

SECOND REGULAR SESSION

# SENATE BILL NO. 1144

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CRAWFORD.

5539S.01I

ADRIANE D. CROUSE, Secretary

### AN ACT

To repeal sections 140.170 and 140.190, RSMo, and to enact in lieu thereof two new sections relating to the sale of lands with delinquent property taxes.

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

Section A. Sections 140.170 and 140.190, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 140.170 and 140.190, to read as follows:

140.170. 1. Except for lands described in subsection  
2 7 of this section, the county collector shall cause a copy  
3 of the list of delinquent lands and lots to be printed in  
4 some newspaper of general circulation published in the  
5 county for three consecutive weeks, one insertion weekly,  
6 before the sale, the last insertion to be at least fifteen  
7 days prior to the fourth Monday in August.

8 2. In addition to the names of all record owners or  
9 the names of all owners appearing on the land tax book it is  
10 only necessary in the printed and published list to state in  
11 the aggregate the amount of taxes, penalty, interest and  
12 cost due thereon, each year separately stated.

13 3. To the list shall be attached and in like manner  
14 printed and published a notice of said lands and lots  
15 stating that said land and lots will be sold at public  
16 auction to discharge the taxes, penalty, interest, and costs  
17 due thereon at the time of sale in or adjacent to the  
18 courthouse of such county, on the fourth Monday in August

19 next thereafter, commencing at ten o'clock of said day and  
20 continuing from day to day thereafter until all are  
21 offered. **Such auction may also be conducted by electronic**  
**media, including the internet, at the same time and at the**  
**discretion of the county collector.**

24       4. The county collector, on or before the day of sale,  
25 shall insert at the foot of the list on his or her record a  
26 copy of the notice and certify on his or her record  
27 immediately following the notice the name of the newspaper  
28 of the county in which the notice was printed and published  
29 and the dates of insertions thereof in the newspaper.

30       5. The expense of such printing shall be paid out of  
31 the county treasury and shall not exceed the rate provided  
32 for in chapter 493, relating to legal publications, notices  
33 and advertisements, and the cost of printing at the rate  
34 paid by the county shall be taxed as part of the costs of  
35 the sale of any land or lot contained in the list.

36       6. The county collector shall cause the affidavit of  
37 the printer, editor or publisher of the newspaper in which  
38 the list of delinquent lands and notice of sale was  
39 published, as provided by section 493.060, with the list and  
40 notice attached, to be recorded in the office of the  
41 recorder of deeds of the county, and the recorder shall not  
42 charge or receive any fees for recording the same.

43       7. The county collector may have a separate list of  
44 such lands, without legal descriptions or the names of the  
45 record owners, printed in a newspaper of general circulation  
46 published in such county for three consecutive weeks before  
47 the sale of such lands for a parcel or lot of land that:

48           (1) Has an assessed value of one thousand five hundred  
49 dollars or less and has been advertised previously; or

50                   (2) Is a lot in a development of twenty or more lots  
51 and such lot has an assessed value of one thousand five  
52 hundred dollars or less.

53 The notice shall state that legal descriptions and the names  
54 of the record owners of such lands shall be posted at any  
55 county courthouse within the county and the office of the  
56 county collector.

57                 8. If, in the opinion of the county collector, an  
58 adequate legal description of the delinquent land and lots  
59 cannot be obtained through researching the documents  
60 available through the recorder of deeds, the collector may  
61 commission a professional land surveyor to prepare an  
62 adequate legal description of the delinquent land and lots  
63 in question. The costs of any commissioned land survey  
64 deemed necessary by the county collector shall be taxed as  
65 part of the costs of the sale of any land or lots contained  
66 in the list prepared under this section.

140.190. 1. On the day mentioned in the notice, the  
2 county collector shall commence the sale of such lands, and  
3 shall continue the same from day to day until each parcel  
4 assessed or belonging to each person assessed shall be sold  
5 as will pay the taxes, interest and charges thereon, or  
6 chargeable to such person in said county.

7                 2. The person or land bank agency offering at said  
8 sale, **whether in person or by electronic media**, to pay the  
9 required sum for a tract shall be considered the purchaser  
10 of such land; provided, no sale shall be made to any person  
11 or designated agent who is currently delinquent on any tax  
12 payments on any property, other than a delinquency on the  
13 property being offered for sale, and who does not sign an  
14 affidavit stating such at the time of sale. Failure to sign

15 such affidavit as well as signing a false affidavit may  
16 invalidate such sale. No bid shall be received from any  
17 person not a resident of the state of Missouri or a foreign  
18 corporation or entity all deemed nonresidents. A  
19 nonresident shall file with said collector an agreement in  
20 writing consenting to the jurisdiction of the circuit court  
21 of the county in which such sale shall be made, and also  
22 filing with such collector an appointment of some citizen of  
23 said county as agent of said nonresident, and consenting  
24 that service of process on such agent shall give such court  
25 jurisdiction to try and determine any suit growing out of or  
26 connected with such sale for taxes. After the delinquent  
27 auction sale, any certificate of purchase shall be issued to  
28 the agent. After meeting the requirements of section  
29 140.405, the property shall be conveyed to the agent on  
30 behalf of the nonresident, and the agent shall thereafter  
31 convey the property to the nonresident.

32       3. All such written consents to jurisdiction and  
33 selective appointments shall be preserved by the county  
34 collector and shall be binding upon any person or  
35 corporation claiming under the person consenting to  
36 jurisdiction and making the appointment herein referred to;  
37 provided further, that in the event of the death, disability  
38 or refusal to act of the person appointed as agent of said  
39 nonresident the county clerk shall become the appointee as  
40 agent of said nonresident.

41       4. No person residing in any home rule city with more  
42 than seventy-one thousand but fewer than seventy-nine  
43 thousand inhabitants shall be eligible to offer to purchase  
44 lands under this section unless such person has, no later  
45 than ten days before the sale date, demonstrated to the  
46 satisfaction of the official charged by law with conducting

47 the sale that the person is not the owner of any parcel of  
48 real property that has two or more violations of the  
49 municipality's building or housing codes. A prospective  
50 bidder may make such a demonstration by presenting  
51 statements from the appropriate collection and code  
52 enforcement officials of the municipality. This subsection  
53 shall not apply to any taxing authority or land bank agency,  
54 and entities shall be eligible to bid at any sale conducted  
55 under this section without making such a demonstration.

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