

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/HCS/House Bill No. 1662, Page 1, Section A, Line 5,

2 by inserting after all of said line the following:

3 "59.310. 1. The county recorder of deeds may refuse  
4 any document presented for recording that does not meet the  
5 following requirements:

6 (1) The document shall consist of one or more  
7 individual pages printed only on one side and not  
8 permanently bound nor in a continuous form. The document  
9 shall not have any attachment stapled or otherwise affixed  
10 to any page except as necessary to comply with statutory  
11 requirements, provided that a document may be stapled  
12 together for presentation for recording; a label that is  
13 firmly attached with a bar code or return address may be  
14 accepted for recording;

15 (2) The size of print or type shall not be smaller  
16 than eight-point type and shall be in black or dark ink.  
17 Should any document presented for recording contain type  
18 smaller than eight-point type, such document shall be  
19 accompanied by an exact typewritten copy not smaller than  
20 eight-point type to be recorded contemporaneously as  
21 additional pages of the document;

22 (3) The document must be of sufficient legibility to  
23 produce a clear and legible reproduction thereof. Should  
24 any document not be of sufficient legibility to produce a  
25 clear and legible reproduction, such document shall be  
26 accompanied by an exact typewritten copy not smaller than

27 eight-point type to be recorded contemporaneously as  
28 additional pages of the document;

29 (4) The document shall be on white [paper] or light-  
30 colored paper of not less than twenty-pound weight without  
31 watermarks or other visible inclusions, except for plats and  
32 surveys, which may be on materials such as Mylar or velum.  
33 All text within the document shall be of sufficient color  
34 and clarity to ensure that when the text is reproduced from  
35 record, it shall be readable;

36 (5) All signatures on a document shall be in black or  
37 dark ink, such that such signatures shall be of sufficient  
38 color and clarity to ensure that when the text is reproduced  
39 from record, it shall be readable, and shall have the  
40 corresponding name typed, printed or stamped underneath said  
41 signature. The typing or printing of any name or the  
42 applying of an embossed or inked stamp shall not cover or  
43 otherwise materially interfere with any part of the document  
44 except where provided for by law;

45 (6) The documents shall have a top margin of at least  
46 three inches of vertical space from left to right, to be  
47 reserved for the recorder of deeds' certification and use.  
48 All other margins on the document shall be a minimum of  
49 three-fourths of one inch on all sides. Nonessential  
50 information such as form numbers, page numbers or customer  
51 notations may be placed in the margin. A document may be  
52 recorded if a minor portion of a seal or incidental writing  
53 extends beyond the margins. The recorder of deeds will not  
54 incur any liability for not showing any seal or information  
55 that extends beyond the margins of the permanent archival  
56 record.

57 2. Every document containing any of the items listed  
58 in this subsection that is presented for recording, except

59 plats and surveys, shall have such information on the first  
60 page below the three-inch horizontal margin:

- 61 (1) The title of the document;
- 62 (2) The date of the document;
- 63 (3) All grantors' names and marital status;
- 64 (4) All grantees' names;
- 65 (5) Any statutory addresses;
- 66 (6) The legal description of the property; and
- 67 (7) Reference book and pages for statutory  
68 requirements, if applicable.

69 If there is not sufficient room on the first page for all of  
70 the information required by this subsection, the page  
71 reference within the document where the information is set  
72 out shall be stated on the first page.

73 3. From January 1, 2002, documents which do not meet  
74 the requirements set forth in this section may be recorded  
75 for an additional fee of twenty-five dollars, which shall be  
76 deposited in the recorders' fund established pursuant to  
77 subsection 1 of section 59.319.

78 4. Documents which are exempt from format requirements  
79 and which the recorder of deeds may record include the  
80 following:

- 81 (1) Documents which were signed prior to January 1,  
82 2002;
- 83 (2) Military separation papers;
- 84 (3) Documents executed outside the United States;
- 85 (4) Certified copies of documents, including birth and  
86 death certificates;
- 87 (5) Any document where one of the original parties is  
88 deceased or otherwise incapacitated; and
- 89 (6) Judgments or other documents formatted to meet  
90 court requirements.

91           5. Any document rejected by a recorder of deeds shall  
92 be returned to the preparer or presenter accompanied by an  
93 explanation of the reason it could not be recorded.

94           6. Recorders of deeds shall be allowed fees for their  
95 services as follows:

96           (1) For recording every deed or instrument: five  
97 dollars for the first page and three dollars for each page  
98 thereafter except for plats and surveys;

99           (2) For copying or reproducing any recorded  
100 instrument, except surveys and plats: a fee not to exceed  
101 two dollars for the first page and one dollar for each page  
102 thereafter;

103           (3) For every certificate and seal, except when  
104 recording an instrument: one dollar;

105           (4) For recording a plat or survey of a subdivision,  
106 outlets or condominiums: twenty-five dollars for each sheet  
107 of drawings or calculations based on a size not to exceed  
108 twenty-four inches in width by eighteen inches in height.  
109 For recording a survey of one or more tracts: five dollars  
110 for each sheet of drawings or calculations based on a size  
111 not to exceed twenty-four inches in width by eighteen inches  
112 in height. Any plat or survey larger than eighteen inches  
113 by twenty-four inches shall be counted as an additional  
114 sheet for each additional eighteen inches by twenty-four  
115 inches, or fraction thereof, plus five dollars per page of  
116 other material;

117           (5) For copying a plat or survey of one or more  
118 tracts: a fee not to exceed five dollars for each sheet of  
119 drawings and calculations not larger than twenty-four inches  
120 in width and eighteen inches in height and one dollar for  
121 each page of other material;

122           (6) For a document which releases or assigns more than  
123 one item: five dollars for each item beyond one released or  
124 assigned in addition to any other charges which may apply;

125           (7) For every certified copy of a marriage license or  
126 application for a marriage license: two dollars;

127           (8) For duplicate copies of the records in a medium  
128 other than paper, the recorder of deeds shall set a  
129 reasonable fee not to exceed the costs associated with  
130 document search and duplication; and

131           (9) For all other use of equipment, personnel services  
132 and office facilities, the recorder of deeds may set a  
133 reasonable fee."; and

134           Further amend said bill, page 5, section 89.500, line  
135 28, by inserting after all of said line the following:

136           "92.720. 1. If any of the lands or town lots  
137 contained in the back tax book or list of delinquent lands  
138 or lots remain unredeemed on the first day of January, the  
139 collector may file suit in the circuit court against such  
140 lands or lots to enforce the lien of the state and city as  
141 herein provided in sections 92.700 to 92.920.

142           2. The collector shall note opposite such tract in the  
143 back tax book the fact that suit has been commenced.

144           3. The collector shall compile lists of all state,  
145 city, school and other tax bills collectible by him which  
146 are delinquent according to his records and he shall assign  
147 a serial number to each parcel of real estate in each list  
148 and if suit has been filed in the circuit court of the city  
149 on any delinquent tax bill included in any list, the  
150 collector shall give the court docket number of each suit.

151           4. The sheriff may appoint the collector and the  
152 collector's deputies as deputy sheriffs, and when so  
153 appointed they may serve all process in matters pertaining

154 to sections 92.700 to 92.920 with like effect as the sheriff  
155 himself might do.

156 5. No action for recovery of taxes against real estate  
157 shall be commenced, had or maintained, unless action  
158 therefor shall be commenced within five years after  
159 delinquency.

160 6. For any improved parcel identified by a city  
161 operating under sections 92.700 to 92.920 as being vacant,  
162 the collector shall, within no more than two years after  
163 delinquency, file suit in the circuit court against such  
164 lands or lots to enforce the lien of the state and the city  
165 as provided in sections 92.700 to 92.920. Failure of the  
166 collector to bring suit within the time frame prescribed  
167 herein shall not constitute a defense or bar an action for  
168 the collection of taxes as otherwise provided by this  
169 section.

170 92.740. 1. A suit for the foreclosure of the tax  
171 liens herein provided for shall be instituted by filing in  
172 the appropriate office of the circuit clerk and with the  
173 land reutilization authority a petition, which petition  
174 shall contain a caption, a copy of the list prepared by the  
175 collector, and a prayer. Such petition without further  
176 allegation shall be deemed to be sufficient.

177 2. The caption shall be in the following form:

178 In the Circuit Court of \_\_\_\_\_ Missouri,  
179 In the Matter of  
180 Foreclosure of Liens for Delinquent Land Taxes  
181 By Action in Rem.  
182 Collector of Revenue of \_\_\_\_\_, Missouri, Plaintiff  
183

184 -vs-

185 Parcels of Land Encumbered with Delinquent Tax  
186 Liens, Defendants

187           3. The petition shall conclude with a prayer that all  
188 tax liens upon such real estate be foreclosed; that the  
189 court determine the amounts and priorities of all tax bills,  
190 together with interest, penalties, costs, and attorney's  
191 fees; that the court order such real estate to be sold by  
192 the sheriff at public sale as provided by sections 92.700 to  
193 92.920 and that thereafter a report of such sale be made by  
194 the sheriff to the court for further proceedings under the  
195 provisions of sections 92.700 to 92.920.

196           4. The petition when so filed shall have the same  
197 force and effect with respect to each parcel of real estate  
198 therein described as a separate suit instituted to foreclose  
199 the tax lien or liens against any one of said parcels of  
200 real estate.

201           5. For each petition filed, the collector shall make  
202 available to the public a list detailing each parcel  
203 included in the suit.

204           92.750. 1. Except as otherwise provided in subsection  
205 4 of this section, any person having any right, title, or  
206 interest in, or lien upon, any parcel of real estate  
207 described in such petition may redeem such parcel of real  
208 estate by paying to the collector all of the sums mentioned  
209 therein, including principal, interest, penalties,  
210 attorney's fees and costs then due, at any time prior to the  
211 time of the foreclosure sale of such real estate by the  
212 sheriff.

213           2. In the event of failure to redeem prior to the time  
214 of the foreclosure sale by the sheriff, such person shall be  
215 barred and forever foreclosed of all his right, title and  
216 interest in and to the parcels of real estate described in  
217 such petition.

218           3. Upon redemption, as permitted by this section, the  
219 person redeeming shall be entitled to a certificate of

220 redemption from the collector describing the property in the  
221 same manner as it is described in such petition, and the  
222 collector shall thereupon note on his records the word  
223 "redeemed" and the date of such payment opposite the  
224 description of such parcel of real estate.

225 4. For any improved nonhomestead parcel, any person  
226 having any right, title, or interest in, or lien upon, any  
227 parcel of real estate described in the petition may redeem  
228 such parcel of real estate at any time prior to the time of  
229 the foreclosure sale of such real estate by the sheriff by  
230 paying to the collector all of the sums due as of the date  
231 of redemption mentioned therein, including principal,  
232 interest, penalties, attorney's fees, and costs then due  
233 including, but not limited to, all debts owed to the city,  
234 exclusive of any debts owed to any statutorily created sewer  
235 district, that are known to the collector and that may be  
236 collected pursuant to section 67.451, such as amounts for  
237 water, forestry, nuisance abatement, special tax bills, and  
238 vacant building assessments.

239 92.760. 1. The collector shall also cause to be  
240 prepared and mailed in an envelope with postage prepaid,  
241 within thirty days after the filing of such petition, a  
242 brief notice of the filing of the suit, to the persons named  
243 in the petition as **[being the owners]** having an interest in  
244 the parcel, according to the records of the assessor for, or  
245 otherwise known to the collector, the respective parcels of  
246 real estate described in the petition. The notices shall be  
247 sent to the addresses **[of such persons upon the records of**  
248 **the assessor]** most likely to apprise the parties of the  
249 proceedings as provided, and in the event that any name or  
250 address does not appear on the records of the assessor, with  
251 respect to any parcel of real estate, the collector shall so  
252 state in an affidavit, giving the serial number of each

253 parcel of real estate affected. Such affidavit shall be  
 254 filed in the suit with the circuit clerk not later than  
 255 sixty days after the date of the first publication of the  
 256 notice of foreclosure. The failure of the collector to mail  
 257 the notice as provided in this section shall invalidate any  
 258 proceedings brought pursuant to the provisions of sections  
 259 92.700 to 92.920. The failure of the collector to file the  
 260 affidavit as provided in this section shall not affect the  
 261 validity of any proceedings brought pursuant to the  
 262 provisions of sections 92.700 to 92.920.

263 2. Such notice shall be substantially as follows:

264 To the person to whom this notice is addressed:

265 According to [the] available records [in the  
 266 assessor's office], you [are the record owner as  
 267 to] have a legal interest in one or more parcels  
 268 of real estate described in a certain petition  
 269 bearing cause No. \_\_\_\_\_ (fill in number of case)  
 270 filed in the Circuit Court of \_\_\_\_\_, Missouri, at  
 271 \_\_\_\_\_ (fill in city), on \_\_\_\_\_, 20\_\_\_\_\_,  
 272 wherein a foreclosure of the lien of various  
 273 delinquent tax bills is sought and a court order  
 274 asked for the purpose of selling such real estate  
 275 at a public sale for payment of all delinquent tax  
 276 bills, together with interest, penalties,  
 277 attorney's fees and costs. Publication of notice  
 278 of such foreclosure was commenced on the \_\_\_\_\_  
 279 day of \_\_\_\_\_, 20\_\_\_\_\_, in \_\_\_\_\_ (here insert  
 280 name of city), Missouri.

281 THE COLLECTOR OF THE CITY OF \_\_\_\_\_ (Insert name  
 282 of city) HAS FILED A LAWSUIT AGAINST YOUR  
 283 PROPERTY. THE LAWSUIT SAYS THAT YOU ARE BEHIND ON  
 284 YOUR PROPERTY TAXES. YOU COULD LOSE YOUR PROPERTY  
 285 IF YOU DON'T DO ANYTHING ABOUT THIS.

286 YOU HAVE A RIGHT TO ENTER INTO AN AGREEMENT WITH  
 287 THE COLLECTOR TO BRING YOUR TAXES UP TO DATE. YOU  
 288 MAY CONTACT THE COLLECTOR BY CALLING \_\_\_\_\_  
 289 (Insert telephone number of collector). IF YOU DO  
 290 NOT UNDERSTAND THIS NOTICE, OR YOU DO NOT KNOW

291 WHAT TO DO, YOU MAY CALL THIS OFFICE FOR FURTHER  
 292 EXPLANATION OR SEE A LAWYER RIGHT AWAY.

293 Unless all delinquent taxes be paid upon the  
 294 parcels of real estate described in such petition  
 295 and such real estate redeemed prior to the time of  
 296 the foreclosure sale of such real estate by the  
 297 sheriff, the owner or any person claiming any  
 298 right, title or interest in or to, or lien upon,  
 299 any such parcels of real estate shall be forever  
 300 barred and foreclosed of all right, title and  
 301 interest and equity of redemption in and to such  
 302 parcels of real estate; except that any such  
 303 persons shall have the right to file an answer in  
 304 said suit on or before the \_\_\_\_\_ day of \_\_\_\_\_,  
 305 20\_\_\_\_\_, in the office of the Circuit Clerk and a  
 306 copy thereof to the Collector, setting forth in  
 307 detail the nature and amount of the interest and  
 308 any defense or objection to the foreclosure. Dated  
 309 \_\_\_\_\_

310

\_\_\_\_\_

311 Collector of Revenue

311

\_\_\_\_\_, Missouri

312

(Name of City)

313

Address \_\_\_\_\_

314

315 92.765. Affidavits of publication of notice of  
 316 foreclosure, and of posting, mailing, or other acts required  
 317 by the provisions of sections 92.700 to 92.920 shall be  
 318 filed in the office of the circuit clerk prior to the trial,  
 319 and when so filed shall constitute part of the evidentiary  
 320 documents in the foreclosure suit. Such affidavits shall be  
 321 prima facie evidence of the performance of acts therein  
 322 described, and may be so used in the trial of the suit,  
 323 unless challenged by verified answer duly filed in the  
 324 suit. The collector shall file with the court an affidavit  
 325 of compliance with notice requirements of sections 92.700 to  
 326 92.920 prior to any sheriff's sale. The affidavit shall

327 include the identities of all parties to whom notice was  
328 attempted and by what means. In the case of mailed notice  
329 returned undeliverable, the collector's affidavit shall  
330 certify that additional notice was attempted and by what  
331 means. The expense of complying with this section shall be  
332 taxed and collected as other costs in the suit.

333 92.770. 1. The collector may employ such attorneys as  
334 he deems necessary to collect such taxes and to prosecute  
335 suits for taxes.

336 2. Such attorneys shall receive as total compensation  
337 a sum, not to exceed six percent of the amount of taxes  
338 actually collected and paid into the treasury, and an  
339 additional sum not to exceed two dollars for each suit filed  
340 when publication is not necessary and not to exceed five  
341 dollars where publication is necessary, as may be agreed  
342 upon in writing and approved by the collector, before such  
343 services are rendered.

344 3. The [attorney] attorney's fees shall be taxed as  
345 costs in the suit and collected as other costs.

346 92.775. 1. Upon the trial of the cause upon the  
347 question of foreclosure, the tax bill shall be prima facie  
348 proof that the tax described in the tax bill has been  
349 validly assessed at the time indicated by the tax bill and  
350 that the tax is unpaid. Any person alleging any  
351 jurisdictional defect or invalidity in the tax bill or in  
352 the sale thereof must particularly specify in his answer the  
353 defect or basis of invalidity, and must, upon trial,  
354 affirmatively establish such defense.

355 2. After the court has first determined the validity  
356 of the tax liens of all tax bills affecting parcels of real  
357 estate described in the petition, the priorities of the  
358 respective tax bills and the amounts due thereon, including  
359 principal, interest, penalties, attorney's fees, and costs,

360 the court shall thereupon enter judgment of foreclosure of  
361 such liens and fix the time and place of the foreclosure  
362 sale. The petition shall be dismissed as to any parcel of  
363 real estate redeemed prior to the time fixed for the  
364 sheriff's foreclosure sale as provided in sections 92.700 to  
365 92.920. If the parcel of real estate auctioned off at  
366 sheriff's foreclosure sale is sold for a sum sufficient to  
367 fully pay the principal amount of all tax bills included in  
368 the judgment, together with interest, penalties, attorney's  
369 fees and costs, and for no more, and such sale is confirmed  
370 by the court, then all other proceedings as to such parcels  
371 of real estate shall be finally dismissed as to all parties  
372 and interests other than tax bill owners or holders;  
373 provided, however, that any parties seeking relief other  
374 than an interest in or lien upon the real estate may  
375 continue with said suit to a final adjudication of such  
376 other issues; provided, further, an appeal may be had as to  
377 any claim attacking the validity of the tax bill or bills or  
378 the priorities as to payment of proceeds of foreclosure  
379 sale. If the parcel of real estate auctioned off at  
380 sheriff's foreclosure sale is sold for a sum greater than  
381 the total amount necessary to pay the principal amount of  
382 all tax bills included in the judgment, together with  
383 interest, penalties, attorney's fees and costs, and such  
384 sale is confirmed by the court, and no appeal is taken by  
385 any person claiming any right, title or interest in or to or  
386 lien upon said parcel of real estate or by any person or  
387 taxing authority owning or holding or claiming any right,  
388 title or interest in or to any tax bills within the time  
389 fixed by law for the filing of notice of appeal, the court  
390 shall thereupon order the sheriff to make distribution to  
391 the owners or holders of the respective tax bills included  
392 in the judgment of the amounts found to be due and in the

393 order of priorities. Thereafter all proceedings in the suit  
394 shall be ordered by the court to be dismissed as to such  
395 persons or taxing authorities owning, holding or claiming  
396 any right, title or interest in any such tax bill or bills  
397 so paid, and the case shall proceed as to any parties  
398 claiming any right, title, or interest in or lien upon the  
399 parcel of real estate affected by such tax bill or bills as  
400 to their respective claims to such surplus funds then  
401 remaining in the hands of the sheriff. The receipt of such  
402 surplus funds shall constitute a bar to any claim of right,  
403 title, or interest in, or lien upon, said parcel of real  
404 estate, by the fund recipient.

405 3. Whenever an answer is filed to the petition, as  
406 herein provided, a severance of the action as to all parcels  
407 of real estate affected by such answer shall be granted, and  
408 the issues raised by the petition and such answer shall be  
409 tried separate and apart from the other issues in the suit,  
410 but the granting of such severance shall not delay the trial  
411 or other disposition of any other issue in the case. A  
412 separate appeal may be taken from any other issue in the  
413 case. A separate appeal may be taken from any action of the  
414 court affecting any right, title or interest in or to, or  
415 lien upon, such real estate, other than issues of law and  
416 fact affecting the amount or validity of the lien of tax  
417 bills, but the proceeding to foreclose the lien of any tax  
418 bills shall not be stayed by such appeal. The trial shall  
419 be conducted by the court without the aid of a jury and the  
420 suit shall be in equity. This action shall take precedence  
421 over and shall be triable before any other action in equity  
422 affecting the title to such real estate, upon motion of any  
423 interested party.

424 92.810. 1. After the judgment of foreclosure has been  
425 entered, or, after a motion for a new trial has been

426 overruled, or, if an appeal be taken from such judgment and  
427 the judgment has been affirmed, after the sheriff shall have  
428 been notified by any party to the suit that such judgment  
429 has been affirmed on appeal and that the mandate of the  
430 appellate court is on file with the circuit clerk, there  
431 shall be a waiting period of six months before any  
432 advertisement of sheriff's sale shall be published.

433 2. If any such parcel of real estate be not redeemed,  
434 or if no written contract providing for redemption be made  
435 within six months after the date of the judgment of  
436 foreclosure, if no motion for rehearing be filed, and, if  
437 filed, within six months after such motion may have been  
438 overruled, or, if an appeal be taken from such judgment and  
439 the judgment be affirmed, within six months after the  
440 sheriff shall have been notified by any party to the suit  
441 that such judgment has been affirmed on appeal and that the  
442 mandate of the appellate court is on file with the circuit  
443 clerk, the sheriff shall, after giving the [notice] notices  
444 required by [subsection 3] subsections 4 and 5 of this  
445 section, commence to advertise the real estate described in  
446 the judgment and shall fix the date of sale within thirty  
447 days after the date of the first publication of the notice  
448 of sheriff's sale as herein provided, and shall at such sale  
449 proceed to sell the real estate.

450 3. No later than one hundred twenty days prior to the  
451 sheriff's sale, the collector shall obtain a title abstract  
452 or report on any unredeemed parcels. Such title abstract or  
453 report shall be obtained from a licensed title company or  
454 attorney and subject to a public and competitive bidding  
455 process administered by the collector and conducted  
456 triennially. The title report shall include all  
457 conveyances, liens, and charges against the real estate, and  
458 the names and mailing addresses of any interested parties

459 and lienholders. The charges of said abstract or report  
460 shall be taxed as costs and shall be paid as other costs in  
461 the case.

462 4. No later than twenty days prior to the sheriff's  
463 sale, the collector shall send notice of the sale to the  
464 lienholders and interested parties, as disclosed upon the  
465 title abstract or report of the real estate for which tax  
466 bills thereon are delinquent. The notice shall provide the  
467 date, time, and place of the sale. The notice shall also  
468 state that the parcel may be redeemed prior to the sale as  
469 specified in section 92.750 or by entering into an agreement  
470 with the collector to pay the taxes included in the  
471 foreclosure suit under section 92.740. The notice required  
472 by this subsection shall be mailed in an envelope with  
473 postage prepaid. The cost of the mailing and notice as  
474 required by this subsection shall be included as costs in  
475 the case.

476 5. No later than [twenty] forty days prior to the  
477 sheriff's sale, the [sheriff] collector shall send notice of  
478 the sale to the [owner or owners,] parties having interest  
479 in the parcel as disclosed upon the records of the assessor,  
480 or otherwise known to the collector, of the real estate for  
481 which tax bills thereon are delinquent. [The search of the  
482 records of the assessor must be made not more than forty  
483 days prior to the sending of this notice] The notice shall  
484 be sent to the addresses most likely to apprise the parties  
485 of the proceedings as provided. The notice shall provide  
486 the date, time and place of the sale. The notice shall also  
487 state that [the property owner] an interested party may  
488 avoid the sale by redeeming such parcel of real estate prior  
489 to the sale as specified in section 92.750 or, if  
490 applicable, by entering into an agreement with the collector  
491 to pay the taxes included in the foreclosure suit under

492 section 92.740. The notice required by this subsection  
493 shall be mailed in an envelope with postage prepaid. The  
494 cost of [the title search,] mailing and notice as required  
495 by this subsection shall be included as costs [at the sale  
496 of the real estate] in the case.

497 6. No later than twenty days prior to the sheriff's  
498 sale, the sheriff shall enter upon the parcel subject to  
499 foreclosure of these tax liens and post a written  
500 informational notice in a conspicuous location, attached to  
501 a structure, and intended to be visible by the nearest  
502 public right-of-way. This notice shall describe the  
503 property; shall advise that it is the subject of delinquent  
504 land tax collection proceedings brought pursuant to sections  
505 92.700 to 92.920 and that it may be sold for the payment of  
506 delinquent taxes at a sale to be held at a certain time,  
507 date, and place; and shall contain the serial number and the  
508 phone number and address of the collector, as well as a  
509 statement of the prohibition against removal unless the  
510 parcel has been redeemed. The notice shall be not less than  
511 eight inches by ten inches and shall be laminated or  
512 otherwise sufficiently weatherproofed to withstand normal  
513 exposure to rain, snow, and other conditions. The sheriff  
514 shall document, by time-stamped photograph, compliance with  
515 this section, make said documentation generally available  
516 upon request, and provide verification by affidavit of  
517 compliance with this section. The cost of notice as  
518 required by this subsection shall be included as costs in  
519 the case.

520 7. In addition to the other notice requirements of  
521 this section, no later than twenty days prior to the  
522 sheriff's sale, the sheriff shall attempt in-person notice  
523 that shall describe the property; that shall advise that it  
524 is the subject of delinquent land tax collection proceedings

525 brought pursuant to sections 92.700 to 92.920 and that it  
526 may be sold for the payment of delinquent taxes at a sale to  
527 be held a certain time, date, and place; and that shall  
528 contain the serial number and phone number and address of  
529 the collector. In-person notice may be provided to any  
530 person found at the property. The sheriff shall note the  
531 date and time of attempted notice and the name, description,  
532 or other identifying information regarding the person to  
533 whom notice was attempted. The sheriff shall document  
534 compliance with this section, make said documentation  
535 generally available upon request, and provide verification  
536 by affidavit of compliance with this section. The cost of  
537 notice as required by this subsection shall be included as  
538 costs in the case.

539 [4.] 8. Notwithstanding the provisions of this section  
540 to the contrary, any residential property which has not been  
541 redeemed by the end of the waiting period required by this  
542 section which has been determined to be of substandard  
543 quality or condition under the standards established by the  
544 residential renovation loan commission pursuant to sections  
545 67.970 to 67.983 may, upon the request of the residential  
546 renovation loan commission, be transferred to the  
547 residential renovation loan commission for the purpose of  
548 renovation of the property. Any such property transferred  
549 pursuant to this subsection shall be renovated and sold by  
550 the residential renovation loan commission in the manner  
551 prescribed in sections 67.970 to 67.983. The residential  
552 renovation loan commission shall reimburse the land  
553 reutilization authority for all expenses directly incurred  
554 in relation to such property under sections 92.700 to 92.920  
555 prior to the transfer.

556 92.815. 1. During such waiting period and at any time  
557 prior to the time of foreclosure sale by the sheriff, any

558 interested party may redeem any parcel of real estate as  
559 provided by sections 92.700 to 92.920; except that during  
560 such time and at any time prior to the time of foreclosure  
561 sale by the sheriff, the collector shall enter into a  
562 written redemption contract with the owner of any real  
563 estate occupied as a homestead and who has not previously  
564 defaulted upon any such written redemption contract,  
565 provided that in no instance shall such installments exceed  
566 twelve in number or extend more than twenty-four months next  
567 after any agreement for such installment payments shall have  
568 been entered into; provided further, that upon good cause  
569 being shown by the owner of any parcel of real estate  
570 occupied as a homestead, or in the case of improved real  
571 estate with a total assessed valuation of not more than five  
572 thousand dollars, owned by an individual, the income from  
573 such property being a major factor in the total income of  
574 such individual, or by anyone on his behalf, the court may,  
575 in its discretion, fix the time and terms of payment in such  
576 contract to permit all of such installments to be paid  
577 within not longer than forty-eight months after any order or  
578 agreement as to installment payments shall have been made.  
579 The collector shall not enter into a redemption contract  
580 with respect to any improved parcel not occupied as a  
581 homestead.

582 2. So long as such installments be paid according to  
583 the terms of the contract, the six months' waiting period  
584 shall be extended, but if any installment be not paid when  
585 due, the extension of the waiting period shall be ended and  
586 the real estate shall immediately be advertised for sale or  
587 included in the next notice of sheriff's foreclosure sale.  
588 Notice shall also be sent to the redemption contract [payor]  
589 payer as specified in subsection [3] 4 of section 92.810.

590           3. On an annual basis, the collector shall make  
591 publicly available the number of parcels under redemption  
592 contract under this section.

593           92.817. 1. The court shall stay the sale of any  
594 parcel to be sold under execution of a tax foreclosure  
595 judgment obtained under this chapter, which is the subject  
596 of an action filed under sections 447.620 to 447.640,  
597 provided that the party that has brought such an action has,  
598 upon an order of the court, paid into the circuit court the  
599 principal amount of all land taxes then due and owing under  
600 the tax foreclosure judgment, exclusive of penalties and  
601 interest, prior to the date of any proposed sale under  
602 execution.

603           2. Upon the granting by the court of temporary  
604 possession of any property under section 447.632, upon  
605 order, the circuit court shall direct payment to the  
606 collector of all principal land taxes theretofore paid to  
607 the circuit court. In addition, in any order granting a  
608 final judgment or deed under section 447.625 or 447.640, the  
609 court shall also order the permanent extinguishment of  
610 penalties and interest arising from actions to collect  
611 delinquent land taxes due on the parcel against the grantee  
612 of said deed, and all successors in interest; excepting  
613 however, any defendant in such action.

614           3. If an owner of the parcel moves the court for  
615 restoration of possession under section 447.638, the owner  
616 shall pay into the circuit court all land tax amounts  
617 currently due and owing on the property, including all  
618 statutory penalties, interest, attorney's fees, and court  
619 costs retroactive to the date of accrual. Upon an order  
620 granting the restoration of possession to an owner under  
621 section 447.638, the court shall order that the funds paid  
622 to the court under subsection 2 of this section be returned

623 to the payer, and that the funds paid to the court under  
624 this subsection be paid out to the collector.

625 4. If the party that brought the action under sections  
626 447.620 to 447.640 dismisses its action prior to gaining  
627 temporary possession of the property, it shall recover any  
628 amounts paid into the circuit court prior to that date for  
629 principal land taxes.

630 92.825. 1. The sale shall be conducted, the sheriff's  
631 return thereof made, and the sheriff's deed pursuant to the  
632 sale executed, all as provided in the case of sales of real  
633 estate taken under execution except as otherwise provided in  
634 sections 92.700 to 92.920, and provided that such sale need  
635 not occur during the term of court or while the court is in  
636 session.

637 2. Such sale shall convey the whole interest of every  
638 person having or claiming any right, title or interest in or  
639 lien upon such real estate, whether such person has answered  
640 or not, subject to rights-of-way thereon of public utilities  
641 upon which tax has been otherwise paid, and subject only to  
642 the tax lien thereon, if any, of the United States of  
643 America.

644 3. The collector shall advance from current tax  
645 collections the sums necessary to pay for the publication of  
646 all advertisements required by the provisions of sections  
647 92.700 to 92.920 and shall be allowed credit therefor in his  
648 accounts with the taxing authorities on a pro rata basis.  
649 He shall give credit in such accounts for all such advances  
650 recovered by him. Such expenses of publication shall be  
651 apportioned pro rata among and taxed as costs against the  
652 respective parcels of real estate described in the judgment;  
653 provided, however, that none of the costs herein enumerated,  
654 including the costs of publication, shall constitute any  
655 lien upon the real estate after such sale.

656           4. No person shall be eligible to bid at the time of  
657 the sheriff's sale unless such person has, no later than ten  
658 days before the sale date, demonstrated to the satisfaction  
659 of the collector or sheriff that the person is not the owner  
660 of any parcel of real estate in the city that is subject to  
661 delinquent property taxes, unpaid special tax bills, or  
662 vacant building fees. A prospective bidder shall be  
663 prohibited from participating in the delinquent land tax  
664 sale if he or she has previously bid at a sheriff's sale and  
665 failed to pay bid amounts, confirm the sale, or sign a  
666 sheriff's deed. The collector or sheriff may require  
667 prospective bidders to submit an affidavit attesting to the  
668 requirements of this section and is expressly authorized to  
669 permanently preclude any prospective bidder from  
670 participating in the sale for failure to comply with this  
671 section. Notwithstanding the provisions of this section,  
672 any taxing authority or land reutilization authority shall  
673 be eligible to bid at any sale conducted under this section  
674 without making such a demonstration. The purchaser at a  
675 sale conducted by the sheriff shall pay cash immediately at  
676 the end of bidding of each parcel on the day of the sale in  
677 an amount including all taxes then due and owing, which may  
678 be in an amount in excess of or less than the judgment  
679 amount, and other costs, exclusive of any amounts for debts  
680 owed to any statutorily created sewer district [as otherwise  
681 provided by law].

682           92.835. 1. The title to any real estate which shall  
683 vest in the land reutilization authority under the  
684 provisions of sections 92.700 to 92.920 shall be held by the  
685 land reutilization authority of the city in trust for the  
686 tax bill owners and taxing authorities having an interest in  
687 any tax liens which were foreclosed, as their interests may  
688 appear in the judgment of foreclosure.

689           2. The title to any real estate which shall vest in  
690 any purchaser, upon confirmation of such sale by the court,  
691 shall be an absolute estate in fee simple, subject to rights-  
692 of-way thereon of public utilities on which tax has been  
693 otherwise paid, and subject to any tax lien thereon of the  
694 United States of America, if any, and all persons, including  
695 the state of Missouri, any taxing authority or tax district  
696 as defined herein, judgment creditors, lienholders, minors,  
697 incapacitated and disabled persons, and nonresidents who may  
698 have had any right, title, interest, claim, or equity of  
699 redemption in or to, or lien upon, such lands shall be  
700 barred and forever foreclosed of all such right, title,  
701 interest, claim, lien or equity of redemption, and the court  
702 shall order immediate possession of such real estate be  
703 given to such purchaser[; provided, however, that such title  
704 shall also be subject to the liens of any tax bills which  
705 may have attached to such parcel of real estate prior to the  
706 time of the filing of the petition affecting such parcel of  
707 real estate not then delinquent, or which may have attached  
708 after the filing of the petition and prior to sheriff's sale  
709 and not included in any answer to such petition, but]. If  
710 such parcel of real estate is sold to the land reutilization  
711 authority the title thereto shall be free of any [such]  
712 liens to the extent of the interest of any taxing authority  
713 in such real estate; provided further, that such title shall  
714 not be subject to the lien of special tax bills [which has  
715 attached to the parcel of real estate prior to January 1,  
716 1972, but the lien of such special tax bills shall attach to  
717 the proceeds of the sheriff's sale or to the proceeds of the  
718 ultimate sale of such parcel by the land reutilization  
719 authority].

720           92.840. 1. Within six months after the sheriff sells  
721 any parcel of real estate, the court shall, upon its own

722 motion or upon motion of any interested party, set the cause  
723 down for hearing to confirm or set aside the foreclosure  
724 sale of the real estate, even though such parcels are not  
725 all of the parcels of real estate described in the notice of  
726 sheriff's foreclosure sale. Notice of the hearing shall be  
727 sent by any interested party, or the court, moving to  
728 confirm the foreclosure sale, to each person who **[received]**  
729 was sent notice of sale as specified in **[subsection 3]**  
730 subsections 4 and 5 of section 92.810 and to any other  
731 necessary parties as required by prevailing notions of due  
732 process. At the time of such hearing, the sheriff shall  
733 make report of the sale, and the court shall hear evidence  
734 of the value of the property offered on behalf of any  
735 interested party to the suit, and shall immediately  
736 determine whether an adequate consideration has been paid  
737 for each such parcel. Any parcel deemed to have been  
738 purchased by the land reutilization authority pursuant to  
739 section 92.830 shall not require any inquiry as to value.  
740 The court's judgment shall include a specific finding that  
741 adequate notice was provided to all necessary parties  
742 pursuant to prevailing notions of due process and sections  
743 92.700 to 92.920, reciting the notice efforts of the  
744 collector, sheriff, and tax sale purchaser. Nothing in this  
745 section shall be interpreted to preclude a successful tax  
746 sale purchaser from asserting a claim to quiet title to the  
747 bid upon parcel pursuant to section 527.150.

748         2. For this purpose, the court shall have power to  
749 summon any city official or any private person to testify as  
750 to the reasonable value of the property, and if the court  
751 finds that adequate consideration has been paid, he shall  
752 confirm the sale and order the sheriff to issue a deed with  
753 restriction as provided herein to the purchaser subject to  
754 the application of an occupancy permit for all parcels as

755 provided in subsection [5] 7 of this section. If the court  
756 finds that the consideration paid is inadequate, the  
757 purchaser may increase his bid to such amount as the court  
758 may deem to be adequate, whereupon the court may confirm the  
759 sale. If, however, the purchaser declines to increase his  
760 bid and make such additional payment, then the sale shall be  
761 disapproved, the lien of the judgment continued, and such  
762 parcel of real estate shall be again advertised and offered  
763 for sale by the sheriff to the highest bidder at public  
764 auction for cash at any subsequent sheriff's foreclosure  
765 sale.

766 3. If the sale is confirmed, the court shall order the  
767 proceeds of the sale applied in the following order:

768 (1) To the payment of the costs of the publication of  
769 the notice of foreclosure and of the sheriff's foreclosure  
770 sale;

771 (2) To the payment of all of the collector and  
772 sheriff's costs including appraiser's fee and attorney's  
773 fees;

774 (3) To the payment of all tax bills adjudged to be due  
775 in the order of their priority, including principal,  
776 interest and penalties thereon. If, after such payment,  
777 there is any sum remaining of the proceeds of the sheriff's  
778 foreclosure sale, the court shall thereupon try and  
779 determine the other issues in the suit in accordance with  
780 section 92.775. If any answering parties have specially  
781 appealed as provided in section 92.845, the court shall  
782 retain the custody of such funds pending disposition of such  
783 appeal, and upon disposition of such appeal shall make such  
784 distribution. If there are not sufficient proceeds of the  
785 sale to pay all claims in any class described, the court  
786 shall order the same to be paid pro rata in accordance with  
787 the priorities.

788           4. If there are any funds remaining of the proceeds  
789 after the sheriff's sale and after the distribution of such  
790 funds as set out in this section and no person entitled to  
791 any such funds, whether or not a party to the suit, shall,  
792 within two years after such sale, appear and claim the  
793 funds, ~~they~~ ten percent shall be distributed to the St.  
794 Louis Affordable Housing Trust Fund or equivalent of such  
795 city operating under sections 92.700 to 92.920 for purposes  
796 that promote the reduction and prevention of vacant  
797 properties, blight remediation, and cleanup and maintenance  
798 of vacant property, with the remainder to be distributed to  
799 the appropriate taxing authorities.

800           5. Any city operating under the provisions of sections  
801 92.700 to 92.920, by ordinance, may elect to allocate a  
802 portion of its share of the proceeds of the sheriff's sale  
803 towards a fund for the purpose of defending against claims  
804 challenging the sufficiency of notice provisions under this  
805 section.

806           6. For the purpose of this section, the term  
807 "occupancy permit" shall mean the certificate of ~~use and~~  
808 inspection or occupancy permit for residential or commercial  
809 structures as provided for in the revised municipal code of  
810 any city not within a county, which now has or may hereafter  
811 have a population in excess of three hundred thousand  
812 inhabitants.

813           ~~6.~~ 7. If there is a building or structure on the  
814 parcel, the purchaser shall apply for an occupancy permit  
815 from the city or appropriate governmental agency within ten  
816 days after the confirmation hearing. Any purchaser who is a  
817 public corporation acting in a governmental capacity shall  
818 not be required to acquire the occupancy permit. When a  
819 parcel, acquired at a sheriff sale, containing a building is  
820 sold from a public corporation acting in a governmental

821 capacity, the subsequent purchaser shall be required to  
822 apply for the occupancy permit. Failure to apply for such  
823 occupancy permit within ten days after confirmation shall  
824 result in the sale and confirmation being immediately set  
825 aside by the motion of any interested party and that parcel  
826 shall again be advertised and offered for sale by the  
827 sheriff to the highest bidder at public auction for cash at  
828 any subsequent sheriff foreclosure sale.

829 [7.] 8. The sheriff shall include a deed restriction  
830 in the sheriff's deed, issued after confirmation and after  
831 the application of an occupancy permit for any parcel  
832 containing a building or structure. The deed restriction  
833 shall state that the purchasers at the sheriff's sale who  
834 had the property confirmed and who applied for an occupancy  
835 permit shall obtain an occupancy permit for the building or  
836 structure from the appropriate governmental agency prior to  
837 any subsequent transfer or sale of this property. This deed  
838 restriction shall not exist as a lien against such real  
839 estate [while the purchasers hold same in the amount of five  
840 thousand dollars]. The purchasers of the property at the  
841 sheriff sale who had the property confirmed and applied for  
842 the occupancy permit shall agree that in the event of their  
843 failure to obtain an occupancy permit prior to any  
844 subsequent transfer of the property, they shall pay to the  
845 sheriff the sum of five thousand dollars as fixed,  
846 liquidated and ascertained damages without proof of loss or  
847 damages. These damages shall not constitute a lien on  
848 property, and the sheriff shall have the discretionary power  
849 to file a lawsuit against such purchaser for collection of  
850 these liquidated damages. These liquidated damages shall be  
851 distributed on a prorated basis to the appropriate taxing  
852 authority after the sheriff deducts all costs, expenses and  
853 [attorney] attorney's fees for such lawsuits. The sheriff

854 may employ attorneys as he deems necessary to collect  
855 liquidated damages.

856 9. If any sale is not confirmed within six months  
857 after the sale, any set-aside of the sale may, at the  
858 discretion of the court or collector, include a penalty of  
859 twenty-five percent of the bid amount over and above the  
860 opening bid amount, and such penalty shall be directed to  
861 the affordable housing trust fund or the equivalent, if any,  
862 of a city operating under sections 92.700 to 92.920.

863 10. Any interested party, other than the sheriff's  
864 sale purchaser, who moves the court to set aside a sheriff's  
865 sale after the issuance of a sheriff's deed made under the  
866 provisions of sections 92.700 to 92.920 shall be required to  
867 pay into the court the redemption amount otherwise necessary  
868 under section 92.750 prior to the court hearing any such  
869 motion to set aside. The court may hear any motion to  
870 confirm brought under the terms of this section if the  
871 redemption amount is not paid by the interested party moving  
872 the court to set aside the sale.

873 92.852. Any sheriff's deed given pursuant to the  
874 municipal land reutilization law shall be subject to a  
875 recording fee for the costs of recording the deed that shall  
876 be assessed and collected from the purchaser of the property  
877 at the same time the proceeds from the sale are collected.  
878 All such deeds shall be recorded at the office of the  
879 recorder of deeds within two months after the [sheriff's  
880 deed is given] court confirms the sale, if no proceeding to  
881 set aside the confirmation judgment is before the court.

882 92.855. Each sheriff's deed given pursuant to the  
883 provisions of the municipal land reutilization law shall be  
884 [presumptive] prima facie evidence that the suit and all  
885 proceedings therein and all proceedings prior thereto from  
886 and including assessment of the lands affected thereby and

887 all notices required by law were regular and in accordance  
888 with all provisions of the law relating thereto. [After two  
889 years from the date of the recording of such sheriff's deed,  
890 the presumption shall be conclusive, unless at the time that  
891 this section takes effect the two-year period since the  
892 recording of such sheriff's deed has expired, or less than  
893 six months of such period of two years remains unexpired, in  
894 which latter case the presumption shall become conclusive  
895 six months after September 28, 1971. No suit to set aside  
896 or to attack the validity of any such sheriff's deed shall  
897 be commenced or maintained unless the suit is filed prior to  
898 the time that the presumption becomes conclusive, as  
899 aforesaid.]" ; and

900 Further amend said bill, page 6, section 260.295, line  
901 8, by inserting after all of said line the following:

902 "442.130. 1. All deeds or other conveyances of lands,  
903 or of any estate or interest therein, shall be subscribed by  
904 the party granting the same, or by his lawful agent, and  
905 shall be acknowledged or proved and certified in the manner  
906 herein prescribed.

907 2. All written instruments conveying real estate or  
908 any interest in real estate shall state whether any natural  
909 person acting as grantors, mortgagors, or other parties  
910 executing the instrument are married or unmarried."; and

911 Further amend the title and enacting clause accordingly.