

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 843

AN ACT

To repeal sections 140.010, 140.190, 140.250, 140.420, 140.980, 140.981, 140.982, 140.983, 140.984, 140.985, 140.986, 140.987, 140.988, 140.991, 140.994, 140.995, 140.1000, 140.1009, 140.1012, 141.220, 141.230, 141.250, 141.270, 141.290, 141.300, 141.320, 141.330, 141.360, 141.410, 141.440, 141.500, 141.520, 141.535, 141.540, 141.550, 141.560, 141.570, 141.580, 141.610, 141.620, 141.680, 141.700, 141.819, 141.980, 141.984, 141.1009, 141.1020, and 249.255, RSMo, and to enact in lieu thereof forty-eight new sections relating to unpaid taxes and fees, with penalty provisions.

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

Section A. Sections 140.010, 140.190, 140.250, 140.420, 140.980, 140.981, 140.982, 140.983, 140.984, 140.985, 140.986, 140.987, 140.988, 140.991, 140.994, 140.995, 140.1000, 140.1009, 140.1012, 141.220, 141.230, 141.250, 141.270, 141.290, 141.300, 141.320, 141.330, 141.360, 141.410, 141.440, 141.500, 141.520, 141.535, 141.540, 141.550, 141.560, 141.570, 141.580, 141.610, 141.620, 141.680, 141.700, 141.819, 141.980, 141.984, 141.1009, 141.1020, and 249.255, RSMo, are repealed and forty-eight new sections enacted in lieu thereof, to be known as sections 140.010, 140.190, 140.250, 140.420, 140.980, 140.981, 140.982, 140.983, 140.984, 140.985, 140.986, 140.987, 140.988, 140.991, 140.994, 140.995, 140.1000, 140.1009, 140.1012, 141.220, 141.230, 141.250, 141.270, 141.290, 141.300, 141.320, 141.330, 141.360, 141.410, 141.440, 141.500, 141.520, 141.535, 141.540, 141.550, 141.560, 141.570, 141.580, 141.610,

141.620, 141.680, 141.700, 141.819, 141.980, 141.984, 141.1009, 141.1020, and 249.255, to read as follows:

140.010. 1. All real estate upon which the taxes remain unpaid on the first day of January, annually, are delinquent, and the county collector shall enforce the lien of the state thereon, as required by this chapter. Any failure to properly return the delinquent list, as required by this chapter, in no way affects the validity of the assessment and levy of taxes, nor of the foreclosure and sale by which the collection of the taxes is enforced, nor in any manner affects the lien of the state on the delinquent real estate for the taxes unpaid thereon.

2. Alternatively, any county may, by adoption of a resolution or order of the county commission of such county, elect to operate under the provisions of sections 141.210 to 141.810 for any parcel [for which there is an unpaid tax bill for a period of at least two years after the date on which it became delinquent]. Any county electing to operate as such shall be called a "partial opt-in county". No county eligible to establish a land bank agency under subsection 1 of section 140.981 shall elect to operate as a partial opt-in county unless the county first elects to establish a land bank agency as provided in subsection 1 of section 140.981. In accordance with section 141.290, after the adoption of such resolution or order by a county commission, the collector of the county shall decide which tax delinquent parcels shall proceed according to the provisions of sections 141.210 to 141.810. Such parcels shall be exempt from the provisions of sections 140.030 to 140.722. The collector shall remove such parcels from any list of parcels advertised for first, second, third, or post-third sales.

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

2. (1) The person or land bank agency offering at said sale to pay the required sum for a tract shall be considered the purchaser of such land; provided, no sale shall be made to any person or designated agent who:

(a) Is currently delinquent on any tax payments on any property, other than a delinquency on the property being offered for sale, and who does not sign an affidavit stating such at the time of sale. Failure to sign such affidavit as well as signing a false affidavit may invalidate such sale;

(b) Is a member of the governing body of a land bank agency;

(c) Is an employee of a land bank agency;

(d) Is an elected or appointed official of the governing body, or an employee of such official, of the political subdivision in which a land bank agency is located; or

(e) Is related within the second degree of consanguinity to a person described in paragraphs (b) to (d) of this subdivision.

(2) No bid shall be received from any person not a resident of the state of Missouri or a foreign corporation or entity all deemed nonresidents. A nonresident shall file with said collector an agreement in writing consenting to the jurisdiction of the circuit court of the county in which such sale shall be made, and also filing with such collector an appointment of some citizen of said county as agent of said nonresident, and consenting that service of process on

such agent shall give such court jurisdiction to try and determine any suit growing out of or connected with such sale for taxes. After the delinquent auction sale, any certificate of purchase shall be issued to the agent. After meeting the requirements of section 140.405, the property shall be conveyed to the agent on behalf of the nonresident, and the agent shall thereafter convey the property to the nonresident. A collector may preclude a prospective bidder from participating in a sale for failure to comply with any of the provisions of this section.

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

4. No person residing in any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants shall be eligible to offer to purchase lands under this section unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that the person is not the owner of any parcel of real property that has two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality. This subsection shall not apply to any taxing authority or land bank agency,

and entities shall be eligible to bid at any sale conducted under this section without making such a demonstration.

140.250. 1. Whenever any lands have been or shall hereafter be offered for sale for delinquent taxes, interest, penalty, and costs by the collector of the proper county for any two successive years and no person shall have bid therefor a sum equal to the delinquent taxes thereon, interest, penalty and costs provided by law, then such county collector shall at the next regular tax sale of lands for delinquent taxes sell same to the highest bidder, except the highest bid shall not be less than the sum equal to the delinquent taxes, interest, penalties, and costs, and there shall be a ninety-day period of redemption from such sales as specified in section 140.405.

2. A certificate of purchase shall be issued as to such sales, and the purchaser at such sales shall be entitled to the issuance and delivery of a collector's deed upon completion of title search action as specified in section 140.405.

3. If any lands or lots are not sold at such third offering, then the collector shall advertise or offer such lands or lots for sale once every thirty days.

4. A purchaser at any sale subsequent to the third offering of any land or lots, whether by the collector or a trustee as provided in section 140.260, shall be entitled to the immediate issuance and delivery of a collector's deed and there shall be no period of redemption from such post-third year sales; provided, however, before any purchaser at a sale to which this section is applicable shall be entitled to a collector's deed it shall be the duty of the collector to demand, and the purchaser to pay, in addition to the purchaser's bid, all taxes due and unpaid on such lands or lots that become due and payable on such lands or lots

subsequent to the date of the taxes included in such advertisement and sale. The collector's deed or trustee's deed shall have priority over all other liens or encumbrances on the property sold except for real property taxes.

5. A purchaser at any sale subsequent to the third offering of any land or lots, whether by the collector or a trustee as provided in section 140.260, may elect to proceed under subsection 1 of this section and subsection 6 of section 140.405 by giving notice to the collector prior to the issuance of a collector's deed.

6. In the event the real purchaser at any sale to which this section is applicable shall be the owner of the lands or lots purchased, or shall be obligated to pay the taxes for the nonpayment of which such lands or lots were sold, then no collector's deed shall be issued to such purchaser, or to anyone acting for or on behalf of such purchaser, without payment to the collector of such additional amount as will discharge in full all delinquent taxes, penalty, interest and costs.

140.420. If no person shall redeem the lands sold for taxes prior to the expiration of the right to redeem, at the expiration thereof, and on production of the certificate of purchase and upon proof satisfactory to the collector that a purchaser or the purchaser's heirs, successors, or assigns are authorized to acquire the deed:

(1) The collector of the county in which the sale of such lands took place shall execute to the purchaser or the purchaser's heirs or assigns, in the name of the state, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims thereon for unpaid taxes except such unpaid taxes, existing at time of the purchase of said lands

and the lien for which taxes was inferior to the lien for taxes for which said tract or lot of land was sold; and

(2) The state of Missouri or any person, taxing authority, tax district, judgment creditor, or lienholder that had a right, title, interest, claim, or equity of redemption on or to the lands or that had a lien upon the lands shall be barred and forever foreclosed of such unclaimed right, title, interest, claim, or equity of redemption in or to the lands and of any lien upon the lands.

140.980. 1. Sections 140.980 to 140.1015 shall be known [and may be cited] as the "Chapter 140 Land Bank Act".

2. As used in sections 140.980 to 140.1015, the following terms mean:

(1) "Land bank agency", an agency established by a county or municipality under the authority of section 140.981;

(2) "Land taxes", taxes on real property or real estate, including the taxes both on the land and the improvements thereon;

(3) "Municipality", any incorporated city, town, or village in this state;

(4) "Political subdivision", any county, city, town, village, school district, library district, or any other public subdivision or public corporation that has the power to tax;

(5) "Reserve period taxes", land taxes assessed against any parcel of real estate sold or otherwise disposed of by a land bank agency for the first three tax years following such sale or disposition;

(6) "Tax bill", real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

(7) "Taxing authority", any governmental, managing, administering, or other lawful authority, now or hereafter empowered by law to issue tax bills.

140.981. 1. Any county with more than one million inhabitants may establish a land bank agency for the management, sale, transfer, and other disposition of interests in real estate owned by such land bank agency. Any such county may establish a land bank agency by ordinance, resolution, or rule, as applicable. Such ordinance, resolution, or rule shall specify the name of the land bank agency. No county in which a land bank agency has been established under the provisions of sections 141.980 to 141.1015 shall elect to establish a land bank agency under this section.

2. Any municipality with more than one thousand five hundred inhabitants not located within a county with more than one million inhabitants may establish a land bank agency for the management, sale, transfer, and other disposition of interests in real estate owned by such land bank agency. A municipality may establish a land bank agency by ordinance, resolution, or rule, as applicable.

3. A land bank agency shall not own any interest in real estate located wholly or partially outside the [city] municipality or county that established the land bank.

4. A land bank agency shall be established for the purpose of returning land, including land that is in a non-revenue-generating, non-tax-producing status, to use in private ownership, or for public use.

5. A land bank agency created under the chapter 140 land bank act shall be a public body corporate and politic and shall have permanent and perpetual duration until terminated and dissolved in accordance with the provisions of section 140.1012.

140.982. 1. If a county establishes a land bank agency under subsection 1 of section 140.981, the members of the first board of directors of a land bank agency shall be appointed within ninety days after the effective date of the ordinance, resolution, or rule passed establishing such land bank agency. [If any appointing authority fails to make any appointment of a board member within the time the first appointments are required, the appointment shall be made by the county council. The following requirements shall apply to the board of directors:

(1) The board of directors shall consist of seven members:

(a) Two of whom shall be appointed by the county executive, one of whom shall have professional expertise relevant to the land bank agency;

(b) One of whom shall be appointed by the member of the county council representing the district with the highest number of tax delinquent parcels. Such board member shall maintain a primary residence within such district;

(c) One of whom shall be appointed by the member of the county council representing the district with the second highest number of tax delinquent parcels. Such board member shall maintain a primary residence within such district;

(d) One of whom shall be appointed by consensus of the county executive and the president of the municipal league of the county; and

(e) Two of whom shall be resident representatives. Resident representatives shall be appointed by a majority vote of the other board members, and each resident representative shall maintain a primary residence within one of the twenty municipalities containing the highest percentage of tax delinquent parcels;] The county council may, as part of such ordinance, resolution, or rule, provide

for the qualifications for members of the board of directors. The board of directors of the land bank agency shall consist of seven members appointed by the county executive pursuant to the authority vested in that office by the county charter. The following requirements shall apply to the board of directors:

[(2)] (1) The term of office of a member shall be four years. Each member's primary residence shall be in the county that has established the land bank agency. Each member serves at the pleasure of the member's appointing authority, may be an employee of the appointing authority, and shall serve without compensation;

[(3)] (2) No public officer shall be eligible to serve as a board member. For purposes of this subdivision, "public officer" means a person who is holding an elected public office. Any public employee shall be eligible to serve as a board member;

[(4)] (3) The members of the board shall select annually from among themselves a chair, a vice chair, a treasurer, and such other officers as the board may determine and shall establish the officers' duties, as may be regulated by rules adopted by the board;

[(5)] (4) The board shall establish rules and requirements relative to the attendance and participation of members in its meetings, regular or special. Such rules and regulations may prescribe a procedure whereby, if any member fails to comply with such rules and regulations, such member may be disqualified and removed automatically from office by no less than a majority vote of the remaining members of the board, and that member's position shall be vacant as of the first day of the next calendar month. Any person removed under the provisions of this subdivision shall be ineligible

for reappointment to the board unless such reappointment is confirmed unanimously by the board;

[(6)] (5) A vacancy on the board shall be filled in the same manner as the original appointment[. If any appointing authority fails to make any appointment of a board member within sixty days after any term expires, the appointment shall be made by the county council] within sixty days and shall be done in compliance with the county charter;

[(7)] (6) Board members shall serve without compensation. The board may reimburse any member for expenses actually incurred in the performance of duties on behalf of the land bank agency;

[(8)] (7) The board shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the land bank agency and to fix the duties, powers, and compensation of all employees, agents, and consultants of the land bank agency;

[(9)] (8) The board shall meet in regular session according to a schedule adopted by the board and also shall meet in special session as convened by the chair or upon written notice signed by a majority of the members. The presence of a majority of total membership, excluding vacancies, shall constitute a quorum;

[(10)] (9) All actions of the board shall be approved by the affirmative vote of a majority of the members of that board present and voting. However, no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

(a) Adoption, amendment, or repeal of bylaws and other rules and regulations for conduct of the land bank agency's business;

(b) Hiring or firing of any employee or contractor of the land bank agency. This function may, by majority vote, be delegated by the board to a specified officer or committee of the land bank agency under such terms and conditions and to the extent that the board may specify;

(c) Adoption or amendment of the annual budget; and

(d) Sale, encumbrance, or alienation of real property, improvements, or personal property;

[(11)] (10) The governing body of the county establishing a land bank agency may incur debt, including, without limitation, borrowing moneys and issuing bonds, notes, or other obligations to provide funding for the land bank agency;

[(12)] (11) Members of a board shall not be liable personally on the bonds or other obligations of the land bank agency, and the rights of creditors shall be solely against such land bank agency; and

[(13)] (12) Vote by proxy shall not be permitted. Any member may request a recorded vote on any resolution or action of the land bank agency.

2. If a municipality establishes a land bank agency under subsection 1 of section 140.981, the ordinance, resolution, or rule, as applicable, may specify the following:

(1) The name of the land bank agency;

(2) The number of members of the board of directors, which shall consist of an odd number of members and shall be no fewer than five members nor more than eleven members;

(3) The initial individuals to serve as members of the board of directors and the length of terms for which the members are to serve; and

(4) The qualifications, manner of selection or appointment, and terms of office of members of the board.

3. A land bank agency may employ a secretary, an executive director, its own counsel and legal staff, technical experts, and other agents and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation and benefits of such persons. A land bank agency may also enter into contracts and agreements with political subdivisions for staffing services to be provided to the land bank agency by political subdivisions or agencies or departments thereof, or for a land bank agency to provide such staffing services to political subdivisions or agencies or departments thereof.

140.983. A land bank agency established under the chapter 140 land bank act shall have all powers necessary or appropriate to carry out and effectuate the purposes and provisions of the chapter 140 land bank act, including the following powers in addition to those herein otherwise granted:

- (1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
- (2) To sue and be sued, in its own name, and plead and be impleaded in all civil actions including, but not limited to, actions to clear title to property of the land bank agency;
- (3) To adopt a seal and to alter the same at pleasure;
- (4) To borrow from the political subdivision establishing the land bank agency, as may be necessary for the operation and work of the land bank agency;
- (5) To procure insurance or guarantees from political subdivisions, the state, the federal government, or any other public or private sources of the payment of any bond, note, loan, or other obligation, or portion thereof, incurred by the land bank agency and to pay any fees or premiums in connection therewith;

(6) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers including, but not limited to, agreements with other land bank agencies and with political subdivisions for the joint exercise of powers under this chapter;

(7) To enter into contracts and other instruments necessary, incidental, or convenient to:

(a) The performance of functions by the land bank agency on behalf of political subdivisions, or agencies or departments thereof; or

(b) The performance by political subdivisions, or agencies or departments thereof, of functions on behalf of the land bank agency;

(8) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank agency;

(9) To procure insurance against losses in connection with the property, assets, or activities of the land bank agency;

(10) To invest the [moneys] money of the land bank agency in the same manner as moneys are invested by the state treasurer, including amounts deposited in reserve or sinking funds, at the discretion of the land bank agency in obligations or property determined proper by the land bank agency and to name and use depositories for its moneys;

(11) To enter into contracts for the management of or the sale of the property of the land bank agency;

(12) To design, develop for public use, construct, demolish, reconstruct, rehabilitate, renovate, relocate, equip, furnish, and otherwise improve real property or rights or interests in real property held by the land bank agency;

(13) To acquire property, whether by purchase, exchange, gift, lease, or otherwise, except not property not wholly located in the county or municipality that established the land bank agency; to grant or acquire licenses and easements; and to sell, grant an option with respect to, or otherwise dispose of, any property of the land bank agency;

(14) To enter into partnerships, joint ventures, and other collaborative relationships with political subdivisions and other public and private entities for the management, development, and disposition of real property, except not for property not wholly located in the county or municipality that established the land bank agency; and

(15) Subject to the other provisions of this chapter and all other applicable laws, to do all other things necessary or convenient to achieve the objectives and purposes of the land bank agency or other laws that relate to the purposes and responsibility of the land bank agency.

140.984. 1. The income of a land bank agency shall be exempt from all taxation by the state and by any of its political subdivisions. Upon acquiring title to any real estate, a land bank agency shall immediately notify the county assessor and the county collector of such ownership; all taxes, special taxes, fines, and fees on such real estate shall be deemed satisfied by transfer to the land bank agency; and such property shall be exempt from all taxation during the land bank agency's ownership thereof, in the same manner and to the same extent as any other publicly owned real estate. Upon the sale or other disposition of any real estate held by it, the land bank agency shall immediately notify the county assessor and the county collector of such change of ownership. However, that such tax exemption for improved and occupied real property held

by the land bank agency as a lessor pursuant to a ground lease shall terminate upon the first occupancy[, and]. The land bank agency shall immediately notify the county assessor and the county collector of such occupancy.

2. A land bank agency may acquire real property by gift, devise, transfer, exchange, foreclosure, purchase, or pursuant to sections 141.560 to 141.580 or section 141.819, except a land bank agency shall not acquire property located partially or wholly outside the boundaries of the county or municipality that established such land bank agency.

3. A land bank agency may acquire property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts and may accept transfers from political subdivisions upon such terms and conditions as agreed to by the land bank agency and the political subdivision. A land bank agency may bid on any parcel of real estate offered for sale, offered at a foreclosure sale under sections 140.220 to 140.250, offered at a sale conducted under section 140.190, 140.240, or 140.250, or offered at a foreclosure sale under section 141.550. Notwithstanding any other law to the contrary, any political subdivision may transfer to the land bank agency real property and interests in real property of the political subdivision on such terms and conditions and according to such procedures as determined by the political subdivision.

4. A land bank agency shall maintain all of its real property in accordance with the laws and ordinances of the jurisdictions in which the real property is located.

5. Upon issuance of a deed to a parcel of real estate to a land bank agency under subsection 4 of section 140.250, subsection 5 of section 140.405, other sale conducted under section 140.190, 140.240, or 140.250, or section 141.550, the land bank agency shall pay only the amount of the land

bank agency's bid that exceeds the amount of all tax bills included in the judgment, interest, penalties, attorney's fees, taxes, and costs then due thereon. If the real estate is acquired in a delinquent land tax auction under subsection 4 of section 140.250, subsection 5 of section 140.405, or other sale conducted under section 140.190, 140.240, or 140.250, such excess shall be applied and distributed in accordance with section 140.230. If the real estate is acquired in a delinquent land tax auction under section 141.550, such excess shall be applied and distributed in accordance with subsections 3 and 4 of section 141.580, exclusive of subdivision (3) of subsection 3 of section 141.580. Upon issuance of a deed, the county collector shall mark the tax bills included in the judgment as "cancelled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on the county collector's books and in the county collector's statements with any other taxing authorities.

6. A land bank shall not own real property unless the property is wholly located within the boundaries of the county or municipality that established the land bank agency.

7. Within one year of the effective date of the ordinance, resolution, or rule passed establishing a municipal land bank agency under subsection 2 of section 140.981, the title to any real property that is located wholly within the municipality that created the land bank agency and that is held by a land trust created under subsection 1 of section 141.819 shall be transferred by deed from the land trust to such land bank agency, at the land bank agency's request.

140.985. 1. A land bank agency shall hold in its own name all real property acquired by such land bank agency,

irrespective of the identity of the transferor of such property.

2. A land bank agency shall maintain and make available for public review and inspection an inventory and history of all real property the land bank agency holds or formerly held. This inventory and history shall be available on the land bank agency's website and include at a minimum:

- (1) Whether a parcel is available for sale;
- (2) The address of the parcel if an address has been assigned;
- (3) The parcel number if no address has been assigned;
- (4) The month and year that a parcel entered the land bank agency's inventory;
- (5) Whether a parcel has sold;
- (6) If a parcel has sold, the name of the person or entity to which it was sold; and
- (7) Whether the parcel was acquired by the land bank agency through judicial foreclosure, nonjudicial foreclosure, donation, or some other manner.

3. The land bank agency shall determine and set forth in policies and procedures the general terms and conditions for consideration to be received by the land bank agency for the transfer of real property and interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants, and conditions related to the present and future use of the property; contractual commitments of the transferee; and such other forms of consideration as the land bank agency determines to be in the best interest of the land bank agency.

4. A land bank agency may convey, exchange, sell, transfer, grant, release and demise, pledge, and hypothecate

any and all interests in, upon, or to property of the land bank agency. A land bank agency may gift any interest in, upon, or to property to the county or municipality that established the land bank agency.

5. A county or municipality may, in its resolution, ordinance, or rule creating a land bank agency, establish a hierarchical ranking of priorities for the use of real property conveyed by such land bank agency, including, but not limited to:

- (1) Use for purely public spaces and places;
- (2) Use as wildlife conservation areas;
- (3) Use as a green field area; and
- (4) To return to private use.

If a county or municipality, in its resolution, ordinance, or rule creating a land bank agency, establishes priorities for the use of real property conveyed by the land bank agency, such priorities shall be consistent with and no more restrictive than municipal planning and zoning ordinances.

6. The land bank agency may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the conveyance of property by the land bank agency.

7. Any property sold by a land bank agency that was acquired through purchase, transfer, exchange, or gift shall be sold.

8. When any parcel of real estate acquired by a land bank agency is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

- (1) To the payment of the expenses of the sale;

(2) To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;

(3) To the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget; and

(4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities. Distribution shall be made on January first and July first of each year, and at such other times as the land bank agency may determine.

140.986. 1. No later than five years from the date it acquired the property, a land bank agency shall either sell, put to a productive use, or show significant progress towards selling or putting the property to a productive use [a parcel of real property]. A productive use may be demolishing all structures of the property or using the property for a community garden, park, or other open public space. No later than eight years from the date it acquired the property, a land bank agency shall sell, clear, or put such property to public use.

2. The governing body of the county or municipality may grant the land bank agency a one-year extension if the body determines by a majority vote that unforeseen circumstances have delayed the sale or productive use of a parcel of property.

3. If a land bank agency owns a parcel of real property that does not have a productive use after five years, or does not receive an extension under subsection 2 of this section, the property shall be offered for public sale using the procedures under sections 140.170 to 140.190.

140.987. 1. A land bank agency shall require that any buyer demonstrate that the buyer is not the owner of any parcel of real estate within the county or municipality that created the land bank agency for which a tax bill has been delinquent for more than one year or is in violation of any municipal building or housing code[, and is not the original owner or relative of such owner within the second degree of consanguinity of the parcel sold, transferred, exchanged, or gifted to the land bank agency].

2. No foreign or domestic corporation or limited liability company that has failed to appoint or maintain a registered agent under chapter 347 or 351 shall be eligible to buy property from the land bank agency. No foreign corporate entity shall be eligible to buy property from the land bank agency unless it has a certificate of authority to transact business in Missouri under section 351.572.

3. As a condition of the sale or other authorized conveyance of ownership of any parcel of land owned by the land bank agency to a private owner, such owner may be required to enter into a contract, which may be secured by a deed of trust in favor of the land bank agency, stipulating that such owner or the owner's successor agrees that such owner or the owner's successor make certain improvements to

the parcel. If the land bank agency finds by resolution that the terms of the contract have not been satisfied, the land bank agency shall be authorized to bring suit to recover damages for the breach and to seek a judicial foreclosure of the parcel under sections 443.190 to 443.260, except that upon final judgment of the court, title shall revert to the land bank agency without necessity of sale. As an alternative to, or in addition to, seeking a judicial foreclosure, the land bank agency may, only by gift, assign or convey its right to foreclose under sections 443.190 to 443.260 to any 501(c)(3) tax-exempt nonprofit organization or exercise the right of reentry under chapter 524, 527, or 534. The land bank agency or its assignee shall assume title to the land by filing a copy of the judgment with the recorder of deeds in the county where the property is located. Any property redeemed by the land bank agency under the provisions of this section shall be administered in the same manner as other property sold to the land bank agency.

140.988. 1. (1) A land bank agency may receive funding through grants and gifts from political subdivisions, the state, the federal government, and other public and private sources.

(2) A land bank agency may receive funding through gifts from any source, provided that the land bank agency shall not sell or otherwise transfer by any means any real property held by the land bank agency to the entity from which the land bank agency received a gift [pursuant to this subdivision].

2. Except as otherwise provided in subsection 7 of section 140.985, a land bank agency may receive and retain payments for services rendered, for consideration for disposition of real and personal property, for proceeds of

insurance coverage for losses incurred, for income from investments, and for any other asset and activity lawfully permitted to a land bank agency under the chapter 140 land bank act.

3. If a land bank agency sells or otherwise disposes of a parcel of real estate held by it, any land taxes assessed against such parcel for the three tax years following such sale or disposition by such land bank agency that are collected by the county collector in a calendar year and not refunded, less the fees provided under section 52.260 and subsection 4 of this section and less the amounts to be deducted under section 137.720, shall be distributed by the county collector to such land bank agency no later than March first of the following calendar year, provided that land taxes impounded under section 139.031 or otherwise paid under protest shall not be subject to distribution under this subsection. Any amount required to be distributed to a land bank agency under this subsection shall be subject to offset for amounts previously distributed to such land bank agency that were assessed, collected, or distributed in error.

4. In addition to any other provisions of law related to collection fees, the county collector shall collect on behalf of the county a fee of four percent of reserve period taxes collected and such fees collected shall be deposited in the county general fund.

5. If a county has established a land bank agency under subsection 1 of section 140.981, the collector may collect on behalf of the county a fee for the collection of delinquent and back taxes of up to five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. All fees collected under the provisions of this subsection shall be paid to the

land bank agency established under subsection 1 of section 140.981.

140.991. 1. There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of a land bank agency by a certified public accountant before April thirtieth of each year, which accountant shall be employed by the land bank agency on or before March first of each year. Certified copies of the audit shall be furnished to the county or municipality that established the land bank agency, and the county or municipality shall post the audit on its [public] website. Copies of the audit shall also be available for public inspection at the office of the land bank agency.

2. The land bank agency may be performance audited at any time by the state auditor or by the auditor of the county or municipality that established the land bank agency. The land bank agency shall make copies of such audit available to the public and shall post a copy of the audit on the land bank agency's website within thirty days of the completion of the audit.

140.994. 1. A land bank agency shall have power to receive funds from bonds issued by the county or municipality that created the land bank agency, for any of its [corporate] purposes. The bonds shall be special, limited obligations of the county or municipality that created the land bank agency, the principal of and interest on which shall be payable solely from the income and revenue derived from the sale, or other disposition of the assets of the land bank agency, or such portion thereof as may be designated in the resolution, indenture, or other financing documents relating to the issuance of the bonds.

2. Bonds issued pursuant to this section shall not be deemed to be an indebtedness within the meaning of any

constitutional or statutory limitation upon the incurring of indebtedness. The bonds shall not constitute a debt, liability, or obligation of the state or a pledge of the full faith and credit or the taxing power of the state and the bonds shall contain a recital to that effect. Neither the members of the board nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

3. Bonds issued pursuant to this section shall be authorized by resolution of the governing body of the county or municipality establishing the land bank agency, shall be issued in such form, shall be in such denominations, shall bear interest at such rate or rates, shall mature on such dates and in such manner, shall be subject to redemption at such times and on such terms, and shall be executed by one or more members of the governing body of the county or municipality establishing the land bank agency, as provided in the resolution authorizing the issuance thereof or as set out in the indenture or other financing document authorized and approved by such resolution. The governing body of the county or municipality establishing the land bank agency may sell such bonds in such manner, either at public or at private sale, and for such price as the governing body of the county or municipality establishing the land bank agency may determine to be in the best interests of the land bank agency.

4. A governing body of the county or municipality establishing the land bank agency may from time to time, as authorized by resolution of the governing body, issue refunding bonds for the purpose of refunding, extending, and unifying all or any part of its valid outstanding bonds. Such refunding bonds may be payable from any of the sources

identified in subsection 1 of this section and from the investment of any of the proceeds of the refunding bonds.

5. The bonds issued by the governing body of the county or municipality establishing the land bank agency shall be negotiable instruments under chapter 400.

6. Bonds issued under this section and all income or interest thereon shall be exempt from all state taxes.

7. The governing body of the county or municipality establishing the land bank agency shall have the power to issue temporary notes upon the same terms and subject to all provisions and restrictions applicable to bonds under this section. Such notes issued by the governing body may be refunded by notes or bonds authorized under this section.

140.995. Notwithstanding any provision of sections 140.980 to 140.995 to the contrary, a land bank agency may rent or lease property held by the land bank agency for any community, noncommercial, or agricultural uses.

140.1000. 1. No board member or employee of a land bank agency shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, acquisition, sale, demolition, repair, rehabilitation, use, operation, ownership, or disposition of any **[lands]** property held by such land bank agency other than the salaries, expenses, and emoluments provided for in the chapter 140 land bank act.

2. No member of the board or employee of a land bank agency shall own, directly or indirectly, any legal or equitable interest in or to any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 140.980 to 140.1015.

3. A violation of this section is a class D felony.

4. The land bank agency may adopt supplemental rules and regulations addressing potential conflicts of interest

and ethical guidelines for board members and land bank agency employees, provided that such rules and regulations are not inconsistent with this chapter or any other applicable law.

5. Any person who is related to a board member or employee of a land bank agency within the second degree of consanguinity or affinity shall be considered a board member or employee of a land bank agency for purposes of this section and subject to its provisions.

140.1009. 1. A land bank agency shall be authorized to file an action to quiet title under section 527.150 [as to] for any real property in which the land bank agency has an interest. For purposes of any and all such actions, the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as an adequate petitioner in such action.

2. Prior to the filing of an action to quiet title, the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property, by first class mail addressed to "Occupant";

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the county or municipality in which the property is located; and

(5) Such other methods as the court may order or as may be required by prevailing motions of due process.

3. As part of the petition to quiet title, the land bank agency shall file an affidavit identifying all parties potentially having an interest in the real property and the form of notice provided.

4. The court shall schedule a hearing on the petition within ninety days following filing of the petition and, as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty days of the filing of the petition.

5. A land bank agency shall be authorized to join in a single petition to quiet title one or more parcels of real property.

140.1012. 1. A land bank agency shall be dissolved as a public body corporate and politic no sooner than sixty calendar days, but no later than one hundred eighty calendar days, after an ordinance or resolution for such dissolution is passed by the county or municipality that established the land bank agency.

2. [No less than sixty calendar days' advance written notice of consideration of] If such an ordinance or resolution of dissolution is being considered, no less than sixty calendar days advance written notice shall be given to the land bank agency, shall be published in a local newspaper of general circulation within such county or municipality, and shall be sent certified mail to each trustee of any outstanding bonds of the land bank agency.

3. No land bank agency shall be dissolved while there remains any outstanding bonds, notes, or other obligations

of the land bank agency unless such bonds, notes, or other obligations are paid or defeased pursuant to the resolution, indenture, or other financing document under which such bonds, notes, or other obligations were issued prior to or simultaneously with such dissolution. Once all outstanding bonds, notes, or other obligations are satisfied, no new property shall be purchased by, gifted to, traded to, or exchanged with the land bank agency. No further debts or other obligations shall be incurred other than that which is necessary to sell or put to public use any remaining property held by the land bank agency. The land bank agency shall be dissolved within thirty days after all outstanding bonds, notes, or other obligations are satisfied.

4. Upon dissolution of a land bank agency pursuant to this section, all real property, personal property, and other assets of the land bank agency shall be transferred by appropriate written instrument to and shall become the assets of the county or municipality that established the land bank agency. Such county or municipality shall act expeditiously to return such real property to the tax rolls and shall market and sell such real property using an open, public method that ensures the best possible prices are realized while ensuring such real property is returned to a suitable, productive use for the betterment of the neighborhood in which such real property is located. Upon the sale or other disposition of any such property by such county or municipality, the proceeds therefrom shall be applied and distributed in the following order:

- (1) To the payment of the expenses of sale;
- (2) To the reasonable costs incurred by such county or municipality in maintaining and marketing such property; and
- (3) The balance shall be paid to the respective taxing authorities that, at the time of the distribution, are

taxing the real property from which the proceeds are being distributed.

141.220. The following words, terms and definitions, when used in sections 141.210 to 141.810 and sections 141.980 to 141.1015, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

(1) "Ancillary parcel" shall mean a parcel of real estate acquired by a land bank agency other than:

(a) Pursuant to a deemed sale under subsection 3 of section 141.560;

(b) By deed from a land trust under subsection 1 of section 141.984; or

(c) Pursuant to a sale under subdivision (2) of subsection 2 of section 141.550;

(2) "Appraiser" shall mean a state licensed or certified appraiser licensed or certified pursuant to chapter 339 who is not an employee of the collector or collection authority;

(3) "Board" or "board of commissioners" shall mean the board of commissioners of a land bank agency;

(4) "Collector" shall mean the collector of the revenue in any county affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015;

(5) "County" shall mean any county in this state;

(6) "Court" shall mean the circuit court of any county affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015;

(7) "Delinquent land tax attorney" shall mean a licensed attorney-at-law, employed or designated by the collector as hereinafter provided;

(8) "Interested party", shall mean any person with a legal interest in a parcel of land affected by sections

141.210 to 141.810 and sections 141.980 to 141.1015.

Interested party shall not include:

(a) The holder of the benefit or burden of any easement or right of way;

(b) The holder of a benefit or burden of a real covenant; or

(c) A leasehold owner of subsurface mineral, gas, or oil rights whose interest is properly recorded and whose interest shall remain unaffected;

(9) "Land bank agency", shall mean **[an]** any agency created under section 141.980;

(10) "Land taxes" shall mean taxes on real property or real estate and shall include the taxes both on land and the improvements thereon;

(11) "Land trustees" and "land trust" shall mean the land trustees and land trust as the same are created by and described in section 141.700;

(12) "Municipality" shall include any incorporated city or town, or a part thereof, located in whole or in part within a county;

(13) "Person" shall mean any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court, trustee otherwise created, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(14) "Political subdivision" shall mean any county, city, town, village, school district, library district, or any other public subdivision or public corporation having the power to tax;

(15) "Reserve period taxes" shall mean land taxes assessed against any parcel of real estate sold or otherwise

disposed of by a land bank agency for the first three tax years following such sale or disposition;

(16) "School district", "road district", "water district", "sewer district", "levee district", "drainage district", "special benefit district", "special assessment district", or "park district" shall include those located within a county as such county is described in this section;

(17) "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk, respectively, of any county affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015;

(18) "Tax bill" as used in sections 141.210 to 141.810 and sections 141.980 to 141.1015 shall represent real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

(19) "Tax district" shall mean the state of Missouri and any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, located in any municipality or county as herein described;

(20) "Tax lien" shall mean the lien of any tax bill as defined in this section;

(21) "Taxing authority" shall include any governmental, managing, administering or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of Missouri or any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015.

141.230. 1. The land tax collection law shall apply to all counties that have elected to operate under the provisions of sections 141.210 to 141.810 by adoption of a resolution or order of the county commission of such county.

2. Alternatively, any county may, by adoption of a resolution or order of the county commission of such county, elect to operate under the provisions of sections 141.210 to 141.810 as a partial opt-in county. After adoption of any such resolution or order, the collector for such county may elect to operate under the provisions of sections 141.210 to 141.810 for any parcel [or parcels for which there is an unpaid tax bill for a period of at least two years after the date on which it became delinquent].

3. No county eligible to establish a land bank agency under subsection 1 of section 140.981 shall elect to operate as a partial opt-in county unless having first elected to establish a land bank agency as provided in subsection 1 of section 140.981.

4. Any county commission so adopting such resolution or order shall file a certified copy thereof within ten days after the adoption of said resolution or order with the clerk of the county commission and with the collector of revenue for such county, and with the mayor and city collector or chief financial officer of each municipality in such county, as defined by section 141.220.

5. After the adoption of such resolution or order by such county commission, each municipality shall cooperate with such county under the provisions of sections 141.210 to 141.810. Any such county which shall, in the manner provided herein, have elected to come within the provisions of sections 141.210 to 141.810, in whole or in part, by adoption of such resolution, order or ordinance, may, after a period of one year from the effective date of such

resolution, order or ordinance, adopt by similar means a resolution, order or ordinance, rescinding the election to adopt the provisions of the land tax collection law and certified copies of such resolution, order or ordinance shall be filed in the same manner as said original resolution, order or ordinance; provided, that such resolution, order or ordinance rescinding or nullifying the election to adopt the provisions of sections 141.210 to 141.810 shall not become effective for one year thereafter nor shall it invalidate or in any way affect any proceedings in rem for foreclosure which may have been instituted under the provisions of sections 141.210 to 141.810, but all such actions and proceedings so instituted while the provisions of said sections were in full force and effect shall be prosecuted to their conclusion and completion; provided further, that any county which may have operated under sections 141.210 to 141.810 prior to the enactment of this section may hereafter elect to terminate any further operation under sections 141.210 to 141.810 by proceeding in manner and form and to the same effect as though it had originally elected to operate under the provisions of sections 141.210 to 141.810.

6. Any municipality located partly within a county electing to operate in whole or in part under the provisions of sections 141.210 to 141.810 shall cooperate with such county under the provisions of sections 141.210 to 141.810; provided, however, that tax bills imposed against real estate located in that part of such municipality outside of the limits of any such county shall be collected under other provisions as may be provided by law.

141.250. 1. The respective liens of the tax bills for general taxes of the state of Missouri, the county, any municipality, and any school district, for the same tax

year, shall be equal and first liens upon the real estate described in the respective tax bills thereof; provided, however, that the liens of such tax bills for the latest year for which tax bills are unpaid shall take priority over the liens of tax bills levied and assessed for less recent years, and the lien of such tax bills shall rate in priority in the order of the years for which the tax bills are delinquent, the lien of the tax bill longest delinquent being junior in priority to the lien of the tax bill for the next most recent tax year.

2. All tax bills for other than general taxes shall constitute liens junior to the liens for general taxes upon the real estate described therein; provided, however, that a tax bill for other than general taxes, of the more recent issue shall likewise be senior to any such tax bill of less recent date.

3. The proceeds derived from the sale of any lands encumbered with a tax lien or liens shall be distributed to the owners of such liens in the order of the seniority of the liens. Those holding liens of equal rank shall share in direct proportion to the amounts of their respective liens.

141.270. 1. On or before the fifth day of January in each year, all taxing authorities and any other tax bill owner shall file a list with the collector [a list] on a form approved by the collector of all parcels of real estate affected by tax liens held and owned by such taxing authority or person which have been delinquent for two years or more. Such list shall also include all delinquent tax bills for any and all years.

2. The taxing authority or person filing such list shall pay to the collector a filing fee of one dollar and fifty cents for each parcel of real estate described

therein, which fee shall be charged against each parcel and collected and accounted for by the collector as other costs.

3. No school district nor any other taxing authority whose taxes are required by law to be collected by the collector shall file any list nor pay the filing fee herein provided.

4. If the taxes of any taxing authority are two or more years delinquent, the other taxing authorities and other tax bill owners shall include in the said list all tax liens against the said parcel, even though the taxes are not two years delinquent.

141.290. 1. The collector shall compile lists of all state, county, school, and other tax bills collectible by the collector that are delinquent according to the collector's records, and the collector shall combine such lists with the list filed by any taxing authority or tax bill owner.

2. For partial opt-in counties, the collector shall decide which tax delinquent parcels shall proceed according to the provisions contained [herein] in this chapter. The remaining parcels shall proceed under such other provisions as may be provided by law.

3. The collector shall assign a serial number to each parcel of real estate in each list and if suit has been filed in the circuit court of the county on any delinquent tax bill included in any list, the collector shall give the court docket number of such suit and some appropriate designation of the place where such suit is pending, and such pending suit so listed in any petition filed pursuant to the provisions of sections 141.210 to 141.810 and sections 141.980 to 141.1015 shall, without further procedure or court order, be deemed to be consolidated with the suit brought under sections 141.210 to 141.810 and

sections 141.980 to 141.1015, and such pending suit shall thereupon be abated.

4. The collector shall deliver such combined lists to the delinquent land tax attorney from time to time but not later than April first of each year.

5. The delinquent land tax attorney shall incorporate such lists in petitions in the form prescribed in section 141.410, and shall file such petitions with the circuit clerk not later than June first of each year.

141.300. 1. The collector shall receipt for the aggregate amount of such delinquent tax bills appearing on the list or lists filed with the collector under the provisions of section 141.290, which receipt shall be held by the owner or holder of the tax bills or by the treasurer or other corresponding financial officer of the taxing authority [so] filing such list with the collector.

2. The collector shall, on or before the fifth day of each month, file with the owner or holder of any tax bill or with the treasurer or other corresponding financial officer of any taxing authority, a detailed statement, verified by affidavit, of all taxes collected by the collector during the preceding month which appear on the list or lists received by the collector, and shall, on or before the fifteenth day of the month, pay the same, less the collector's commissions and costs payable to the county, to the tax bill owner or holder or to the treasurer or other corresponding financial officer of any taxing authority; provided, however, that the collector shall be given credit for the full amount of any tax bill where title to the real estate described in such tax bill is taken by a land trust, or which is bid on by a land bank agency and where title to the real estate described in such tax bill is taken by such land bank agency pursuant to a deemed sale under subsection

3 of section 141.560, or which is included in the bid of a land bank agency and where title to the real estate described in such tax bill is taken by such land bank agency pursuant to a sale under subdivision (2) of subsection 2 of section 141.550.

141.320. 1. The collector shall, at the collector's option, appoint a delinquent land tax attorney, to be compensated as necessary for the performance of the collector's duties under this chapter, or in counties having a county counselor, the collector shall, at the collector's option, designate the county counselor and such of the counselor's assistants as shall appear necessary to act as the delinquent land tax attorney.

2. A delinquent land tax attorney who is not the county counselor, with the approval of the collector, may appoint one or more assistant delinquent land tax attorneys and such clerical employees as may be necessary, to be compensated as necessary for the performance of duties under this chapter; and the appointed delinquent tax attorney may incur such reasonable expenses as are necessary for the performance of the attorney's duties.

3. The delinquent land tax attorney and the attorney's assistants shall perform legal services for the collector and shall act as attorney for the collector in the prosecution of all suits brought for the collection of land taxes; but the attorney and the collector shall not perform legal services for the land trust or any land bank agency.

4. Salaries and expenses of a delinquent land tax attorney who is not also the county counselor, the attorney's assistants, and the attorney's employees shall be paid monthly out of the treasury of the county from the same funds as employees of the collector whenever the funds

provided for by sections 141.150, 141.270, and 141.620 are not sufficient for such purpose.

5. The compensation herein provided shall be the total compensation for a delinquent land tax attorney who is not also a county counselor, and the attorney's assistants and employees.

6. A delinquent land tax attorney who is not also the county counselor shall make a return quarterly to the county commission of such county of all compensation received by the attorney, and of all amounts owing to the attorney by the collector, and of all salaries and expenses of any assistants and employees, stating the same in detail, and verifying such amounts by affidavit.

7. The attorney's fees shall be taxed as costs in the suit and collected as other costs.

141.330. The collector [annually] may appoint one delinquent land tax clerk in each office lawfully maintained by the collector in the county, to be compensated as necessary for the performance of the clerk's duties under this chapter.

141.360. All suits for the foreclosure of tax liens brought by the collector shall name the collector only by the title of the collector's office, and all such suits shall be brought directly against the real estate subject to the tax lien or liens to be foreclosed.

141.410. 1. A suit for the foreclosure of the tax liens herein provided for shall be instituted by filing in the appropriate office of the circuit clerk a petition[, which]. Such petition shall contain a caption, a copy of the list so furnished to the delinquent land tax attorney by the collector, and a prayer. The petition shall name each person with a legal interest in the parcel of land affected by the suit, as reasonably discoverable to the collector

from publicly available records. Such petition without further allegation shall be deemed to be sufficient.

2. The caption shall be in the following form:

In the Circuit Court of _____ County, Missouri,

In the Matter of

Foreclosure of Liens for Delinquent Land Taxes

By Action in Rem.

Collector of Revenue of _____ County, Missouri,

Plaintiff

-vs.-

Parcels of Land Encumbered with Delinquent Tax Liens

Defendants

3. The petition shall contain at least the following information:

- (1) The identity of the petitioner and the name and address of the collector;
- (2) The parcel's common street address;
- (3) A full legal description for the parcel;
- (4) The tax identification number of the parcel;
- (5) The period of tax delinquency; and
- (6) The principal amount of delinquent taxes, together with interest, penalties, and fees.

4. The petition shall conclude with a prayer that all tax liens upon such real estate be foreclosed; that the court determine the amounts and priorities of all tax bills, together with interest, penalties, costs, and attorney's fees; that the court order such real estate to be sold by the sheriff at public sale as provided by sections 141.210

to 141.810 and sections 141.980 to 141.1015 and that thereafter a report of such sale be made by the sheriff to the court for further proceedings under sections 141.210 to 141.810 and sections 141.980 to 141.1015.

5. The delinquent land tax attorney within ten days after the filing of any such petition shall forward by United States registered mail to each person or taxing authority having filed a list of delinquent tax bills with the collector as provided by sections 141.210 to 141.810 and sections 141.980 to 141.1015 a notice of the time and place of the filing of such petition and of the newspaper in which the notice of publication has been or will be published.

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

141.440. 1. Within thirty days after the filing of such petition, the collector shall [also] cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, [within thirty days after the filing of such petition,] a notice of the petition, to the persons named in the petition as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal

authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk at least thirty days before judgment is entered by the court on the petition an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of suit that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

2. The collector shall prepare and send, by first-class mail, a copy of the petition within thirty days after the filing of such a petition to the occupant of such parcel or property.

141.500. 1. After the trial of the issues, the court shall, as promptly as circumstances permit, render judgment. If the court finds that no tax bill upon the land collectible by the collector or the relator was delinquent when the suit was instituted or tried, then the judgment of the court shall be that the cause be dismissed as to the parcels of real estate described in the tax bill[; or,]. If

the evidence warrant, the judgment may be for the principal amount of the delinquent tax bills upon the real estate upon which suit was brought, together with interest, penalties, attorney's and appraiser's fees and costs computed as of the date of the judgment. The judgment may recite the amount of each tax bill, the date when it began to bear interest, and the rate of such interest, together with the rate and amount of penalties, attorney's and appraiser's fees not to exceed fifteen dollars. It may decree that the lien upon the parcels of real estate described in the tax bill be foreclosed and such real estate sold by the sheriff, and the cause shall be continued for further proceedings, as herein provided.

2. The collector shall cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, within thirty days after the rendering of such judgment, a brief notice of such judgment and the availability of a written redemption contract pursuant to section 141.530 to the persons named in the judgment as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in such judgment were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of such persons upon the records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the

refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of judgment that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

3. The collector shall prepare and send to the occupant of such parcel or property, by first-class mail, a copy of the judgment of foreclosure within thirty days after the date of such judgment.

141.520. 1. After the judgment of foreclosure has been entered, or, after a motion for a new trial has been overruled, or, if an appeal be taken from such judgment and the judgment has been affirmed, after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, there shall be a waiting period of six months before any advertisement of sheriff's sale shall be published.

2. If any such parcel of real estate [be] is not redeemed, or if no written contract providing for redemption

[be] is made within six months after the date of the judgment of foreclosure, if no motion for rehearing [be] is filed, and, if filed, within six months after such motion may have been overruled, or, if an appeal [be] is taken from such judgment and the judgment [be] is affirmed, within six months after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, the sheriff shall commence to advertise the real estate described in the judgment and shall fix the date of sale within thirty days after the date of the first publication of the notice of sheriff's sale as herein provided, and shall at such sale proceed to sell the real estate.

3. Any provisions of this chapter to the contrary notwithstanding, the owner of any parcel of real property against which a judgment has been rendered shall not have the right to redeem such property from said judgment if at the time of judgment such property is assessed as residential property and the judgment finds the property has been vacant for a period of not less than six months prior to the judgment. After a judgment as provided for in this section becomes final, the waiting period shall not apply to such judgment and a sale under execution of the judgment shall be immediately held as provided under the applicable provisions of this chapter.

4. In partial opt-in counties, no later than one hundred twenty days prior to the sheriff's sale, the collector shall obtain from a licensed title company or attorney a title search that includes all conveyances, liens, and charges against the real estate involved in the suit for any parcel of real estate against which the collector has obtained a judgment under section 141.500 and

for which it has been decreed that the lien upon the parcel of real estate described in the tax bill be foreclosed and such real estate sold by the sheriff. The charge of such title search may be recovered from the proceeds of the sale under section 141.580.

5. After obtaining or conducting a title search, the collector shall initiate a search of the following records to identify and locate interested parties and addresses reasonably calculated to apprise interested parties of the suit:

- (1) Land title records in the office of the county recorder of deeds;
- (2) Tax records in the office of the local treasurer;
- (3) Tax records in the office of the local assessor;
- (4) A search of court records in Missouri CaseNet; and
- (5) For a business entity, records filed with the secretary of state.

The collector may also incur reasonable costs for web-based investigatory searches to supplement the search for interested parties and addresses. The reasonable cost of locating interested parties and addresses for notice may be recovered from the proceeds of the sale under section 141.580.

6. No later than thirty days prior to the sheriff's sale, the collector shall send notice of the sale to all interested parties at the address most likely to apprise interested parties of the sale. The notice shall provide the date, time, and place of the sale and shall also state that the parcel may be redeemed prior to the sale as specified in sections 141.420 and 141.530. The notice required by this subsection shall be mailed first class, postage prepaid. The cost of notice under this subsection

may be recovered from the proceeds of the sale under section 141.580.

7. No later than twenty days prior to the sheriff's sale, the sheriff shall enter upon the parcel subject to foreclosure of these tax liens and post a written informational notice in a conspicuous location, attached to a structure, and intended to be visible by the nearest public right-of-way. This notice shall describe the parcel and advise that it is the subject of delinquent land tax collection proceedings brought under sections 141.210 to 141.810 and sections 141.980 to 141.1015 and that it may be sold for the payment of delinquent taxes at a sale to be held at a certain time, date, and place and shall also contain the tax identification number and the phone number and address of the collector as well as a prohibition against removal unless the parcel has been redeemed. The notice shall be not less than eight inches by ten inches and shall be laminated or otherwise sufficiently weatherproof to withstand normal exposure to rain, snow, and other conditions. The sheriff shall document, by time-stamped photograph, compliance with this section, make such documentation generally available upon request, and provide verification by affidavit of compliance with this section. The cost of notice under this subsection may be recovered from the proceeds of the sale under section 141.580.

8. In addition to the other notice requirements of this section, no later than twenty days prior to the sheriff's sale, the sheriff shall attempt in-person notice that shall describe the parcel and advise that it is the subject of delinquent land tax collection proceedings brought under sections 141.210 to 141.810 and sections 141.980 to 141.1015; that shall state that it may be sold for the payment of delinquent taxes at a sale to be held at

a certain time, date, and place; and that shall also contain the tax identification number and the phone number and address of the collector. In-person notice may be provided to any person found at the parcel. The sheriff shall note the date and time of attempted notice and the name, description, or other identifying information regarding the person to whom notice was attempted. The sheriff shall document compliance with this section, make such documentation generally available upon request, and provide verification by affidavit of compliance with this section. The cost of notice under this subsection may be recovered from the proceeds of the sale under section 141.580.

141.535. 1. If a parcel is the subject of an action filed under sections 447.620 to 447.640, the court shall stay the sale of any tax parcel to be sold under execution of a tax foreclosure judgment obtained under this chapter, provided that the party which has brought such an action has paid into the circuit court the principal amount of all [land] delinquent taxes then due and owing under the tax foreclosure judgment, exclusive of penalties, interest, attorney fees, and court costs, prior to the date of any proposed sale under execution. The party bringing such action shall provide written notice of the filing of the action to the court administrator and file with the circuit court in which the action is pending a certificate that such notice has been provided to the court administrator. If the party that brought the action under sections 447.620 to 447.640 dismisses its action prior to gaining temporary possession of the property, it shall recover any amounts paid into the circuit court under this subsection.

2. In any order granting a sheriff's deed under section 447.625 or a judicial deed under section 447.640, the court shall also order the permanent extinguishment of

liability against the grantee and the grantee's successors in interest for penalties, interest, attorney fees, and court costs arising from actions to collect delinquent land taxes due on the subject property. The funds paid into the court for land taxes under subsection 1 of this section shall then be paid to the county collector.

3. If an owner of such a property moves the court for restoration of possession of the subject property under section 447.638, the owner shall pay into the circuit court all land tax amounts currently due and owing on the property, including all statutory penalties, interest, attorney fees, and court costs retroactive to the date of accrual, and in the event that an owner of the tax parcel regains possession under section 447.638, funds deposited by the owner under this subsection shall be paid to the county collector, and funds paid into the court by a party under subsection 1 of this section shall be paid out in full to the payer.

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell the respective parcels of real estate ordered sold by the sheriff pursuant to any judgment of foreclosure by any court pursuant to sections 141.210 to 141.810 and 141.980 to 141.1015 at any of such courthouses[, but]. The sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form:

NOTICE OF SHERIFF'S

SALE UNDER JUDGMENT OF
FORECLOSURE OF LIENS FOR
DELINQUENT LAND TAXES

No. _____

In the Circuit Court of _____ County,
Missouri.

In the Matter of Foreclosure of Liens for
Delinquent Land Taxes

Collector of Revenue of _____ County,
Missouri, Plaintiff,

vs.

Parcels of Land encumbered with Delinquent Tax
Liens, Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I _____,
Sheriff of _____ County, Missouri, will sell
such real estate, parcel by parcel, at public
auction, to the highest bidder, for cash,
between the hours of nine o'clock A.M. and
five o'clock P.M., at the _____ front door of
the _____ County Courthouse in _____,
Missouri, on _____, the _____ day of _____,
20_____, and continuing from day to day
thereafter, to satisfy the judgment as to each
respective parcel of real estate sold. If no
acceptable bids are received as to any parcel
of real estate, said parcel shall be sold to
the Land Trust of _____ (insert name of
County), Missouri or Land Bank of the City of
_____ (insert name of municipality),
Missouri.

Any bid received shall be subject to
confirmation by the court.

Sheriff of _____
County, Missouri

Delinquent Land Tax
Attorney

Address: _____

First Publication _____, 20_____

3. Such advertisement shall be published four times,
once a week, upon the same day of each week during
successive weeks prior to the date of such sale, in a daily
newspaper of general circulation regularly published in the
county, qualified according to law for the publication of
public notices and advertisements.

141.550. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution, except as otherwise provided in sections 141.210 to 141.810 and sections 141.980 to 141.1015, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale pursuant to this section:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold. For partial opt-in counties, the sale shall be held on the fourth Monday in August of each year between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The parcel shall be sold to the highest bidder, provided that the highest bid is equal to or greater than the full amount of all tax bills due and owing on the parcel, which may differ from the judgment amount; plus interest; penalties; attorney's fees and costs; and a nonreimbursable, two-hundred-dollar bidder fee. Such bidder fee shall be paid to the land trust or land bank agency for the municipality or county in which the parcel is situated. The bid amount shall not include any amounts for debts owed to any sewer district then due thereon;

(3) No person shall be eligible to bid at the time of the sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of

the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection officials of the county. The official charged with conducting the sale may require prospective bidders to submit an affidavit attesting to the requirements of this subdivision and is expressly authorized to permanently preclude any prospective bidder from participating in the sale for failure to comply with the provisions of this subdivision; and

(4) No foreign or domestic corporation or limited liability company that has failed to appoint or maintain a registered agent under chapter 347 or 351 shall be eligible to bid at the time of the sale. No foreign corporate entity shall be eligible to bid at the time of the sale unless it has a certificate of authority to transact business in Missouri under section 351.572. The official charged with conducting the sale may require prospective bidders to submit an affidavit attesting to the requirements of this subdivision and is expressly authorized to permanently preclude any prospective bidder from participating in the sale for failure to comply with the provisions of this subdivision.

3. The following provisions shall apply to any sale under this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand inhabitants and fewer than nine hundred thousand inhabitants:

(1) No person shall be eligible to bid at the time of the sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of

the official charged by law with conducting the sale that the person is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate code enforcement officials of the municipality; and

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any taxing authority or land bank agency shall be eligible to bid at the sale without making the demonstration described in subdivision (1) of this subsection.

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

5. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and sections 141.980 to 141.1015 and shall be allowed credit therefor in the collector's accounts with the county. The collector shall give credit in such accounts for all such advances recovered by the collector. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

141.560. 1. If, when the sheriff offers the respective parcels of real estate for sale, there [be] are no bidders for any parcel, or there [be] is insufficient time or opportunity to sell all of the parcels of real

estate so advertised, the sheriff shall adjourn such sale from day to day at the same place and commencing at the same hour as when first offered and shall announce that such real estate will be offered or reoffered for sale at such time and place.

2. With respect to any parcel of real estate not located wholly within a county or municipality that has established a land bank agency under section 140.981 or 141.980, in the event no bid equal to the full amount of all tax bills due and owing on the parcel, which may differ from the judgment amount; plus interest; penalties; attorney's fees and costs; and a nonreimbursable, two-hundred-dollar bidder fee that shall be received at such sale after any parcel of real estate has been offered for sale on three different days, which need not be successive, the land trust shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due, and if no other bid be then received by the sheriff in excess of the bid of the land trust, and the sheriff shall so announce at the sale, then the bid of the land trust shall be announced as accepted. The sheriff shall report any such bid or bids so made by the land trust in the same way as the sheriff's report of other bids is made. Upon confirmation by the court of such bid at such sale by such land trust, the collector shall mark the tax bills so bid by the land trust as "cancelled by sale to the land trust" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on the collector's books and in the collector's statements with any other taxing authorities.

3. With respect to any parcel of real estate located wholly within a county or municipality that has established

a land bank agency under section 140.981 or 141.980, in the event no bid equal to the full amount of all tax bills due and owing on the parcel, which may differ from the judgment amount; plus interest; penalties; attorney's fees and costs; and a nonreimbursable, two-hundred-dollar bidder fee that shall be received at such sale after such parcel of real estate has been offered for sale on three different days, which need not be successive, the land bank agency established under section 140.981 or 141.980 shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due, and the sheriff shall so announce at the sale, then the bid of the land bank agency shall be announced as accepted. The sheriff shall report any such bid or bids so made by such land bank agency in the same way as the sheriff's report of other bids is made. Upon confirmation by the court of such bid at such sale by such land bank agency, the collector shall mark the tax bills so bid by such land bank agency as "cancelled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on the collector's books and in the collector's statements with any other taxing authorities.

141.570. The title to any real estate which shall vest in any purchaser[,] upon confirmation of such sale by the court, or in any land bank agency or land trust, shall be an absolute estate in fee simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid, and subject to any lien thereon of the United States of America, if any, and all persons and interested parties, including the state of Missouri, any taxing authority or tax district, as defined herein, judgment creditors, lienholders, infants, incapacitated and disabled persons as

defined in chapter 475, and nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands, shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, and the court shall order immediate possession of such real estate be given to such purchaser; provided, however, that such title shall also be subject to the liens of any tax bills which may have attached after the sheriff's sale, but if such parcel of real estate is deemed sold to the land trust pursuant to subsection 2 of section 141.560, or deemed sold to a land bank agency pursuant to subsection 3 of section 141.560, or sold to a land bank agency pursuant to subdivision (2) of subsection 2 of section 141.550, the title thereto shall be free of any such liens to the extent of the interest of any taxing authority in such real estate; provided further, that the lien of special tax bills shall attach to the proceeds of the sheriff's sale, if any, or shall otherwise be forever barred and foreclosed.

141.580. 1. Within six months after the sheriff sells any parcel of real estate, the court shall, upon its own motion or upon motion of any interested party, set the cause [down] for hearing to confirm or set aside the foreclosure sale thereof, even though such parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. Notice of the hearing, or of the court moving to confirm the foreclosure sale, shall be sent by any interested party to each person who was sent notice of the sale and to any interested parties as required by prevailing notions of due process. At the time of such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the value of the property offered on behalf of any interested party to the suit, and shall forthwith

determine whether an adequate consideration has been paid for each such parcel. The court's judgment shall include a specific finding that adequate notice was provided to all interested parties under prevailing notions of due process and sections 141.210 to 141.810 and sections 141.980 to 141.1015, reciting the notice efforts of the collector, sheriff, and tax sale purchaser. Nothing in this section shall be interpreted to preclude a successful tax sale purchaser from asserting a claim to quiet title to the bid-upon parcel under section 527.150.

2. For this purpose the court shall have power to summon any city or county official or any private person to testify as to the reasonable value of the property, and if the court finds that adequate consideration has been paid, the court shall confirm the sale and order the sheriff to issue a deed to the purchaser. If the court finds that the consideration paid is inadequate, the court shall confirm the sale if the purchaser increases the purchaser's bid to such amount as the court deems to be adequate and makes such additional payment, or if all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon are not paid in full by one or more interested parties to the suit. If the court finds that the consideration is inadequate, but the purchaser declines to increase the purchaser's bid to such amount as the court deems adequate and make such additional payment, then the sale shall be disapproved if all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon are paid in full by one or more interested parties to the suit, the lien of the judgment continued, and such parcel of real estate shall be again advertised and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's

foreclosure sale. Unless the court requires evidence of the value of the property conveyed to land trust or a land bank agency, none shall be required, and the amount bid by the land trust or such land bank agency shall be deemed adequate consideration.

3. If the sale is confirmed, the court shall order the proceeds ~~[of]~~ from the sale applied in the following order:

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

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

(3) To the payment of all tax bills adjudged to be due in the order of their priority, including principal, interest and penalties thereon, except in the event of a sale to any land bank agency, for which this subdivision shall not apply.

If, after such payment, there is any sum remaining of the proceeds of the sheriff's foreclosure sale, the court shall thereupon try and determine the other issues in the suit in accordance with section 141.480. If any answering parties have specially appealed as provided in section 141.570, the court shall retain the custody of such funds pending disposition of such appeal, and upon disposition of such appeal shall make such distribution. If there are not sufficient proceeds of the sale to pay all claims in any class described, the court shall order the same to be paid pro rata in accordance with the priorities.

4. If there are any funds remaining of the proceeds after the sheriff's sale and after the distribution of such funds as herein set out and no person entitled to any such funds, whether or not a party to the suit, shall, within two

years after such sale, appear and claim the funds, the funds shall be distributed to the appropriate taxing authorities, except in partial opt-in counties, where the funds shall be distributed to the school fund for the county.

5. Any county operating under the provisions of sections 141.210 to 141.810 and sections 141.980 to 141.1015 may elect to allocate a portion of its share of the proceeds toward a fund for the purpose of defending against claims challenging the sufficiency of notice provisions under this section.

6. Any interested party, other than the sheriff's sale purchaser, who moves the court to set aside a sheriff's sale after the issuance of a sheriff's deed made under the provisions of sections 141.210 to 141.810 and sections 141.980 to 141.1015 shall be required to pay into the court the redemption amount otherwise necessary under sections 141.420 and 141.530 prior to the court hearing any such motion to set aside.

141.610. Each court administrator's or sheriff's deed given pursuant to the provisions of the land tax collection law shall be prima facie evidence that the suit and all proceedings therein and all proceedings prior thereto from and, including assessment of the lands affected thereby and all notices required by law were regular and in accordance with all provisions of the law relating thereto. The court administrator or sheriff shall record its deed and shall collect said recording fee at the time of sale.

141.620. 1. In addition to all amounts due on any tax bill, including principal, interest, penalties, attorney's fees, and costs, as now fixed by law, there shall be imposed and charged as a part of the costs on each such tax bill a suit penalty of five percent of the principal amount of the

tax bill to be due to the collector upon the filing of the petition with the circuit clerk.

2. The collector shall set up a separate fund in the collector's accounts to which the collector shall credit such five percent suit penalties when paid, together with all other penalties and costs recovered under this action, and shall retain such portion thereof as may be needed for the purpose of paying the expenses and costs required to be advanced under sections 141.210 to 141.810, including compensation to the delinquent land tax attorney, the attorney's assistants, and stenographic and clerical help, and funds for the costs of publication, notices, for court costs, sheriff's expenses and other costs hereunder, and shall transfer the remainder of such funds annually, on January first of each year, to the land trust for the use and expenses of the land trust. Where no land trust exists, the collector shall retain the remainder of such funds.

141.680. 1. Except for partial opt-in counties, the remedies and procedures set forth in sections 141.210 to 141.810 shall be the exclusive remedies and procedures available for the collection of delinquent and back land taxes in a county **[electing]** that elect to come under or **[which]** that has come under their authority. Sections 141.210 to 141.810 shall not be affected nor infringed upon by any other laws or parts of law in conflict herewith.

2. Any taxing authority or owner of any tax bill is hereby prohibited from advertising for sale or selling any parcel of real estate for the collection of delinquent land taxes due thereon, except after judgment of a court having jurisdiction ordering such advertising or sale, when such parcel is at such time included in any petition filed pursuant to the provisions of this law.

3. At the option of the taxing authority or tax bill owner, all claims for land taxes against any parcel of real estate, which has been included in any petition filed under this law, where such taxes have become due and payable after any tax list or petition thereon has been filed, may be asserted by amended petition or by answer filed before judgment, and, if allowed by the court, shall be included in the judgment against such parcel of real estate.

141.700. In all counties electing to operate under sections 141.210 to 141.810 prior to January 1, 2025, there is hereby created a commission for the management, sale, and other disposition of tax delinquent lands, which commission shall be known as "The Land Trust of _____ County, Missouri", and the members thereof shall be known as land trustees. Such land trust shall have and exercise all the powers that are conferred by sections 141.210 to 141.810 necessary and incidental to the effective management, sale or other disposition of real estate acquired under and by virtue of the foreclosure of the lien for delinquent real estate taxes, as provided in said sections, and in the exercise of such powers, the land trust shall be deemed to be a public corporation acting in a governmental capacity. Where a county has elected to establish a land bank agency under subsection 1 of section 140.981, no such land trust shall be created under sections 141.700 to 141.810.

141.819. 1. In all partial opt-in counties, prior to a confirmation by a court of a deemed bid under subsection 2 of section 141.560, a land trust shall be created for the management, sale, and other disposition of tax delinquent lands, which shall be known as "The Land Trust of _____ County, Missouri", and the board of which shall be known as land trustees. The county commission of such county shall appoint by resolution or order one or three land trustees.

The first appointed land trustee shall serve for a term of two years and the remaining land trustees shall serve for terms of three years respectively, as applicable.

Thereafter, land trustees shall be appointed by the county commission for a term of office of two years, except that all vacancies shall be filled for an unexpired term.

2. If a county elected to establish a land bank agency under subsection 1 of section 140.981, no such land trust shall be created under sections 141.700 to 141.819.

3. Such land trust, by majority vote of the land trustees, shall have the power and duty to sell, exchange, or otherwise dispose of real estate, provided, however, that any such sale, exchange, or disposal shall be for consideration equal to or in excess of two-thirds of the appraised value of such real estate so sold or conveyed, and if such consideration is less than two-thirds of the appraised value of such real estate, the land trust shall first procure a majority vote of the county commission.

4. (1) The land trust shall set up accounts relating to the operation and management of the land trust.

(2) When any parcel of real estate is sold or otherwise disposed of by the land trust, the proceeds therefrom shall be applied and distributed in the following order:

(a) To the payment of the expenses of sale;

(b) To the costs of the care, improvement, operation, acquisition, demolition, management, and administration of parcels of real estate owned by the land trust; and

(c) To the county's general fund.

5. No land trustee shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, acquisition, sale, demolition, repair,

rehabilitation, use, operation, ownership, or disposition of any lands held by such land trust.

141.980. 1. (1) Sections 141.980 to 141.1015 shall be known [and may be cited] as the "Chapter 141 Municipal Land Bank Act".

(2) Any municipality located wholly or partially within a county electing to operate wholly under the provisions of sections 141.210 to 141.810 may establish a land bank agency for the management, sale, transfer, and other disposition of interests in real estate owned by such land bank agency. Any such land bank agency created shall be created to foster the public purpose of returning land, including land that is in a nonrevenue-generating, nontax-producing status to use in private ownership or for public use. Such land bank agency shall be established by ordinance or resolution as applicable. Such land bank agency shall not own any interest in real estate that is located wholly or partially outside such establishing municipality. No municipality in a partial opt-in county is eligible to establish a land bank agency under this section.

2. The beneficiaries of the land bank agency shall be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by such land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 included in the judgment of the court, and the beneficiaries' respective interests in each parcel of real estate shall be to the extent and in the proportion and according to the priorities determined by the court on the basis that the principal amount of the beneficiaries' respective tax bills

bore to the total principal amount of all of the tax bills described in the judgment.

3. Each land bank agency created pursuant to this chapter shall be a public body corporate and politic, and shall have permanent and perpetual duration until terminated and dissolved in accordance with the provisions of section 141.1012.

141.984. 1. Within one year of the effective date of the ordinance or resolution passed establishing a land bank agency under this chapter, title to any real property held by a land trust created pursuant to section 141.700 that is located wholly within the municipality that created the land bank agency shall be transferred by deed to such land bank agency.

2. The income of a land bank agency shall be exempt from all taxation by the state and by any of its political subdivisions. Upon acquiring title to any real estate, a land bank agency shall immediately notify the county assessor and the collector of such ownership, and such real estate shall be exempt from all taxation during the land bank agency's ownership thereof, in the same manner and to the same extent as any other publicly owned real estate, and upon the sale or other disposition of any real estate held by it, such land bank agency shall immediately notify the county assessor and the collector of such change of ownership; provided however, that such tax exemption for improved and occupied real property held by such land bank agency as lessor pursuant to a ground lease shall terminate upon the first such occupancy, and such land bank agency shall immediately notify the county assessor and the collector of such occupancy.

3. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may acquire real

property or interests in property by gift, devise, transfer, exchange, foreclosure, purchase, or [pursuant to sections 141.560 to 141.580 or section 141.819. A land bank agency may only purchase real property for the purpose of adding to a parcel already owned by the land bank agency] or otherwise on terms and conditions and in a manner the land bank agency considers proper.

4. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may acquire property by purchase contracts, installment sales contracts, and land contacts, and may accept transfers from political subdivisions upon such terms and conditions as agreed to by the land bank agency and the political subdivision. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may bid on any parcel of real estate offered for sale at a sheriff's foreclosure sale held in accordance with section 141.550. Notwithstanding any other law to the contrary, but subject to the limitation set forth in subsection 1 of section 141.980, any political subdivision may transfer to the land bank agency real property and interests in real property of the political subdivision on such terms and conditions and according to such procedures as determined by the political subdivision.

5. A land bank agency shall maintain all of its real property in accordance with the laws and ordinances of the jurisdictions in which the real property is located.

6. Upon confirmation under section 141.580 of a sheriff's foreclosure sale of a parcel of real estate to a land bank agency under subdivision (2) of subsection 2 of section 141.550, said land bank agency shall pay the amount of the land bank agency's bid that exceeds the amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. Such excess

shall be applied and distributed in accordance with subsections 3 and 4 of section 141.580, exclusive of subdivision (3) of subsection 3 thereof. Upon such confirmation by the court, the collector shall mark the tax bills included in the judgment as "cancelled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on the collector's books and in the collector's statements with any other taxing authorities.

141.1009. 1. A land bank agency shall be authorized to file an action to quiet title pursuant to section 527.150 as to any real property in which the land bank agency has an interest. For purposes of any and all such actions, the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as adequate petitioner in such action.

2. Prior to the filing of an action to quiet title the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property by first class mail, addressed to "Occupant";

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the municipality in which the property is located; and

(5) Such other methods as the court may order or as may be required by prevailing notions of due process.

3. As part of the petition to quiet title the land bank agency shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

4. The court shall schedule a hearing on the petition within ninety days following filing of the petition, and as to all matters upon which an answer was not filed by an interested party the court shall issue its final judgment within one hundred twenty days of the filing of the petition.

5. A land bank agency shall be authorized to join in a single petition to quiet title one or more parcels of real property.

141.1020. Notwithstanding any provision of sections 141.980 to 141.1020 to the contrary, a land bank agency may rent or lease property held by the land bank agency for community, noncommercial, and agricultural uses.

249.255. 1. Should a public sewer district created and organized pursuant to constitutional or statutory authority place a lien upon a customer's property for unpaid sewer charges, the lien, once properly recorded, shall have priority above all liens except for those taxes levied for state and county purposes.

2. Should the sewer charges of a public sewer district created and organized pursuant to constitutional or statutory authority remain unpaid for a period in excess of three months, the district, after notice to the customer by certified mail, shall have the authority at its discretion, to disconnect the customer's sewer line from the district's line or request any private water company, public water supply district, or any municipality supplying water to the premises to discontinue service to the customer until such

time as the sewer charges and all related costs of this section are paid.