
22 methods of assessment of real property within the district,  
23 including any provision for the annual assessment of maintenance  
24 costs of the improvement in each year during the term of the  
25 bonds issued for the original improvement and after such bonds  
26 are paid in full. The governing body of the city or county may  
27 create a neighborhood improvement district when the question of  
28 creating such district has been approved by the vote of the

1 percentage of electors within such district voting thereon that  
2 is equal to the percentage of voter approval required for the  
3 issuance of general obligation bonds of such city or county under  
4 article VI, section 26 of the constitution of this state. The  
5 notice of election containing the question of creating a  
6 neighborhood improvement district shall contain the project name  
7 for the proposed improvement, the general nature of the proposed  
8 improvement, the estimated cost of such improvement, the  
9 boundaries of the proposed neighborhood improvement district to  
10 be assessed, the proposed method or methods of assessment of real  
11 property within the district, including any provision for the  
12 annual assessment of maintenance costs of the improvement in each  
13 year after the bonds issued for the original improvement are paid  
14 in full, and a statement that the final cost of such improvement  
15 assessed against real property within the district and the amount  
16 of general obligation bonds issued therefor shall not exceed the  
17 estimated cost of such improvement, as stated in such notice, by  
18 more than twenty-five percent, and that the annual assessment for  
19 maintenance costs of the improvements shall not exceed the  
20 estimated annual maintenance cost, as stated in such notice, by  
21 more than twenty-five percent. The ballot upon which the  
22 question of creating a neighborhood improvement district is  
23 submitted to the qualified voters residing within the proposed  
24 district shall contain a question in substantially the following  
25 form:

26        Shall ..... (name of city or  
27 county) be authorized to create a neighborhood improvement  
28 district proposed for the .....

1 (project name for the proposed improvement) and incur  
2 indebtedness and issue general obligation bonds to pay for all or  
3 part of the cost of public improvements within such district, the  
4 cost of all indebtedness so incurred to be assessed by the  
5 governing body of the ..... (city or  
6 county) on the real property benefitted by such improvements for  
7 a period of ..... years, and, if included in the  
8 resolution, an assessment in each year thereafter with the  
9 proceeds thereof used solely for maintenance of the improvement?

10 3. As an alternative to the procedure described in  
11 subsection 2 of this section, the governing body of a city or  
12 county may create a neighborhood improvement district when a  
13 proper petition has been signed by the owners of record of at  
14 least two-thirds by area of all real property located within such  
15 proposed district. Each owner of record of real property located  
16 in the proposed district is allowed one signature. Any person,  
17 corporation, or limited liability partnership owning more than  
18 one parcel of land located in such proposed district shall be  
19 allowed only one signature on such petition. The petition, in  
20 order to become effective, shall be filed with the city clerk or  
21 county clerk. A proper petition for the creation of a  
22 neighborhood improvement district shall set forth the project  
23 name for the proposed improvement, the general nature of the  
24 proposed improvement, the estimated cost of such improvement, the  
25 boundaries of the proposed neighborhood improvement district to  
26 be assessed, the proposed method or methods of assessment of real  
27 property within the district, including any provision for the  
28 annual assessment of maintenance costs of the improvement in each

1 year during the term of the bonds issued for the original  
2 improvement and after such bonds are paid in full, a notice that  
3 the names of the signers may not be withdrawn later than seven  
4 days after the petition is filed with the city clerk or county  
5 clerk, and a notice that the final cost of such improvement  
6 assessed against real property within the district and the amount  
7 of general obligation bonds issued therefor shall not exceed the  
8 estimated cost of such improvement, as stated in such petition,  
9 by more than twenty-five percent, and that the annual assessment  
10 for maintenance costs of the improvements shall not exceed the  
11 estimated annual maintenance cost, as stated in such petition, by  
12 more than twenty-five percent.

13 4. Upon receiving the requisite voter approval at an  
14 election or upon the filing of a proper petition with the city  
15 clerk or county clerk, the governing body may by resolution or  
16 ordinance determine the advisability of the improvement and may  
17 order that the district be established and that preliminary plans  
18 and specifications for the improvement be made. Such resolution  
19 or ordinance shall state and make findings as to the project name  
20 for the proposed improvement, the nature of the improvement, the  
21 estimated cost of such improvement, the boundaries of the  
22 neighborhood improvement district to be assessed, the proposed  
23 method or methods of assessment of real property within the  
24 district, including any provision for the annual assessment of  
25 maintenance costs of the improvement in each year after the bonds  
26 issued for the original improvement are paid in full, and shall  
27 also state that the final cost of such improvement assessed  
28 against the real property within the neighborhood improvement

1 district and the amount of general obligation bonds issued  
2 therefor shall not, without a new election or petition, exceed  
3 the estimated cost of such improvement by more than twenty-five  
4 percent.

5 5. The boundaries of the proposed district shall be  
6 described by metes and bounds, streets or other sufficiently  
7 specific description. The area of the neighborhood improvement  
8 district finally determined by the governing body of the city or  
9 county to be assessed may be less than, but shall not exceed, the  
10 total area comprising such district.

11 6. In any neighborhood improvement district organized prior  
12 to August 28, 1994, an assessment may be levied and collected  
13 after the original period approved for assessment of property  
14 within the district has expired, with the proceeds thereof used  
15 solely for maintenance of the improvement, if the residents of  
16 the neighborhood improvement district either vote to assess real  
17 property within the district for the maintenance costs in the  
18 manner prescribed in subsection 2 of this section or if the  
19 owners of two-thirds of the area of all real property located  
20 within the district sign a petition for such purpose in the same  
21 manner as prescribed in subsection 3 of this section.

22 7. Prior to any assessment hereafter being levied against  
23 any real property within any neighborhood improvement district,  
24 and prior to any lien enforceable under either chapter 140 or 141  
25 being imposed after August 28, 2013, against any real property  
26 within a neighborhood improvement district, the clerk of the  
27 governing body establishing the neighborhood improvement district  
28 shall cause to be recorded with the recorder of deeds for the

1 county in which any portion of the neighborhood improvement  
2 district is located a document conforming to the provisions of  
3 sections 59.310 and 59.313, and which shall contain at least the  
4 following information:

5 (1) All owners of record of real property located within the  
6 neighborhood improvement district at the time of recording, who  
7 shall be identified in the document as grantors and indexed by  
8 the recorder, as required under section 59.440;

9 (2) The governing body establishing the neighborhood  
10 improvement district and the title of any official or agency  
11 responsible for collecting or enforcing any assessments, who  
12 shall be identified in the document as grantees and indexed by  
13 the recorder, as required under section 59.440;

14 (3) The legal description of the property within the  
15 neighborhood improvement district which may either be the metes  
16 and bounds description authorized in subsection 5 of this section  
17 or the legal description of each lot or parcel within the  
18 neighborhood improvement district; and

19 (4) The identifying number of the resolution or ordinance  
20 creating the neighborhood improvement district, or a copy of such  
21 resolution or ordinance.

22 67.463. 1. At the hearing to consider the proposed  
23 improvements and assessments, the governing body shall hear and  
24 pass upon all objections to the proposed improvements and  
25 proposed assessments, if any, and may amend the proposed  
26 improvements, and the plans and specifications therefor, or  
27 assessments as to any property, and thereupon by ordinance or  
28 resolution the governing body of the city or county shall order



1 that the improvement be made and direct that financing for the  
2 cost thereof be obtained as provided in sections 67.453 to  
3 67.475.

4 2. After construction of the improvement has been completed  
5 in accordance with the plans and specifications therefor, the  
6 governing body shall compute the final costs of the improvement  
7 and apportion the costs among the property benefitted by such  
8 improvement in such equitable manner as the governing body shall  
9 determine, charging each parcel of property with its  
10 proportionate share of the costs, and by resolution or ordinance,  
11 assess the final cost of the improvement or the amount of general  
12 obligation bonds issued or to be issued therefor as special  
13 assessments against the property described in the assessment  
14 roll.

15 3. After the passage or adoption of the ordinance or  
16 resolution assessing the special assessments, the city clerk or  
17 county clerk shall mail a notice to each property owner within  
18 the district which sets forth a description of each parcel of  
19 real property to be assessed which is owned by such owner, the  
20 special assessment assigned to such property, and a statement  
21 that the property owner may pay such assessment in full, together  
22 with interest accrued thereon from the effective date of such  
23 ordinance or resolution, on or before a specified date determined  
24 by the effective date of the ordinance or resolution, or may pay  
25 such assessment in annual installments as provided in subsection  
26 4 of this section.

27 4. The special assessments shall be assessed upon the  
28 property included therein concurrent with general property taxes,

1 and shall be payable in substantially equal annual installments  
2 for a duration stated in the ballot measure prescribed in  
3 subsection 2 of section 67.457 or in the petition prescribed in  
4 subsection 3 of section 67.457, and, if authorized, an assessment  
5 in each year thereafter levied and collected in the same manner  
6 with the proceeds thereof used solely for maintenance of the  
7 improvement, taking into account such assessments and interest  
8 thereon, as the governing body determines. The first installment  
9 shall be payable after the first collection of general property  
10 taxes following the adoption of the assessment ordinance or  
11 resolution unless such ordinance or resolution was adopted and  
12 certified too late to permit its collection at such time. All  
13 assessments shall bear interest at such rate as the governing  
14 body determines, not to exceed the rate permitted for bonds by  
15 section 108.170. Interest on the assessment between the  
16 effective date of the ordinance or resolution assessing the  
17 assessment and the date the first installment is payable shall be  
18 added to the first installment. The interest for one year on all  
19 unpaid installments shall be added to each subsequent installment  
20 until paid. In the case of a special assessment by a city, all  
21 of the installments, together with the interest accrued or to  
22 accrue thereon, may be certified by the city clerk to the county  
23 clerk in one instrument at the same time. Such certification  
24 shall be good for all of the installments, and the interest  
25 thereon payable as special assessments.

26 5. Special assessments shall be collected and paid over to  
27 the city treasurer or county treasurer in the same manner as  
28 taxes of the city or county are collected and paid. In any

1 county with a charter form of government and with more than six  
2 hundred thousand but fewer than seven hundred thousand  
3 inhabitants and any county of the first classification with more  
4 than one hundred thirty-five thousand four hundred but fewer than  
5 one hundred thirty-five thousand five hundred inhabitants, the  
6 county collector may collect a fee as prescribed by section  
7 52.260 for collection of assessments under this section.

8         67.469. A special assessment authorized under the  
9 provisions of sections 67.453 to 67.475 shall be a lien, from the  
10 date of the assessment, on the property against which it is  
11 assessed on behalf of the city or county assessing the same to  
12 the same extent as a tax upon real property. The lien may be  
13 foreclosed in the same manner as a tax upon real property by land  
14 tax sale pursuant to chapter 140 or [by judicial foreclosure  
15 proceeding], if applicable to that county, chapter 141, or at the  
16 option of the governing body, by judicial foreclosure proceeding.  
17 Upon the foreclosure of any such lien, whether by land tax sale  
18 or by judicial foreclosure proceeding, the entire remaining  
19 assessment may become due and payable and may be recoverable in  
20 such foreclosure proceeding at the option of the governing body.

21         67.1521. 1. A district may levy by resolution one or more  
22 special assessments against real property within its boundaries,  
23 upon receipt of and in accordance with a petition signed by:

24         (1) Owners of real property collectively owning more than  
25 fifty percent by assessed value of real property within the  
26 boundaries of the district; and

27         (2) More than fifty percent per capita of the owners of all  
28 real property within the boundaries of the district.

1           2. The special assessment petition shall be in  
2 substantially the following form:

3           The ..... (insert name of district)  
4 Community Improvement District ("District") shall be authorized  
5 to levy special assessments against real property benefitted  
6 within the District for the purpose of providing revenue for  
7 ..... (insert general description of specific service  
8 and/or projects) in the district, such special assessments to be  
9 levied against each tract, lot or parcel of real property listed  
10 below within the district which receives special benefit as a  
11 result of such service and/or projects, the cost of which shall  
12 be allocated among this property by .....  
13 (insert method of allocation, e.g., per square foot of property,  
14 per square foot on each square foot of improvement, or by  
15 abutting foot of property abutting streets, roads, highways,  
16 parks or other improvements, or any other reasonable method) in  
17 an amount not to exceed ..... dollars per (insert unit of  
18 measure). Such authorization to levy the special assessment  
19 shall expire on ..... (insert date). The tracts of  
20 land located in the district which will receive special benefit  
21 from this service and/or projects are: ..... (list  
22 of properties by common addresses and legal descriptions).

23           3. The method for allocating such special assessments set  
24 forth in the petition may be any reasonable method which results  
25 in imposing assessments upon real property benefitted in relation  
26 to the benefit conferred upon each respective tract, lot or  
27 parcel of real property and the cost to provide such benefit.

28           4. By resolution of the board, the district may levy a

1 special assessment rate lower than the rate ceiling set forth in  
2 the petition authorizing the special assessment and may increase  
3 such lowered special assessment rate to a level not exceeding the  
4 special assessment rate ceiling set forth in the petition without  
5 further approval of the real property owners; provided that a  
6 district imposing a special assessment pursuant to this section  
7 may not repeal or amend such special assessment or lower the rate  
8 of such special assessment if such repeal, amendment or lower  
9 rate will impair the district's ability to pay any liabilities  
10 that it has incurred, money that it has borrowed or obligations  
11 that it has issued.

12 5. Each special assessment which is due and owing shall  
13 constitute a perpetual lien against each tract, lot or parcel of  
14 property from which it is derived. Such lien may be foreclosed  
15 in the same manner as any other special assessment lien as  
16 provided in section 88.861. Notwithstanding the provisions of  
17 this subsection and section 67.1541 to the contrary, [in any  
18 county of the first classification with more than one hundred  
19 thirty-five thousand four hundred but fewer than one hundred  
20 thirty-five thousand five hundred inhabitants,] the county  
21 collector may, upon certification by the district for collection,  
22 add each special assessment to the annual real estate tax bill  
23 for the property and collect the assessment in the same manner  
24 the collector uses for real estate taxes. [In said counties,  
25 each] Any special assessment remaining unpaid on the first day of  
26 January annually is delinquent and enforcement of collection of  
27 the delinquent bill by the county collector shall be governed by  
28 the laws concerning delinquent and back taxes. The lien may be

1 foreclosed in the same manner as a tax upon real property by land  
2 tax sale under chapter 140 or, if applicable to that county,  
3 chapter 141.

4 6. A separate fund or account shall be created by the  
5 district for each special assessment levied and each fund or  
6 account shall be identifiable by a suitable title. The proceeds  
7 of such assessments shall be credited to such fund or account.  
8 Such fund or account shall be used solely to pay the costs  
9 incurred in undertaking the specified service or project.

10 7. Upon completion of the specified service or project or  
11 both, the balance remaining in the fund or account established  
12 for such specified service or project or both shall be returned  
13 or credited against the amount of the original assessment of each  
14 parcel of property pro rata based on the method of assessment of  
15 such special assessment.

16 8. Any funds in a fund or account created pursuant to this  
17 section which are not needed for current expenditures may be  
18 invested by the board in accordance with applicable laws relating  
19 to the investment of funds of the city in which the district is  
20 located.

21 9. The authority of the district to levy special  
22 assessments shall be independent of the limitations and  
23 authorities of the municipality in which it is located;  
24 specifically, the provisions of section 88.812 shall not apply to  
25 any district.

26 140.050. 1. Except as provided in section 52.361, the  
27 county clerk shall file the delinquent lists in the county  
28 clerk's office and within ten days thereafter make, under the

1 seal of the commission, the lists into a back tax book as  
2 provided in section 140.060.

3 2. Except as provided in section 52.361, when completed,  
4 the clerk shall deliver the book or an electronic copy thereof to  
5 the collector taking duplicate receipts therefor, one of which  
6 the clerk shall file in the clerk's office and the other the  
7 clerk shall file with the director of revenue. The clerk shall  
8 charge the collector with the aggregate amount of taxes,  
9 interest, and clerk's fees contained in the back tax book.

10 3. The collector shall collect such back taxes and may levy  
11 upon, seize and distrain tangible personal property and may sell  
12 such property for taxes.

13 4. In the city of St. Louis, the city comptroller or other  
14 proper officer shall return the back tax book together with the  
15 uncollected tax bills within thirty days to the city collector.

16 5. If any county commission or clerk in counties not having  
17 a county auditor fails to comply with section 140.040, and this  
18 section, to the extent that the collection of taxes cannot be  
19 enforced by law, the county commission or clerk, or their  
20 successors in office, shall correct such omissions at once and  
21 return the back tax book to the collector who shall collect such  
22 taxes.

23 140.115. Any person other than the owner or a mortgagee or  
24 other lienholder described in section 139.070 who pays the  
25 original taxes, as charged against the tract of land or town lot  
26 described in the back tax book together with interest from the  
27 day upon which the tax first became delinquent at the rate  
28 specified in section 140.100 shall not invoke a lien on said

1 property or person without the knowledge and consent of the  
2 owner. Any such lien so invoked on said property or person  
3 without the knowledge and consent of the owner shall be null and  
4 void.

5 140.150. 1. All lands, lots, mineral rights, and royalty  
6 interests on which taxes or [neighborhood improvement district]  
7 special assessments are delinquent and unpaid are subject to sale  
8 to discharge the lien for the delinquent and unpaid taxes or  
9 unpaid special assessments as provided for in this chapter on the  
10 fourth Monday in August of each year.

11 2. No real property, lots, mineral rights, or royalty  
12 interests shall be sold for state, county or city taxes or  
13 special assessments without judicial proceedings, unless the  
14 notice of sale contains the names of all record owners thereof,  
15 or the names of all owners appearing on the land tax book and all  
16 other information required by law. Delinquent taxes or unpaid  
17 special assessments, penalty, interest and costs due thereon may  
18 be paid to the county collector at any time before the property  
19 is sold therefor. The collector shall send notices to the  
20 publicly recorded owner of record before any delinquent and  
21 unpaid taxes or unpaid special assessments as specified in this  
22 section subject to sale are published. The first notice shall be  
23 by first class mail. A second notice shall be sent by certified  
24 mail only if the assessed valuation of the property is greater  
25 than one thousand dollars. If the assessed valuation of the  
26 property is not greater than one thousand dollars, only the first  
27 notice shall be required. If any second notice sent by certified  
28 mail under this section is returned to the collector unsigned,



1 then notice shall be sent before the sale by first class mail to  
2 both the owner of record and the occupant of the real property.  
3 The postage for the mailing of the notices shall be paid out of  
4 the county treasury, and such costs shall be added to the costs  
5 of conducting the sale, and the county treasury shall be  
6 reimbursed to the extent that such postage costs are recovered at  
7 the sale. The failure of the taxpayer or the publicly recorded  
8 owner to receive the notice provided for in this section shall  
9 not relieve the taxpayer or publicly recorded owner of any tax  
10 liability imposed by law.

11 3. The entry in the back tax book by the county clerk of  
12 the delinquent lands, lots, mineral rights, and royalty interests  
13 constitutes a levy upon the delinquent lands, lots, mineral  
14 rights, and royalty interests for the purpose of enforcing the  
15 lien of delinquent and unpaid taxes or unpaid special assessments  
16 [as provided in section 67.469], together with penalty, interest  
17 and costs.

18 140.160. 1. No proceedings for the sale of land and lots  
19 for delinquent taxes pursuant to this chapter or unpaid special  
20 assessments [as provided in section 67.469], relating to the  
21 collection of delinquent and back taxes and unpaid special  
22 assessments and providing for foreclosure sale and redemption of  
23 land and lots therefor, shall be valid unless initial proceedings  
24 therefor shall be commenced within three years after delinquency  
25 of such taxes and unpaid special assessments, and any sale held  
26 pursuant to initial proceedings commenced within such period of  
27 three years shall be deemed to have been in compliance with the  
28 provisions of said law insofar as the time at which such sales

1 are to be had is specified therein; provided further, that in  
2 suits or actions to collect delinquent drainage and/or levee  
3 assessments on real estate such suits or actions shall be  
4 commenced within three years after delinquency, otherwise no suit  
5 or action therefor shall be commenced, had or maintained, except  
6 that the three-year limitation described in this subsection shall  
7 not be applicable if any written instrument conveys any real  
8 estate having a tax-exempt status, if such instrument causes such  
9 real estate to again become taxable real property and if such  
10 instrument has not been recorded in the office of the recorder in  
11 the county in which the real estate has been situated. Such  
12 three-year limitation shall only be applicable once the recording  
13 of the title has occurred.

14 2. The county auditor in all counties having a county  
15 auditor shall annually audit collections, deposits, and  
16 supporting reports of the collector and provide a copy of such  
17 audit to the county collector and to the governing body of the  
18 county. A copy of the audit may be provided to all applicable  
19 taxing entities within the county at the discretion of the county  
20 collector.

21 140.230. 1. When real estate has been sold for taxes or  
22 other debt by the sheriff or collector of any county within the  
23 state of Missouri, and the same sells for a greater amount than  
24 the debt or taxes and all costs in the case it shall be the duty  
25 of the sheriff or collector of the county, when such sale has  
26 been or may hereafter be made, to make a written statement  
27 describing each parcel or tract of land sold by him for a greater  
28 amount than the debt or taxes and all costs in the case together

1 with the amount of surplus money in each case. The statement  
2 shall be subscribed and sworn to by the sheriff or collector  
3 making it before some officer competent to administer oaths  
4 within this state, and then presented to the county commission of  
5 the county where the sale has been or may be made; and on the  
6 approval of the statement by the commission, the sheriff or  
7 collector making the same shall pay the surplus money into the  
8 county treasury, take the receipt in duplicate of the treasurer  
9 for the surplus of money and retain one of the duplicate receipts  
10 himself and file the other with the county commission, and  
11 thereupon the commission shall charge the treasurer with the  
12 amount.

13 2. The treasurer shall place such moneys in the county  
14 treasury to be held for the use and benefit of the person  
15 entitled to such moneys or to the credit of the school fund of  
16 the county, to be held in trust for the term of three years for  
17 the publicly recorded owner or owners of the property sold at the  
18 time of the delinquent land tax auction or their legal  
19 representatives. At the end of three years, if such fund shall  
20 not be called for as part of a redemption or collector's deed  
21 issuance, then it shall become a permanent school fund of the  
22 county.

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

27 140.290. 1. After payment shall have been made the county  
28 collector shall give the purchaser a certificate in writing, to

1 be designated as a certificate of purchase, which shall carry a  
2 numerical number and which shall describe the land so purchased,  
3 each tract or lot separately stated, the total amount of the tax,  
4 with penalty, interest and costs, and the year or years of  
5 delinquency for which said lands or lots were sold, separately  
6 stated, and the aggregate of all such taxes, penalty, interest  
7 and costs, and the sum bid on each tract.

8 2. If the purchaser bid for any tract or lot of land a sum  
9 in excess of the delinquent tax, penalty, interest and costs for  
10 which said tract or lot of land was sold, such excess sum shall  
11 also be noted in the certificate of purchase, in a separate  
12 column to be provided therefor. Such certificate of purchase  
13 shall also recite the name and address of the owner or reputed  
14 owner if known, and if unknown then the party or parties to whom  
15 each tract or lot of land was assessed, together with the address  
16 of such party, if known, and shall also have incorporated therein  
17 the name and address of the purchaser. Such certificate of  
18 purchase shall also contain the true date of the sale and the  
19 time when the purchaser will be entitled to a deed for said land,  
20 if not redeemed as in this chapter provided, and the rate of  
21 interest that such certificate of purchase shall bear, which rate  
22 of interest shall not exceed the sum of ten percent per annum.  
23 Such certificate shall be authenticated by the county collector,  
24 who shall record the same in a permanent record book in his  
25 office before delivery to the purchaser.

26 3. Such certificate shall be assignable, but no assignment  
27 thereof shall be valid unless endorsed on such certificate and  
28 acknowledged before some officer authorized to take

1 acknowledgment of deeds and an entry of such assignment entered  
2 in the record of said certificate of purchase in the office of  
3 the county collector.

4 4. [For each certificate of purchase issued, including the  
5 recording of the same, the county collector shall be entitled to  
6 receive and retain a fee of fifty cents, to be paid by the  
7 purchaser and treated as a part of the cost of the sale, and so  
8 noted on the certificate. For noting any assignment of any  
9 certificate the county collector shall be entitled to a fee of  
10 twenty-five cents, to be paid by the person requesting such  
11 recital of assignment, and which shall not be treated as a part  
12 of the cost of the sale.] For each certificate of purchase  
13 issued, as a part of the cost of the sale, the purchaser shall  
14 pay to the collector the fee necessary to record such certificate  
15 of purchase in the office of the county recorder. The collector  
16 shall record the certificate of purchase before delivering such  
17 certificate of purchase to the purchaser.

18 5. No collector shall be authorized to issue a certificate  
19 of purchase to any nonresident of the state of Missouri, however,  
20 any nonresident as described in subsection 2 of section 140.190  
21 may appoint an agent, and such agent shall comply with the  
22 provisions of section 140.190 pertaining to a nonresident.

23 6. This section shall not apply to any post-third-year tax  
24 sale, except for nonresidents as provided in subsection 5 of this  
25 section.

26 140.405. 1. Any person purchasing property at a delinquent  
27 land tax auction shall not acquire the deed to the real estate,  
28 as provided for in section 140.250 or 140.420, until the person

1 meets the requirements of this section, except that such  
2 requirements shall not apply to post-third-year sales, which  
3 shall be conducted under subsection 4 of section 140.250. The  
4 purchaser shall obtain a title search report from a licensed  
5 attorney or licensed title company detailing the ownership and  
6 encumbrances on the property. Such title search report shall be  
7 declared invalid if the effective date is more than one hundred  
8 twenty days from the date the purchaser applies for a collector's  
9 deed under section 140.250 or 140.420.

10 2. At least ninety days prior to the date when a purchaser  
11 is authorized to acquire the deed, the purchaser shall notify the  
12 owner of record and any person who holds a publicly recorded  
13 unreleased deed of trust, mortgage, lease, lien, judgment, or any  
14 other publicly recorded claim upon that real estate of such  
15 person's right to redeem the property. Notice shall be sent by  
16 both first class mail and certified mail return receipt requested  
17 to such person's last known available address. If the certified  
18 mail return receipt is returned signed, the first class mail  
19 notice is not returned, the first class mail notice is refused  
20 where noted by the United States Postal Service, or any  
21 combination thereof, notice shall be presumed received by the  
22 recipient. At the conclusion of the applicable redemption  
23 period, the purchaser shall make an affidavit in accordance with  
24 subsection 4 of this section.

25 3. If the owner of record or the holder of any other  
26 publicly recorded claim on the property intends to transfer  
27 ownership or execute any additional liens or encumbrances on the  
28 property, such owner shall first redeem such property under

1 section 140.340. The failure to comply with redeeming the  
2 property first before executing any of such actions or agreements  
3 on the property shall require the owner of record or any other  
4 publicly recorded claim on the property to reimburse the  
5 purchaser for the total bid as recorded on the certificate of  
6 purchase and all the costs of the sale required in sections  
7 140.150 to 140.405.

8 4. In the case that both the certified notice return  
9 receipt card is returned unsigned and the first class mail is  
10 returned for any reason except refusal, where the notice is  
11 returned undeliverable, then the purchaser shall attempt  
12 additional notice and certify in the purchaser's affidavit to the  
13 collector that such additional notice was attempted and by what  
14 means.

15 5. The purchaser shall notify the county collector by  
16 affidavit of the date that every required notice was sent to the  
17 owner of record and, if applicable, any other publicly recorded  
18 claim on the property. To the affidavit, the purchaser shall  
19 attach a copy of a valid title search report as described in  
20 subsection 1 of this section as well as completed copies of the  
21 following for each recipient:

22 (1) Notices of right to redeem sent by first class mail;

23 (2) Notices of right to redeem sent by certified mail

24 [notice];

25 (3) Addressed envelopes for all notices, as they appeared  
26 immediately before mailing;

27 (4) Certified mail receipt as it appeared upon its return;

28 and

1           (5) Any returned regular mailed envelopes. As provided in  
2 this section, at such time the purchaser notifies the collector  
3 by affidavit that all the ninety days' notice requirements of  
4 this section have been met, the purchaser is authorized to  
5 acquire the deed, provided that a collector's deed shall not be  
6 acquired before the expiration date of the redemption period as  
7 provided in section 140.340.

8           6. If any real estate is purchased at a third-offering tax  
9 auction and has a publicly recorded unreleased deed of trust,  
10 mortgage, lease, lien, judgment, or any other publicly recorded  
11 claim upon the real estate under this section, the purchaser of  
12 said property shall within forty-five days after the purchase at  
13 the sale notify such person of the person's right to redeem the  
14 property within ninety days from the postmark date on the notice.  
15 Notice shall be sent by both first class mail and certified mail  
16 return receipt requested to such person's last known available  
17 address. The purchaser shall notify the county collector by  
18 affidavit of the date the required notice was sent to the owner  
19 of record and, if applicable, and the holder of any other  
20 publicly recorded claim on the property, that such person shall  
21 have ninety days to redeem said property or be forever barred  
22 from redeeming said property.

23           7. If the county collector chooses to have the title search  
24 done then the county collector may charge the purchaser the cost  
25 of the title search before giving the purchaser a deed pursuant  
26 to section 140.420.

27           8. If the property is redeemed, the person redeeming the  
28 property shall pay the costs incurred by the purchaser in



1 providing notice under this section. Recoverable costs on any  
2 property sold at a tax sale shall include the title search,  
3 postage, and costs for the recording of any certificate of  
4 purchase issued and for recording the release of such certificate  
5 of purchase and all the costs of the sale required in sections  
6 140.150 to 140.405.

7 9. Failure of the purchaser to comply with this section  
8 shall result in such purchaser's loss of all interest in the real  
9 estate.

10 140.460. 1. Such conveyance shall be executed by the  
11 county collector, under his hand and seal, [witnessed by the  
12 county clerk] and acknowledged before the county recorder or any  
13 other officer authorized to take acknowledgments and the same  
14 shall be recorded in the recorder's office before delivery; a  
15 fee for recording shall be paid by the purchaser and shall be  
16 included in the costs of sale.

17 2. Such deed shall be prima facie evidence that the  
18 property conveyed was subject to taxation at the time assessed,  
19 that the taxes were delinquent and unpaid at the time of sale, of  
20 the regularity of the sale of the premises described in the deed,  
21 and of the regularity of all prior proceedings, that said land or  
22 lot had not been redeemed and that the period therefor had  
23 elapsed, and prima facie evidence of a good and valid title in  
24 fee simple in the grantee of said deed; and such deed shall be in  
25 the following form, as nearly as the nature of the case will  
26 admit, namely:

27 Whereas, A. B. did, on the . . . . . day of . . .  
28 . . . . ., 20. . . ., produce to the undersigned, C. D.,

1 collector of the county of in the state of Missouri, a  
2 certificate of purchase, in writing, bearing date the . . . . .  
3 . . day of . . . . . 20. ., signed by E. F., who at the  
4 last mentioned date was collector of said county, from which it  
5 appears that the said A. B. did, on the . . . . .  
6 . . . day of . . . . ., 20. ., purchase at public auction at  
7 the door of the courthouse in said county, the tract, parcel or  
8 lot of land lastly in this indenture described, and which lot was  
9 sold to . . . . . for the sum of . . . . .  
10 . dollars and . . . . . cents, being the amount due on the  
11 following tracts or lots of land, returned delinquent in the name  
12 of G. H., for nonpayment of taxes, costs and charges for the year  
13 . . . . ., namely: (Here set out the lands offered for  
14 sale); which said lands have been recorded, among other tracts,  
15 in the office of said collector, as delinquent for the nonpayment  
16 of taxes, costs, and charges due for the year last aforesaid, and  
17 legal publication made of the sale of said lands; and it  
18 appearing that the said A. B. is the legal owner of said  
19 certificate of purchase and the time fixed by law for redeeming  
20 the land therein described having now expired, the said G. H. nor  
21 any person in his behalf having paid or tendered the amount due  
22 the said A. B. on account of the aforesaid purchase, and for the  
23 taxes by him since paid, and the said A. B., having demanded a  
24 deed for the tract of land mentioned in said certificate, and  
25 which was the least quantity of the tract above described that  
26 would sell for the amount due thereon for taxes, costs and  
27 charges, as above specified, and it appearing from the records of  
28 said county collector's office that the aforesaid lands were

1 legally liable for taxation, and has been duly assessed and  
2 properly charged on the tax book with the taxes for the years . .  
3 . . . . .;

4 Therefore, this indenture, made this . . . . . day  
5 of. . . . ., 20. . . . ., between the state of Missouri, by C. D.,  
6 collector of said . . . . . county, of the first  
7 part, and the said A. B., of the second part, Witnesseth: That  
8 the said party of the first part, for and in consideration of the  
9 premises, has granted, bargained and sold unto the said party of  
10 the second part, his heirs and assigns, forever, the tract or  
11 parcel of land mentioned in said certificate, situate in the  
12 county of . . . . ., and state of Missouri, and described  
13 as follows, namely: (Here set out the particular tract or parcel  
14 sold), To have and to hold the said last mentioned tract or  
15 parcel of land, with the appurtenances thereto belonging, to the  
16 said party of the second part, his heirs and assigns forever, in  
17 as full and ample a manner as the collector of said county is  
18 empowered by law to sell the same.

19 In Testimony Whereof, the said C. D., collector of said  
20 county of . . . . ., has hereunto set his hand, and affixed  
21 his official seal, the day and year last above written.

22 Witness: . . . . .  
23 . . . . . (L.S.)

24 Collector of. . . . .  
25 . . . . . County.

26 State of Missouri, . . . . County, ss:

27 Before me, the undersigned, . . . ., in and for said county,  
28 this day, personally came the above-named C. D., collector of

1 said county, and acknowledged that he executed the foregoing deed  
2 for the uses and purposes therein mentioned.

3 In Witness Whereof, I have hereunto set my hand and seal  
4 this . . . . . day of. . . . ., 20. . . . .  
5 . . . . .  
6 . . . . . (L.S.)

7 140.470. [1.] In case circumstances should exist requiring  
8 any variation from the foregoing form, in the recital part  
9 thereof, the necessary change shall be made by the county  
10 collector executing such deed, and the same shall not be vitiated  
11 by any such change, provided the substance be retained.

12 [2. The county collector shall be entitled to demand and  
13 receive from the person applying therefor, for each tax deed, one  
14 dollar and fifty cents, which shall include the acknowledgment.]

15 140.665. Whenever the word "collector" is used in sections  
16 140.050 to 140.660, as applicable to counties which have adopted  
17 township organization, it shall be construed to mean ["treasurer  
18 and ex officio collector"] "collector-treasurer". Where  
19 applicable it shall also refer to the collector, or other proper  
20 officer, collecting taxes in any city or town. Where applicable  
21 the word "county" as used in sections 140.050 to 140.660 shall be  
22 construed "city" and the words "county clerk" shall be construed  
23 "city clerk or other proper officer".