

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

# SENATE BILL NO. 83

100TH GENERAL ASSEMBLY

2019

0303S.03T

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## AN ACT

To repeal sections 452.377, 452.402, 476.001, and 600.042, RSMo, and to enact in lieu thereof fifteen new sections relating to court proceedings.

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

Section A. Sections 452.377, 452.402, 476.001, and 600.042, RSMo, are  
2 repealed and fifteen new sections enacted in lieu thereof, to be known as sections  
3 452.377, 452.402, 476.001, 528.700, 528.705, 528.710, 528.715, 528.720, 528.725,  
4 528.730, 528.735, 528.740, 528.745, 528.750, and 600.042, to read as follows:

452.377. 1. For purposes of this section and section 452.375, "relocate" or  
2 "relocation" means a change in the principal residence of a child for a period of  
3 ninety days or more, but does not include a temporary absence from the principal  
4 residence.

5 2. Notice of a proposed relocation of the residence of the child, or any  
6 party entitled to custody or visitation of the child, shall be given in writing by  
7 certified mail, return receipt requested, to any party with custody or visitation  
8 rights. Absent exigent circumstances as determined by a court with jurisdiction,  
9 written notice shall be provided at least sixty days in advance of the proposed  
10 relocation. The notice of the proposed relocation shall include the following  
11 information:

12 (1) The intended new residence, including the specific address and mailing  
13 address, if known, and if not known, the city;

14 (2) The home telephone number of the new residence, if known;

15 (3) The date of the intended move or proposed relocation;

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

16 (4) A brief statement of the specific reasons for the proposed relocation of  
17 a child, if applicable; [and]

18 (5) A proposal for a revised schedule of custody or visitation with the  
19 child, if applicable; **and**

20 **(6) The other party's right, if that party is a parent, to file a**  
21 **motion, pursuant to this section, seeking an order to prevent the**  
22 **relocation and an accompanying affidavit setting forth the specific**  
23 **good faith factual basis for opposing the relocation within thirty days**  
24 **of receipt of the notice.**

25 3. If a party seeking to relocate a child is a participant in the address  
26 confidentiality program under section 589.663, such party shall not be required  
27 to provide the information in subdivision (1) of subsection 2 of this section, but  
28 may be required to submit such information under seal to the court for in camera  
29 review. Prior to disclosure of this information, a court shall comply with the  
30 provisions of section 589.664.

31 4. A party required to give notice of a proposed relocation pursuant to  
32 subsection 2 of this section has a continuing duty to provide a change in or  
33 addition to the information required by this section as soon as such information  
34 becomes known.

35 5. In exceptional circumstances where the court makes a finding that the  
36 health or safety of any adult or child would be unreasonably placed at risk by the  
37 disclosure of the required identifying information concerning a proposed  
38 relocation of the child, the court may order that:

39 (1) The specific residence address and telephone number of the child,  
40 parent or person, and other identifying information shall not be disclosed in the  
41 pleadings, notice, other documents filed in the proceeding or the final order  
42 except for an in camera disclosure;

43 (2) The notice requirements provided by this section shall be waived to the  
44 extent necessary to protect the health or safety of a child or any adult; or

45 (3) Any other remedial action the court considers necessary to facilitate  
46 the legitimate needs of the parties and the best interest of the child.

47 6. The court shall consider a failure to provide notice of a proposed  
48 relocation of a child as:

49 (1) A factor in determining whether custody and visitation should be  
50 modified;

51 (2) A basis for ordering the return of the child if the relocation occurs

52 without notice; and

53 (3) Sufficient cause to order the party seeking to relocate the child to pay  
54 reasonable expenses and attorneys fees incurred by the party objecting to the  
55 relocation.

56 7. If the parties agree to a revised schedule of custody and visitation for  
57 the child, which includes a parenting plan, they may submit the terms of such  
58 agreement to the court with a written affidavit signed by all parties with custody  
59 or visitation assenting to the terms of the agreement, and the court may order the  
60 revised parenting plan and applicable visitation schedule without a hearing.

61 8. The residence of the child may be relocated sixty days after providing  
62 notice, as required by this section, unless a parent files a motion seeking an order  
63 to prevent the relocation within thirty days after receipt of such notice. Such  
64 motion shall be accompanied by an affidavit setting forth the specific **good faith**  
65 factual basis supporting a prohibition of the relocation. The person seeking  
66 relocation shall file a response to the motion within fourteen days, unless  
67 extended by the court for good cause, and include a counter-affidavit setting forth  
68 the facts in support of the relocation as well as a proposed revised parenting plan  
69 for the child.

70 9. If relocation of the child is proposed, a third party entitled by court  
71 order to legal custody of or visitation with a child and who is not a parent may  
72 file a cause of action to obtain a revised schedule of legal custody or visitation,  
73 but shall not prevent a relocation.

74 10. The party seeking to relocate shall have the burden of proving that  
75 the proposed relocation is made in good faith and is in the best interest of the  
76 child.

77 11. If relocation is permitted:

78 (1) The court shall order contact with the nonrelocating party including  
79 custody or visitation and telephone access sufficient to assure that the child has  
80 frequent, continuing and meaningful contact with the nonrelocating party unless  
81 the child's best interest warrants otherwise; and

82 (2) The court shall specify how the transportation costs will be allocated  
83 between the parties and adjust the child support, as appropriate, considering the  
84 costs of transportation.

85 12. After August 28, 1998, every court order establishing or modifying  
86 custody or visitation shall include the following language:

87 "Absent exigent circumstances as determined by a court with jurisdiction,

88 you, as a party to this action, are ordered to notify, in writing by certified mail,  
89 return receipt requested, and at least sixty days prior to the proposed relocation,  
90 each party to this action of any proposed relocation of the principal residence of  
91 the child, including the following information:

92 (1) The intended new residence, including the specific address and mailing  
93 address, if known, and if not known, the city;

94 (2) The home telephone number of the new residence, if known;

95 (3) The date of the intended move or proposed relocation;

96 (4) A brief statement of the specific reasons for the proposed relocation of  
97 the child; [and]

98 (5) A proposal for a revised schedule of custody or visitation with the  
99 child; and

100 **(6) The other party's right, if that party is a parent, to file a**  
101 **motion, pursuant to Section 452.377, RSMo, seeking an order to prevent**  
102 **the relocation and an accompanying affidavit setting forth the specific**  
103 **good faith factual basis for opposing the relocation within thirty days**  
104 **of receipt of the notice.**

105 Your obligation to provide this information to each party continues as long  
106 as you or any other party by virtue of this order is entitled to custody of a child  
107 covered by this order. Your failure to obey the order of this court regarding the  
108 proposed relocation may result in further litigation to enforce such order,  
109 including contempt of court. In addition, your failure to notify a party of a  
110 relocation of the child may be considered in a proceeding to modify custody or  
111 visitation with the child. Reasonable costs and attorney fees may be assessed  
112 against you if you fail to give the required notice."

113 13. A participant in the address confidentiality program under section  
114 589.663 shall not be required to provide a requesting party with the specific  
115 physical or mailing address of the child's proposed relocation destination, but in  
116 the event of an objection by a requesting party, a participant may be required to  
117 submit such information under seal to the court for in camera review. Prior to  
118 disclosure of this information, a court shall comply with the provisions of section  
119 589.664.

120 14. Violation of the provisions of this section or a court order under this  
121 section may be deemed a change of circumstance under section 452.410, allowing  
122 the court to modify the prior custody decree. In addition, the court may utilize  
123 any and all powers relating to contempt conferred on it by law or rule of the

124 Missouri supreme court.

125           15. Any party who objects in good faith to the relocation of a child's  
126 principal residence shall not be ordered to pay the costs and attorney's fees of the  
127 party seeking to relocate.

          452.402. 1. The court may grant reasonable visitation rights to the  
2 grandparents of the child and issue any necessary orders to enforce the  
3 decree[. The court may grant] **when a grandparent [visitation when] has been**  
4 **unreasonably denied visitation for a period exceeding sixty days, and:**

5           (1) The parents of the child have filed for a dissolution of their marriage.  
6 A grandparent shall have the right to intervene in any dissolution action solely  
7 on the issue of visitation rights. Grandparents shall also have the right to file  
8 a motion to modify the original decree of dissolution to seek visitation rights  
9 when visitation has been denied to them; [or]

10           (2) One parent of the child is deceased and the surviving parent denies  
11 reasonable visitation to a parent of the deceased parent of the child; or

12           (3) The child has resided in the grandparent's home for at least six  
13 months within the twenty-four month period immediately preceding the filing of  
14 the petition[; and].

15           [(4) A grandparent is unreasonably denied visitation with the child for a  
16 period exceeding ninety days. However,]

17 **Except as otherwise provided in subdivision (1) of this subsection,** if the  
18 natural parents are legally married to each other and are living together with the  
19 child, a grandparent may not file for visitation pursuant to this [subdivision]  
20 **subsection.**

21           2. **Before ordering visitation,** the court shall, **in addition to the**  
22 **requirements of subsection 1 of this section,** determine if the visitation by  
23 the grandparent would be in the child's best [interest or if it would endanger the  
24 child's physical health or impair the child's emotional development]  
25 **interests.** Visitation may only be ordered when the court finds such visitation  
26 to be in the best interests of the child. [However, when the parents of the child  
27 are legally married to each other and are living together with the child, it shall  
28 be a rebuttable presumption that such parents know what is in the best interest  
29 of the child.] The court may order reasonable conditions or restrictions on  
30 grandparent visitation.

31           3. If the court finds it to be in the best interests of the child, the court  
32 may appoint a guardian ad litem for the child. The guardian ad litem shall be

33 an attorney licensed to practice law in Missouri. The guardian ad litem may, for  
34 the purpose of determining the question of grandparent visitation rights,  
35 participate in the proceedings as if such guardian ad litem were a party. The  
36 court shall enter judgment allowing a reasonable fee to the guardian ad litem.

37 4. A home study, as described by section 452.390, may be ordered by the  
38 court to assist in determining the best interests of the child.

39 5. The court may, in its discretion, consult with the child regarding the  
40 child's wishes in determining the best interest of the child.

41 6. The right of a grandparent to maintain visitation rights pursuant to  
42 this section may terminate upon the adoption of the child.

43 7. The court may award reasonable attorneys fees and expenses to the  
44 prevailing party.

476.001. An efficient, well operating and productive judiciary is essential  
2 to the preservation of the people's liberty and prosperity. In order to achieve this  
3 goal, the general assembly and the supreme court must constantly be aware of  
4 the operations, needs, strengths and weaknesses of the judicial system. It is the  
5 purpose of sections 476.001, 476.055, 476.330 to 476.380, 476.412, 476.681, and  
6 477.405 to provide the general assembly and the supreme court with the  
7 mechanisms to obtain on a continuing basis a comprehensive analysis of judicial  
8 resources and an efficient and organized method of identifying the problems and  
9 needs as they occur. It is the further purpose of sections 476.001, 476.055,  
10 476.330 to 476.380, 476.412, 476.681, 477.405, 478.073, **and** 478.320[, and  
11 subdivision (12) of subsection 1 of section 600.042] to provide a system for the  
12 efficient allocation of available personnel, facilities and resources to achieve a  
13 uniform and effective operation of the judicial system.

**528.700. 1. The provisions of sections 528.700 to 528.750 shall be  
2 known and may be cited as the "Save the Family Farm Act".**

3 **2. For purposes of sections 528.700 to 528.750, the following terms  
4 and phrases shall mean:**

5 **(1) "Ascendant", an individual who precedes another individual  
6 in lineage, in the direct line of ascent from the other individual;**

7 **(2) "Collateral", an individual who is related to another  
8 individual under the law of intestate succession of this state but who  
9 is not the other individual's ascendant or descendant;**

10 **(3) "Descendant", an individual who follows another individual  
11 in lineage, in the direct line of descent from the other individual;**

12           (4) "Determination of value", a court order determining the fair  
13 market value of heirs' property under section 528.720 or 528.740 or  
14 adopting the valuation of the property agreed to by all cotenants;

15           (5) "Heirs' property", real property held in tenancy in common  
16 that satisfies all of the following requirements as of the filing of a  
17 partition action:

18           (a) There is no agreement in a record binding all the cotenants  
19 that governs the partition of the property;

20           (b) One or more of the cotenants acquired title from a relative,  
21 whether living or deceased; and

22           (c) Any of the following applies:

23           a. Twenty percent or more of the interests are held by cotenants  
24 who are relatives;

25           b. Twenty percent or more of the interests are held by an  
26 individual who acquired title from a relative, whether living or  
27 deceased; or

28           c. Twenty percent or more of the cotenants are relatives;

29           (6) "Partition by sale", a court-ordered sale of the entire heirs'  
30 property, whether by auction, sealed bids, or open-market sale  
31 conducted under section 528.740;

32           (7) "Partition in kind", the division of heirs' property into  
33 physically distinct and separately titled parcels;

34           (8) "Record", information that is inscribed on a tangible medium  
35 or that is stored in an electronic or other medium and is retrievable in  
36 perceivable form;

37           (9) "Relative", an ascendant, descendant, or collateral or an  
38 individual otherwise related to another individual by blood, marriage,  
39 adoption, or law of this state other than the provisions of sections  
40 528.700 to 528.750.

          528.705. 1. Sections 528.700 to 528.750 shall apply to partition  
2 actions filed on or after August 28, 2019.

3           2. In an action to partition real property under this chapter, the  
4 court shall determine whether the property is heirs' property. If the  
5 court determines that the property is heirs' property, the property shall  
6 be partitioned under sections 528.700 to 528.750 unless all of the  
7 cotenants otherwise agree in a record.

8           3. Sections 528.700 to 528.750 shall supplement sections 528.010

9 to 528.640 and Missouri supreme court rule 96.

528.710. 1. Sections 528.700 to 528.750 shall not limit or affect the  
2 method by which service of a complaint in a partition action may be  
3 made.

4 2. If the plaintiff in a partition action seeks an order of notice by  
5 publication and the court determines that the property may be heirs'  
6 property, the plaintiff, no later than ten days after the court's  
7 determination, shall post and maintain, while the action is pending, a  
8 conspicuous sign on the property that is the subject of the action. The  
9 sign shall state that the action has commenced and identify the name  
10 and address of the court and the common designation by which the  
11 property is known. The court may require the plaintiff to publish on  
12 the sign the name of the plaintiff and the known defendants.

528.715. If the court appoints commissioners under supreme  
2 court rule 96, each commissioner, in addition to the requirements and  
3 disqualifications applicable to commissioners in supreme court rule 96,  
4 shall be disinterested and impartial and not a party to or a participant  
5 in the action.

528.720. 1. Except as otherwise provided in subsections 2 and 3  
2 of this section, if the court determines that the property that is the  
3 subject of a partition action is heirs' property, the court shall  
4 determine the fair market value of the property by ordering a certified  
5 appraisal under subsection 4 of this section.

6 2. If all cotenants have agreed to the value of the property or to  
7 another method of valuation, the court shall adopt that value or the  
8 value produced by the agreed method of valuation.

9 3. If the court determines that the evidentiary value of an  
10 appraisal is outweighed by the cost of the appraisal, the court, after an  
11 evidentiary hearing, shall determine the fair market value of the  
12 property and send notice to the parties of the value.

13 4. If the court orders a certified appraisal, the court shall  
14 appoint a disinterested real estate appraiser licensed in this state to  
15 determine the fair market value of the property assuming sole  
16 ownership of the fee simple estate. On completion of the appraisal, the  
17 appraiser shall file a sworn or verified appraisal with the court.

18 5. If an appraisal is conducted under subsection 4 of this section,  
19 no later than ten days after the appraisal is filed, the court shall send

20 notice to each party with a known address, stating:

21 (1) The appraised fair market value of the property;

22 (2) That the appraisal is available at the clerk's office; and

23 (3) That a party may file with the court an objection to the  
24 appraisal no later than thirty days after the notice is sent stating the  
25 grounds for the objection.

26 6. If an appraisal is filed with the court under subsection 4 of  
27 this section, the court shall conduct a hearing to determine the fair  
28 market value of the property no sooner than thirty days after a copy of  
29 the notice of the appraisal is sent to each party under subsection 5 of  
30 this section regardless of whether an objection to the appraisal is filed  
31 under subdivision (3) of subsection 5 of this section. In addition to the  
32 court-ordered appraisal, the court may consider any other evidence of  
33 value offered by a party.

34 7. After a hearing under subsection 6 of this section but before  
35 considering the merits of the partition action, the court shall determine  
36 the fair market value of the property and send notice to the parties of  
37 the value.

528.725. 1. If any cotenant has requested partition by sale after  
2 the determination of value under section 528.720, the court shall send  
3 notice to the parties that any cotenant, except a cotenant that  
4 requested partition by sale, may buy all the interests of the cotenants  
5 that requested partition by sale.

6 2. No later than forty-five days after the notice is sent under  
7 subsection 1 of this section, any cotenant, except a cotenant that  
8 requested partition by sale, may give notice to the court that it elects  
9 to buy all the interests of the cotenants that requested partition by  
10 sale.

11 3. The purchase price for each of the interests of a cotenant that  
12 requested partition by sale is the value of the entire parcel determined  
13 under section 528.720 multiplied by the cotenant's fractional ownership  
14 of the entire parcel.

15 4. After expiration of the period in subsection 2 of this section,  
16 the following rules shall apply:

17 (1) If only one cotenant elects to buy all the interests of the  
18 cotenants that requested partition by sale, the court shall notify all the  
19 parties of that fact;

20           **(2) If more than one cotenant elects to buy all the interests of the**  
21 **cotenants that requested partition by sale, the court shall allocate the**  
22 **right to buy those interests among the electing cotenants based on each**  
23 **electing cotenant's existing fractional ownership of the entire parcel**  
24 **divided by the total existing fractional ownership of all cotenants**  
25 **electing to buy and send notice to all the parties of that fact and of the**  
26 **price to be paid by each electing cotenant;**

27           **(3) If no cotenant elects to buy all the interests of the cotenants**  
28 **that requested partition by sale, the court shall send notice to all the**  
29 **parties of that fact and resolve the partition action under subsection**  
30 **1 or 2 of section 528.730.**

31           **5. If the court sends notice to the parties under subdivision (1)**  
32 **or (2) of subsection 4 of this section, the court shall set a date, no**  
33 **sooner than sixty days after the date the notice was sent, by which**  
34 **electing cotenants shall pay their apportioned price into the**  
35 **court. After this date, the following rules shall apply:**

36           **(1) If all electing cotenants timely pay their apportioned price**  
37 **into court, the court shall issue an order reallocating all the interests**  
38 **of the cotenants and disburse the amounts held by the court to the**  
39 **persons entitled to them;**

40           **(2) If no electing cotenant timely pays its apportioned price, the**  
41 **court shall resolve the partition action under subsection 1 or 2 of**  
42 **section 528.730 as if the interests of the cotenants that requested**  
43 **partition by sale were not purchased; or**

44           **(3) If one or more but not all of the electing cotenants fail to pay**  
45 **their apportioned price on time, the court, on motion, shall give notice**  
46 **to the electing cotenants that paid their apportioned price of the**  
47 **interest remaining and the price for all that interest.**

48           **6. No later than twenty days after the court gives notice under**  
49 **subdivision (3) of subsection 5 of this section, any cotenant that paid**  
50 **may elect to purchase all of the remaining interest by paying the entire**  
51 **price into the court. After the twenty-day period, the following rules**  
52 **shall apply:**

53           **(1) If only one cotenant pays the entire price for the remaining**  
54 **interest, the court shall issue an order reallocating the remaining**  
55 **interest to that cotenant. The court shall promptly issue an order**  
56 **reallocating the interests of all of the cotenants and disburse the**

57 amounts held by the court to the persons entitled to such amounts;

58 (2) If no cotenant pays the entire price for the remaining  
59 interest, the court shall resolve the partition action under subsection  
60 1 or 2 of section 528.730 as if the interests of the cotenants that  
61 requested partition by sale were not purchased; or

62 (3) If more than one cotenant pays the entire price for the  
63 remaining interest, the court shall reapportion the remaining interest  
64 among those paying cotenants based on each paying cotenant's original  
65 fractional ownership of the entire parcel divided by the total original  
66 fractional ownership of all cotenants that paid the entire price for the  
67 remaining interest. The court shall promptly issue an order  
68 reallocating all of the cotenants' interests, disburse the amounts held  
69 by the court to the persons entitled to such amounts, and promptly  
70 refund any excess payment held by the court.

71 7. No later than forty-five days after the court sends notice to the  
72 parties under subsection 1 of this section, any cotenant entitled to buy  
73 an interest under this section may request the court to authorize the  
74 sale as part of the pending action of the interests of cotenants named  
75 as defendants and served with the complaint but that did not appear  
76 in the action.

77 8. If the court receives a timely request under subsection 7 of  
78 this section, the court, after hearing, may deny the request or authorize  
79 the requested additional sale on such terms as the court determines are  
80 fair and reasonable, subject to the following limitations:

81 (1) A sale authorized under this subsection may occur only after  
82 the purchase prices for all interests subject to sale under subsections  
83 1 to 6 of this section have been paid into court and those interests have  
84 been reallocated among the cotenants as provided in subsections 1 to  
85 6 of this section; and

86 (2) The purchase price for the interest of a nonappearing  
87 cotenant is based on the court's determination of value under section  
88 528.720.

528.730. 1. If all the interests of all cotenants that requested  
2 partition by sale are not purchased by other cotenants under section  
3 528.725, or, if after conclusion of the buyout under section 528.725, a  
4 cotenant that has requested partition in kind remains, the court shall  
5 order partition in kind unless the court, after consideration of the

6 factors listed in section 528.735, finds that partition in kind will result  
7 in great prejudice to the cotenants as a group. In considering whether  
8 to order partition in kind, the court shall approve a request by two or  
9 more parties to have their individual interests aggregated.

10 2. If the court does not order partition in kind under subsection  
11 1 of this section, the court shall order partition by sale under section  
12 528.740 or, if no cotenant requested partition by sale, the court shall  
13 dismiss the action.

14 3. If the court orders partition in kind under subsection 1 of this  
15 section, the court may require that one or more cotenants pay one or  
16 more other cotenants amounts so that the payments, taken together  
17 with the value of the in-kind distributions to the cotenants, shall make  
18 the partition in kind just and proportionate in value to the fractional  
19 interests held.

20 4. If the court orders partition in kind, the court shall allocate  
21 to the cotenants that are unknown, unlocatable, or the subject of a  
22 default judgment, if their interests were not bought out under section  
23 528.725, a part of the property representing the combined interests of  
24 these cotenants as determined by the court, and that part of the  
25 property shall remain undivided.

528.735. 1. In determining, under subsection 1 of section 528.730,  
2 whether partition in kind would result in great prejudice to the  
3 cotenants as a group, the court shall consider the following:

4 (1) Whether the heirs' property practicably can be divided among  
5 the cotenants;

6 (2) Whether partition in kind would apportion the property in  
7 such a way that the aggregate fair market value of the parcels resulting  
8 from the division would be materially less than the value of the  
9 property if it were sold as a whole, taking into account the condition  
10 under which a court-ordered sale likely would occur;

11 (3) Evidence of the collective duration of ownership or  
12 possession of the property by a cotenant and one or more predecessors  
13 in title or predecessors in possession to the cotenant who are or were  
14 relatives of the cotenant or each other;

15 (4) A cotenant's sentimental attachment to the property,  
16 including any attachment arising because the property has ancestral  
17 or other unique or special value to the cotenant;

18           **(5) The lawful use being made of the property by a cotenant and**  
19 **the degree to which the cotenant would be harmed if the cotenant**  
20 **could not continue the same use of the property;**

21           **(6) The degree to which the cotenants have contributed their pro**  
22 **rata share of the property taxes, insurance, and other expenses**  
23 **associated with maintaining ownership of the property or have**  
24 **contributed to the physical improvement, maintenance, or upkeep of**  
25 **the property; and**

26           **(7) Any other relevant factor.**

27           **2. The court shall not consider any one factor in subsection 1 of**  
28 **this section to be dispositive without weighing the totality of all**  
29 **relevant factors and circumstances.**

**528.740. 1. If the court orders a sale of heirs' property, the sale**  
2 **shall be an open-market sale unless the court finds that a sale by sealed**  
3 **bids or an auction would be more economically advantageous and in**  
4 **the best interest of the cotenants as a group.**

5           **2. If the court orders an open-market sale and the parties, no**  
6 **later than ten days after the entry of the order, agree on a real estate**  
7 **broker licensed in this state to offer the property for sale, the court**  
8 **shall appoint the broker and establish a reasonable commission. If the**  
9 **parties do not agree on a broker, the court shall appoint a disinterested**  
10 **real estate broker licensed in this state to offer the property for sale**  
11 **and shall establish a reasonable commission. The broker shall offer the**  
12 **property for sale in a commercially reasonable manner at a price no**  
13 **lower than the determination of value and on the terms and conditions**  
14 **established by the court. If the court finds that an auction company is**  
15 **more advantageous to the cotenants as a group, it has the discretion to**  
16 **appoint an auction company to conduct the sale required under this**  
17 **subsection.**

18           **3. If the broker appointed under subsection 2 of this section**  
19 **obtains within a reasonable time an offer to purchase the property for**  
20 **at least the determination of value:**

21           **(1) The broker shall comply with the reporting requirements in**  
22 **section 528.745; and**

23           **(2) The sale may be completed in accordance with state law other**  
24 **than sections 528.700 to 528.750.**

25           **4. If the broker appointed under subsection 2 of this section does**

26 not obtain within a reasonable time an offer to purchase the property  
27 for at least the determination of value, the court, after hearing, may:

- 28 (1) Approve the highest outstanding offer, if any;  
29 (2) Redetermine the value of the property and order that the  
30 property continue to be offered for an additional time; or  
31 (3) Order that the property be sold by sealed bids or at an  
32 auction.

33 5. If the court orders a sale by sealed bids or an auction, the  
34 court shall set terms and conditions of the sale. If the court orders a  
35 sale, the sale shall be conducted under supreme court rule 96.

36 6. If a purchaser is entitled to a share of the proceeds of the sale,  
37 the purchaser is entitled to a credit against the price in an amount  
38 equal to the purchaser's share of the proceeds.

528.745. 1. Unless required to do so within a shorter time by  
2 supreme court rule 96, a broker appointed under subsection 2 of section  
3 528.740 to offer heirs' property for open-market sale shall file a report  
4 with the court no later than seven days after receiving an offer to  
5 purchase the property for at least the value determined under section  
6 528.720 or 528.740.

7 2. The report required under subsection 1 of this section shall  
8 contain the following information:

- 9 (1) A description of the property to be sold to each buyer;  
10 (2) The name of each buyer;  
11 (3) The proposed purchase price;  
12 (4) The terms and conditions of the proposed sale, including the  
13 terms of any owner financing;  
14 (5) The amounts to be paid to lienholders;  
15 (6) A statement of contractual or other arrangements or  
16 conditions of the broker's commission; and  
17 (7) Other material facts relevant to the sale.

528.750. In applying and construing sections 528.700 to 528.750,  
2 consideration shall be given to the need to promote uniformity of the  
3 law with respect to its subject matter among states that enact such  
4 substantially similar provisions.

600.042. 1. The director shall:

- 2 (1) Direct and supervise the work of the deputy directors and other state  
3 public defender office personnel appointed pursuant to this chapter; and he or she

4 and the deputy director or directors may participate in the trial and appeal of  
5 criminal actions at the request of the defender;

6 (2) Submit to the commission, between August fifteenth and September  
7 fifteenth of each year, a report which shall include all pertinent data on the  
8 operation of the state public defender system, the costs, projected needs, and  
9 recommendations for statutory changes. Prior to October fifteenth of each year,  
10 the commission shall submit such report along with such recommendations,  
11 comments, conclusions, or other pertinent information it chooses to make to the  
12 chief justice, the governor, and the general assembly. Such reports shall be a  
13 public record, shall be maintained in the office of the state public defender, and  
14 shall be otherwise distributed as the commission shall direct;

15 (3) With the approval of the commission, establish such divisions,  
16 facilities and offices and select such professional, technical and other personnel,  
17 including investigators, as he deems reasonably necessary for the efficient  
18 operation and discharge of the duties of the state public defender system under  
19 this chapter;

20 (4) Administer and coordinate the operations of defender services and be  
21 responsible for the overall supervision of all personnel, offices, divisions and  
22 facilities of the state public defender system, except that the director shall have  
23 no authority to direct or control the legal defense provided by a defender to any  
24 person served by the state public defender system;

25 (5) Develop programs and administer activities to achieve the purposes  
26 of this chapter;

27 (6) Keep and maintain proper financial records with respect to the  
28 provision of all public defender services for use in the calculating of direct and  
29 indirect costs of any or all aspects of the operation of the state public defender  
30 system;

31 (7) Supervise the training of all public defenders and other personnel and  
32 establish such training courses as shall be appropriate;

33 (8) With approval of the commission, promulgate necessary rules,  
34 regulations and instructions consistent with this chapter defining the  
35 organization of the state public defender system and the responsibilities of  
36 division directors, district defenders, deputy district defenders, assistant public  
37 defenders and other personnel;

38 (9) With the approval of the commission, apply for and accept on behalf  
39 of the public defender system any funds which may be offered or which may

40 become available from government grants, private gifts, donations or bequests or  
41 from any other source. Such moneys shall be deposited in the state general  
42 revenue fund;

43 (10) Contract for legal services with private attorneys on a case-by-case  
44 basis and with assigned counsel as the commission deems necessary considering  
45 the needs of the area, for fees approved and established by the commission;

46 (11) With the approval and on behalf of the commission, contract with  
47 private attorneys for the collection and enforcement of liens and other judgments  
48 owed to the state for services rendered by the state public defender system[;

49 (12) Prepare a plan to establish district offices, the boundaries of which  
50 shall coincide with existing judicial circuits. Any district office may contain more  
51 than one judicial circuit within its boundaries, but in no event shall any district  
52 office boundary include any geographic region of a judicial circuit without  
53 including the entire judicial circuit. The director shall submit the plan to the  
54 chair of the house judiciary committee and the chair of the senate judiciary  
55 committee, with fiscal estimates, by December 31, 2014. The plan shall be  
56 implemented by December 31, 2021].

57 2. No rule or portion of a rule promulgated under the authority of this  
58 chapter shall become effective unless it has been promulgated pursuant to the  
59 provisions of section 536.024.

60 3. The director and defenders shall, within guidelines as established by  
61 the commission and as set forth in subsection 4 of this section, accept requests  
62 for legal services from eligible persons entitled to counsel under this chapter or  
63 otherwise so entitled under the constitution or laws of the United States or of the  
64 state of Missouri and provide such persons with legal services when, in the  
65 discretion of the director or the defenders, such provision of legal services is  
66 appropriate.

67 4. The director and defenders shall provide legal services to an eligible  
68 person:

69 (1) Who is detained or charged with a felony, including appeals from a  
70 conviction in such a case;

71 (2) Who is detained or charged with a misdemeanor which will probably  
72 result in confinement in the county jail upon conviction, including appeals from  
73 a conviction in such a case, unless the prosecuting or circuit attorney has waived  
74 a jail sentence;

75 (3) Who is charged with a violation of probation when it has been

76 determined by a judge that the appointment of counsel is necessary to protect the  
77 person's due process rights under section 559.036;

78 (4) Who has been taken into custody pursuant to section 632.489,  
79 including appeals from a determination that the person is a sexually violent  
80 predator and petitions for release, notwithstanding any provisions of law to the  
81 contrary;

82 (5) For whom the federal constitution or the state constitution requires  
83 the appointment of counsel; and

84 (6) Who is charged in a case in which he or she faces a loss or deprivation  
85 of liberty, and in which the federal or the state constitution or any law of this  
86 state requires the appointment of counsel; however, the director and the  
87 defenders shall not be required to provide legal services to persons charged with  
88 violations of county or municipal ordinances, or misdemeanor offenses except as  
89 provided in this section.

90 5. The director may:

91 (1) Delegate the legal representation of an eligible person to any member  
92 of the state bar of Missouri;

93 (2) Designate persons as representatives of the director for the purpose  
94 of making indigency determinations and assigning counsel.

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