

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1001

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

4375S.20P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 82.1025, 137.016, 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, 249.255, and 347.048, RSMo, and to enact in lieu thereof fifty-five new sections relating to real estate, with penalty provisions and a severability clause.

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

Section A. Sections 82.1025, 137.016, 140.010, 140.190,
2 140.250, 140.420, 140.980, 140.981, 140.982, 140.983, 140.984,
3 140.985, 140.986, 140.987, 140.988, 140.991, 140.994, 140.995,
4 140.1000, 140.1009, 140.1012, 141.220, 141.230, 141.250,
5 141.270, 141.290, 141.300, 141.320, 141.330, 141.360, 141.410,
6 141.440, 141.500, 141.520, 141.535, 141.540, 141.550, 141.560,
7 141.570, 141.580, 141.610, 141.620, 141.680, 141.700, 141.819,
8 141.980, 141.984, 141.1009, 141.1020, 249.255, and 347.048,
9 RSMo, are repealed and fifty-five new sections enacted in lieu
10 thereof, to be known as sections 82.1025, 137.016, 140.010,
11 140.190, 140.250, 140.420, 140.980, 140.981, 140.982, 140.983,

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

12 140.984, 140.985, 140.986, 140.987, 140.988, 140.991, 140.994,
13 140.995, 140.1000, 140.1009, 140.1012, 141.220, 141.230,
14 141.250, 141.270, 141.290, 141.300, 141.320, 141.330, 141.360,
15 141.410, 141.440, 141.500, 141.520, 141.535, 141.540, 141.550,
16 141.560, 141.570, 141.580, 141.610, 141.620, 141.680, 141.700,
17 141.819, 141.980, 141.984, 141.1009, 141.1020, 249.255,
18 262.975, 347.048, 407.3600, 442.703, and 442.920, to read as
19 follows:

82.1025. 1. Sections 82.1025, 82.1027 and 82.1030
2 apply to a nuisance located within the boundaries of:

3 (1) Any city not within a county;

4 (2) Any home rule city with at least three hundred
5 fifty thousand inhabitants which is located in more than one
6 county;

7 (3) Any home rule city with more than one hundred
8 sixty thousand but fewer than two hundred thousand
9 inhabitants; [or]

10 (4) Any home rule city with more than seventy-one
11 thousand but fewer than seventy-nine thousand inhabitants; or

12 **(5) Any city with more than one hundred five thousand**
13 **but fewer than one hundred twenty-five thousand inhabitants.**

14 2. Any property owner who owns property within one
15 thousand two hundred feet of a parcel of property that is
16 alleged to be a nuisance may bring a nuisance action under
17 this section against the offending property owner for the
18 amount of damage created by such nuisance to the value of
19 the petitioner's property, including diminution in value of
20 the petitioner's property, and court costs.

21 3. An action for injunctive relief to abate a nuisance
22 may be brought under this section by:

23 (1) Anyone who owns property within one thousand two
24 hundred feet to a property which is alleged to be a
25 nuisance; or

26 (2) A neighborhood organization, as defined in section
27 82.1027, on behalf of any person or persons who own property
28 within the boundaries of the neighborhood or neighborhoods
29 described in the articles of incorporation or bylaws of the
30 neighborhood organization and who could maintain a nuisance
31 action under this section or under the common law of private
32 nuisance, or on its own behalf with respect to a nuisance on
33 property anywhere within the boundaries of the neighborhood
34 or neighborhoods.

35 4. An action shall not be brought under this section
36 until sixty days after the party who brings the action has
37 mailed notice of intent to bring an action under this
38 section, postage prepaid, to:

39 (1) The tenant, if any, or to "occupant" if the
40 identity of the tenant cannot be reasonably ascertained, at
41 the property's address; and

42 (2) The property owner of record at the last known
43 address of the property owner on file with the county or
44 city, or, if the property owner is a corporation or other
45 type of limited liability company, to the property owner's
46 registered agent at the agent's address of record;

47 that a nuisance exists and that legal action may be taken
48 against the owner of the property if the nuisance is not
49 eliminated within sixty days after the date on the mailed
50 notice. If the notice is returned unclaimed or refused,
51 designated by the post office to be undeliverable, or signed
52 for by a person other than the addressee, then adequate and
53 sufficient notice shall be provided by posting a copy of the

54 notice on the property where the nuisance allegedly is
55 occurring. A sworn affidavit by the person who mailed or
56 posted the notice describing the date and manner that notice
57 was given shall be sufficient evidence to establish that the
58 notice was given. The notice shall specify:

- 59 (a) The act or condition that constitutes the nuisance;
- 60 (b) The date the nuisance was first discovered;
- 61 (c) The address of the property and location on the
62 property where the act or condition that constitutes the
63 nuisance is allegedly occurring or exists; and
- 64 (d) The relief sought in the action.

65 5. A copy of a notice of citation issued by the city
66 or county that shows the date the citation was issued shall
67 be prima facie evidence of whether and for how long the
68 property has been in violation of the code or ordinance
69 provisions described in the citation.

70 6. A proceeding under this section shall:

- 71 (1) Be heard at the earliest practicable date; and
- 72 (2) Be expedited in every way.

73 7. When a property owner or neighborhood organization
74 brings an action under this section for injunctive relief to
75 abate a nuisance, a prima facie case for injunctive relief
76 shall be made upon proof that a nuisance exists on the
77 property. An action for injunctive relief to abate a
78 nuisance shall be heard by the court without a jury and
79 shall not require proof that the party bringing the action
80 has sustained damage or loss as a result of the nuisance.

81 8. When a property owner or neighborhood organization
82 bringing the action prevails in such action, such property
83 owner or organization may be entitled to an award for
84 attorneys' fees and expenses, based on the amount of time
85 reasonably expended, as ordered by the court, which award

86 for attorneys' fees and expenses shall be entered as a
87 judgment against the owner of the property on which the act
88 or condition constituting the nuisance occurred or was
89 located.

90 **9. In addition to any other penalties or costs**
91 **associated with the abatement of a nuisance that are imposed**
92 **pursuant to sections 82.1025 to 82.1031, any person or**
93 **entity that is not a resident of this state and who is an**
94 **owner of property found to have a code or ordinance**
95 **violation shall be subject to a civil fine of two thousand**
96 **dollars per violation. Any property found to have a code or**
97 **ordinance violation and that is structurally unsafe or poses**
98 **a threat to persons or other property shall have such**
99 **nuisance abated within one year of the code or ordinance**
100 **violation. Any such property that is not abated within one**
101 **year, and any property with unpaid civil fines within two**
102 **years of the imposition of the fine shall be subject to sale**
103 **by the taxing jurisdiction in which the property is**
104 **located. The property shall be sold in an amount that will**
105 **satisfy the costs incurred for abating the property as well**
106 **as any outstanding civil fines. Such sale shall coincide**
107 **with the sale of delinquent properties under chapters 140**
108 **and 141.**

137.016. 1. As used in Section 4(b) of Article X of
2 the Missouri Constitution, the following terms mean:

3 (1) "Residential property" [,]:

4 (a) All real property improved by a structure which is
5 used or intended to be used for residential living by human
6 occupants [,];

7 (b) Vacant land in connection with an airport [,];

8 (c) Land used as a golf course [,];

9 (d) Manufactured home parks [,];

10 **(e)** Bed and breakfast inns in which the owner resides
11 and uses as a primary residence with six or fewer rooms for
12 rent[, and];

13 **(f)** Time-share units as defined in section 407.600,
14 except to the extent such units are actually rented and
15 subject to sales tax under subdivision (6) of subsection 1
16 of section 144.020[, but]; and

17 **(g)** Any single family home owned by an individual or
18 business that is leased for a term of less than thirty
19 consecutive days, in whole or in part, subject to sales tax
20 under subdivision (6) of subsection 1 of section 144.020,
21 provided that the provisions of this paragraph may not apply
22 to such properties in excess of fifteen such properties
23 owned by the same individual or business. For the purposes
24 of this paragraph, the term "business" shall mean a sole
25 proprietor, partnership, or limited liability company. For
26 the purposes of this paragraph for determining the number of
27 single family homes leased for a term of less than thirty
28 consecutive days, in whole or in part, subject to sales tax
29 under subdivision (6) of subsection 1 of section 144.020
30 owned by an individual or business, all single family homes
31 that are such properties owned by the individual or
32 business, or which an individual or business is a part,
33 shall be counted. The provisions of this paragraph shall
34 not be construed to authorize the classification of any real
35 property owned by a corporation as residential property;

36 Residential property shall not include other similar
37 facilities used primarily for transient housing. For the
38 purposes of this section, "transient housing" means all
39 rooms available for rent or lease for which the receipts
40 from the rent or lease of such rooms are subject to state

41 sales tax pursuant to subdivision (6) of subsection 1 of
42 section 144.020; **the leasing of a single family home, in**
43 **whole or in part, for a term of less than thirty consecutive**
44 **days does not, in itself, constitute "transient housing";**

45 (2) "Agricultural and horticultural property", all
46 real property used for agricultural purposes and devoted
47 primarily to the raising and harvesting of crops; to the
48 feeding, breeding and management of livestock which shall
49 include breeding, showing, and boarding of horses; to
50 dairying, or to any other combination thereof; and buildings
51 and structures customarily associated with farming,
52 agricultural, and horticultural uses. Agricultural and
53 horticultural property shall also include land devoted to
54 and qualifying for payments or other compensation under a
55 soil conservation or agricultural assistance program under
56 an agreement with an agency of the federal government.
57 Agricultural and horticultural property shall further
58 include any reliever airport. Real property classified as
59 forest croplands shall not be agricultural or horticultural
60 property so long as it is classified as forest croplands and
61 shall be taxed in accordance with the laws enacted to
62 implement Section 7 of Article X of the Missouri
63 Constitution. Agricultural and horticultural property shall
64 also include any sawmill or planing mill defined in the U.S.
65 Department of Labor's Standard Industrial Classification
66 (SIC) Manual under Industry Group 242 with the SIC number
67 2421. Agricultural and horticultural property shall also
68 include urban and community gardens. For the purposes of
69 this section, "urban and community gardens" shall include
70 real property cultivated by residents of a neighborhood or
71 community for the purposes of providing agricultural
72 products, as defined in section 262.900, for the use of

73 residents of the neighborhood or community, and shall not
74 include a garden intended for individual or personal use;

75 (3) "Utility, industrial, commercial, railroad and
76 other real property", all real property used directly or
77 indirectly for any commercial, mining, industrial,
78 manufacturing, trade, professional, business, or similar
79 purpose, including all property centrally assessed by the
80 state tax commission but shall not include floating docks,
81 portions of which are separately owned and the remainder of
82 which is designated for common ownership and in which no one
83 person or business entity owns more than five individual
84 units. All other real property not included in the property
85 listed in subclasses (1) and (2) of Section 4(b) of Article
86 X of the Missouri Constitution, as such property is defined
87 in this section, shall be deemed to be included in the term
88 "utility, industrial, commercial, railroad and other real
89 property".

90 2. Pursuant to Article X of the state Constitution,
91 any taxing district may adjust its operating levy to recoup
92 any loss of property tax revenue, except revenues from the
93 surtax imposed pursuant to Article X, Subsection 2 of
94 Section 6 of the Constitution, as the result of changing the
95 classification of structures intended to be used for
96 residential living by human occupants which contain five or
97 more dwelling units if such adjustment of the levy does not
98 exceed the highest tax rate in effect subsequent to the 1980
99 tax year. For purposes of this section, loss in revenue
100 shall include the difference between the revenue that would
101 have been collected on such property under its
102 classification prior to enactment of this section and the
103 amount to be collected under its classification under this
104 section. The county assessor of each county or city not

105 within a county shall provide information to each taxing
106 district within its boundaries regarding the difference in
107 assessed valuation of such property as the result of such
108 change in classification.

109 3. All reclassification of property as the result of
110 changing the classification of structures intended to be
111 used for residential living by human occupants which contain
112 five or more dwelling units shall apply to assessments made
113 after December 31, 1994.

114 4. Where real property is used or held for use for
115 more than one purpose and such uses result in different
116 classifications, the county assessor shall allocate to each
117 classification the percentage of the true value in money of
118 the property devoted to each use; except that, where
119 agricultural and horticultural property, as defined in this
120 section, also contains a dwelling unit or units, the farm
121 dwelling, appurtenant residential-related structures and up
122 to five acres immediately surrounding such farm dwelling
123 shall be residential property, as defined in this section,
124 provided that the portion of property used or held for use
125 as an urban and community garden shall not be residential
126 property. This subsection shall not apply to any reliever
127 airport.

128 5. All real property which is vacant, unused, or held
129 for future use; which is used for a private club, a not-for-
130 profit or other nonexempt lodge, club, business, trade,
131 service organization, or similar entity; or for which a
132 determination as to its classification cannot be made under
133 the definitions set out in subsection 1 of this section,
134 shall be classified according to its immediate most suitable
135 economic use, which use shall be determined after
136 consideration of:

- 137 (1) Immediate prior use, if any, of such property;
138 (2) Location of such property;
139 (3) Zoning classification of such property; except
140 that, such zoning classification shall not be considered
141 conclusive if, upon consideration of all factors, it is
142 determined that such zoning classification does not reflect
143 the immediate most suitable economic use of the property;
144 (4) Other legal restrictions on the use of such
145 property;
146 (5) Availability of water, electricity, gas, sewers,
147 street lighting, and other public services for such property;
148 (6) Size of such property;
149 (7) Access of such property to public thoroughfares;
150 and
151 (8) Any other factors relevant to a determination of
152 the immediate most suitable economic use of such property.

153 6. All lands classified as forest croplands shall not,
154 for taxation purposes, be classified as subclass (1),
155 subclass (2), or subclass (3) real property, as such classes
156 are prescribed in Section 4(b) of Article X of the Missouri
157 Constitution and defined in this section, but shall be taxed
158 in accordance with the laws enacted to implement Section 7
159 of Article X of the Missouri Constitution.

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

9 in any manner affects the lien of the state on the
10 delinquent real estate for the taxes unpaid thereon.

11 2. Alternatively, any county may, by adoption of a
12 resolution or order of the county commission of such county,
13 elect to operate under the provisions of sections 141.210 to
14 141.810 for any parcel [for which there is an unpaid tax
15 bill for a period of at least two years after the date on
16 which it became delinquent]. Any county electing to operate
17 as such shall be called a "partial opt-in county". No
18 county eligible to establish a land bank agency under
19 subsection 1 of section 140.981 shall elect to operate as a
20 partial opt-in county unless the county first elects to
21 establish a land bank agency as provided in subsection 1 of
22 section 140.981. In accordance with section 141.290, after
23 the adoption of such resolution or order by a county
24 commission, the collector of the county shall decide which
25 tax delinquent parcels shall proceed according to the
26 provisions of sections 141.210 to 141.810. Such parcels
27 shall be exempt from the provisions of sections 140.030 to
28 140.722. The collector shall remove such parcels from any
29 list of parcels advertised for first, second, third, or post-
30 third sales.

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

7 2. (1) The person or land bank agency offering at
8 said sale to pay the required sum for a tract shall be
9 considered the purchaser of such land; provided, no sale
10 shall be made to any person or designated agent who:

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

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

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

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

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

26 (2) No bid shall be received from any person not a
27 resident of the state of Missouri or a foreign corporation
28 or entity all deemed nonresidents. A nonresident shall file
29 with said collector an agreement in writing consenting to
30 the jurisdiction of the circuit court of the county in which
31 such sale shall be made, and also filing with such collector
32 an appointment of some citizen of said county as agent of
33 said nonresident, and consenting that service of process on
34 such agent shall give such court jurisdiction to try and
35 determine any suit growing out of or connected with such
36 sale for taxes. After the delinquent auction sale, any
37 certificate of purchase shall be issued to the agent. After
38 meeting the requirements of section 140.405, the property
39 shall be conveyed to the agent on behalf of the nonresident,
40 and the agent shall thereafter convey the property to the
41 nonresident. A collector may preclude a prospective bidder

42 from participating in a sale for failure to comply with any
43 of the provisions of this section.

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

53 4. No person residing in any home rule city with more
54 than seventy-one thousand but fewer than seventy-nine
55 thousand inhabitants shall be eligible to offer to purchase
56 lands under this section unless such person has, no later
57 than ten days before the sale date, demonstrated to the
58 satisfaction of the official charged by law with conducting
59 the sale that the person is not the owner of any parcel of
60 real property that has two or more violations of the
61 municipality's building or housing codes. A prospective
62 bidder may make such a demonstration by presenting
63 statements from the appropriate collection and code
64 enforcement officials of the municipality. This subsection
65 shall not apply to any taxing authority or land bank agency,
66 and entities shall be eligible to bid at any sale conducted
67 under this section without making such a demonstration.

140.250. 1. Whenever any lands have been or shall
2 hereafter be offered for sale for delinquent taxes,
3 interest, penalty, and costs by the collector of the proper
4 county for any two successive years and no person shall have
5 bid therefor a sum equal to the delinquent taxes thereon,
6 interest, penalty and costs provided by law, then such

7 county collector shall at the next regular tax sale of lands
8 for delinquent taxes sell same to the highest bidder, except
9 the highest bid shall not be less than the sum equal to the
10 delinquent taxes, interest, penalties, and costs, and there
11 shall be a ninety-day period of redemption from such sales
12 as specified in section 140.405.

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

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

21 4. A purchaser at any sale subsequent to the third
22 offering of any land or lots, whether by the collector or a
23 trustee as provided in section 140.260, shall be entitled to
24 the immediate issuance and delivery of a collector's deed
25 and there shall be no period of redemption from such post-
26 third year sales; provided, however, before any purchaser at
27 a sale to which this section is applicable shall be entitled
28 to a collector's deed it shall be the duty of the collector
29 to demand, and the purchaser to pay, in addition to the
30 purchaser's bid, all taxes due and unpaid on such lands or
31 lots that become due and payable on such lands or lots
32 subsequent to the date of the taxes included in such
33 advertisement and sale. The collector's deed or trustee's
34 deed shall have priority over all other liens or
35 encumbrances on the property sold except for real property
36 taxes.

37 5. A purchaser at any sale subsequent to the third
38 offering of any land or lots, whether by the collector or a

39 trustee as provided in section 140.260, may elect to proceed
40 under subsection 1 of this section and subsection 6 of
41 section 140.405 by giving notice to the collector prior to
42 the issuance of a collector's deed.

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

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

7 (1) The collector of the county in which the sale of
8 such lands took place shall execute to the purchaser or the
9 purchaser's heirs or assigns, in the name of the state, a
10 conveyance of the real estate so sold, which shall vest in
11 the grantee an absolute estate in fee simple, subject,
12 however, to all claims thereon for unpaid taxes except such
13 unpaid taxes, existing at time of the purchase of said lands
14 and the lien for which taxes was inferior to the lien for
15 taxes for which said tract or lot of land was sold; and

16 (2) The state of Missouri or any person, taxing
17 authority, tax district, judgment creditor, or lienholder
18 that had a right, title, interest, claim, or equity of
19 redemption on or to the lands or that had a lien upon the

20 lands shall be barred and forever foreclosed of such
21 unclaimed right, title, interest, claim, or equity of
22 redemption in or to the lands and of any lien upon the lands.

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

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

5 (1) "Land bank agency", an agency established by a
6 county or municipality under the authority of section
7 140.981;

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

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

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

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

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

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

140.981. 1. Any county with more than one million
2 inhabitants may establish a land bank agency for the
3 management, sale, transfer, and other disposition of

4 interests in real estate owned by such land bank agency.
5 Any such county may establish a land bank agency by
6 ordinance, resolution, or rule, as applicable. Such
7 ordinance, resolution, or rule shall specify the name of the
8 land bank agency. No county in which a land bank agency has
9 been established under the provisions of sections 141.980 to
10 141.1015 shall elect to establish a land bank agency under
11 this section.

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

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

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

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

140.982. 1. If a county establishes a land bank
2 agency under subsection 1 of section 140.981, the members of
3 the first board of directors of a land bank agency shall be
4 appointed within ninety days after the effective date of the
5 ordinance, resolution, or rule passed establishing such land

6 bank agency. [If any appointing authority fails to make any
7 appointment of a board member within the time the first
8 appointments are required, the appointment shall be made by
9 the county council. The following requirements shall apply
10 to the board of directors:

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

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

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

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

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

27 (e) Two of whom shall be resident representatives.
28 Resident representatives shall be appointed by a majority
29 vote of the other board members, and each resident
30 representative shall maintain a primary residence within one
31 of the twenty municipalities containing the highest
32 percentage of tax delinquent parcels;] **The county council**

33 **may, as part of such ordinance, resolution, or rule, provide**
34 **for the qualifications for members of the board of**
35 **directors. The board of directors of the land bank agency**
36 **shall consist of seven members appointed by the county**
37 **executive pursuant to the authority vested in that office by**

38 **the county charter. The following requirements shall apply**
39 **to the board of directors:**

40 [(2)] (1) The term of office of a member shall be four
41 years. Each member's primary residence shall be in the
42 county that has established the land bank agency. Each
43 member serves at the pleasure of the member's appointing
44 authority, may be an employee of the appointing authority,
45 and shall serve without compensation;

46 [(3)] (2) No public officer shall be eligible to serve
47 as a board member. For purposes of this subdivision,
48 "public officer" means a person who is holding an elected
49 public office. Any public employee shall be eligible to
50 serve as a board member;

51 [(4)] (3) The members of the board shall select
52 annually from among themselves a chair, a vice chair, a
53 treasurer, and such other officers as the board may
54 determine and shall establish the officers' duties, as may
55 be regulated by rules adopted by the board;

56 [(5)] (4) The board shall establish rules and
57 requirements relative to the attendance and participation of
58 members in its meetings, regular or special. Such rules and
59 regulations may prescribe a procedure whereby, if any member
60 fails to comply with such rules and regulations, such member
61 may be disqualified and removed automatically from office by
62 no less than a majority vote of the remaining members of the
63 board, and that member's position shall be vacant as of the
64 first day of the next calendar month. Any person removed
65 under the provisions of this subdivision shall be ineligible
66 for reappointment to the board unless such reappointment is
67 confirmed unanimously by the board;

68 [(6)] (5) A vacancy on the board shall be filled in
69 the same manner as the original appointment[. If any

70 appointing authority fails to make any appointment of a
71 board member within sixty days after any term expires, the
72 appointment shall be made by the county council] **within**
73 **sixty days and shall be done in compliance with the county**
74 **charter;**

75 [(7)] (6) Board members shall serve without
76 compensation. The board may reimburse any member for
77 expenses actually incurred in the performance of duties on
78 behalf of the land bank agency;

79 [(8)] (7) The board shall have the power to organize
80 and reorganize the executive, administrative, clerical, and
81 other departments of the land bank agency and to fix the
82 duties, powers, and compensation of all employees, agents,
83 and consultants of the land bank agency;

84 [(9)] (8) The board shall meet in regular session
85 according to a schedule adopted by the board and also shall
86 meet in special session as convened by the chair or upon
87 written notice signed by a majority of the members. The
88 presence of a majority of total membership, excluding
89 vacancies, shall constitute a quorum;

90 [(10)] (9) All actions of the board shall be approved
91 by the affirmative vote of a majority of the members of that
92 board present and voting. However, no action of the board
93 shall be authorized on the following matters unless approved
94 by a majority of the total board membership:

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

98 (b) Hiring or firing of any employee or contractor of
99 the land bank agency. This function may, by majority vote,
100 be delegated by the board to a specified officer or

101 committee of the land bank agency under such terms and
102 conditions and to the extent that the board may specify;

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

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

106 [(11)] (10) The governing body of the county
107 establishing a land bank agency may incur debt, including,
108 without limitation, borrowing moneys and issuing bonds,
109 notes, or other obligations to provide funding for the land
110 bank agency;

111 [(12)] (11) Members of a board shall not be liable
112 personally on the bonds or other obligations of the land
113 bank agency, and the rights of creditors shall be solely
114 against such land bank agency; and

115 [(13)] (12) Vote by proxy shall not be permitted. Any
116 member may request a recorded vote on any resolution or
117 action of the land bank agency.

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

122 (1) The name of the land bank agency;

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

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

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

131 3. A land bank agency may employ a secretary, an
132 executive director, its own counsel and legal staff,

133 technical experts, and other agents and employees, permanent
134 or temporary, as it may require and may determine the
135 qualifications and fix the compensation and benefits of such
136 persons. A land bank agency may also enter into contracts
137 and agreements with political subdivisions for staffing
138 services to be provided to the land bank agency by political
139 subdivisions or agencies or departments thereof, or for a
140 land bank agency to provide such staffing services to
141 political subdivisions or agencies or departments thereof.

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

7 (1) To adopt, amend, and repeal bylaws for the
8 regulation of its affairs and the conduct of its business;

9 (2) To sue and be sued, in its own name, and plead and
10 be impleaded in all civil actions including, but not limited
11 to, actions to clear title to property of the land bank
12 agency;

13 (3) To adopt a seal and to alter the same at pleasure;

14 (4) To borrow from the political subdivision
15 establishing the land bank agency, as may be necessary for
16 the operation and work of the land bank agency;

17 (5) To procure insurance or guarantees from political
18 subdivisions, the state, the federal government, or any
19 other public or private sources of the payment of any bond,
20 note, loan, or other obligation, or portion thereof,
21 incurred by the land bank agency and to pay any fees or
22 premiums in connection therewith;

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

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

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

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

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

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

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

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

51 (12) To design, develop for public use, construct,
52 demolish, reconstruct, rehabilitate, renovate, relocate,
53 equip, furnish, and otherwise improve real property or

54 rights or interests in real property held by the land bank
55 agency;

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

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

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

140.984. 1. The income of a land bank agency shall be
2 exempt from all taxation by the state and by any of its
3 political subdivisions. Upon acquiring title to any real
4 estate, a land bank agency shall immediately notify the
5 county assessor and the county collector of such ownership;
6 all taxes, special taxes, fines, and fees on such real
7 estate shall be deemed satisfied by transfer to the land
8 bank agency; and such property shall be exempt from all
9 taxation during the land bank agency's ownership thereof, in
10 the same manner and to the same extent as any other publicly
11 owned real estate. Upon the sale or other disposition of
12 any real estate held by it, the land bank agency shall

13 immediately notify the county assessor and the county
14 collector of such change of ownership. However, that such
15 tax exemption for improved and occupied real property held
16 by the land bank agency as a lessor pursuant to a ground
17 lease shall terminate upon the first occupancy[, and]. The
18 land bank agency shall immediately notify the county
19 assessor and the county collector of such occupancy.

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

26 3. A land bank agency may acquire property by purchase
27 contracts, lease purchase agreements, installment sales
28 contracts, and land contracts and may accept transfers from
29 political subdivisions upon such terms and conditions as
30 agreed to by the land bank agency and the political
31 subdivision. A land bank agency may bid on any parcel of
32 real estate offered for sale, offered at a foreclosure sale
33 under sections 140.220 to 140.250, offered at a sale
34 conducted under section 140.190, 140.240, or 140.250, or
35 offered at a foreclosure sale under section 141.550.
36 Notwithstanding any other law to the contrary, any political
37 subdivision may transfer to the land bank agency real
38 property and interests in real property of the political
39 subdivision on such terms and conditions and according to
40 such procedures as determined by the political subdivision.
41 4. A land bank agency shall maintain all of its real
42 property in accordance with the laws and ordinances of the
43 jurisdictions in which the real property is located.

44 5. Upon issuance of a deed to a parcel of real estate
45 to a land bank agency under subsection 4 of section 140.250,
46 subsection 5 of section 140.405, other sale conducted under
47 section 140.190, 140.240, or 140.250, or section 141.550,
48 the land bank agency shall pay only the amount of the land
49 bank agency's bid that exceeds the amount of all tax bills
50 included in the judgment, interest, penalties, attorney's
51 fees, taxes, and costs then due thereon. If the real estate
52 is acquired in a delinquent land tax auction under
53 subsection 4 of section 140.250, subsection 5 of section
54 140.405, or other sale conducted under section 140.190,
55 140.240, or 140.250, such excess shall be applied and
56 distributed in accordance with section 140.230. If the real
57 estate is acquired in a delinquent land tax auction under
58 section 141.550, such excess shall be applied and
59 distributed in accordance with subsections 3 and 4 of
60 section 141.580, exclusive of subdivision (3) of subsection
61 3 of section 141.580. Upon issuance of a deed, the county
62 collector shall mark the tax bills included in the judgment
63 as "cancelled by sale to the land bank" and shall take
64 credit for the full amount of such tax bills, including
65 principal amount, interest, penalties, attorney's fees, and
66 costs, on the county collector's books and in the county
67 collector's statements with any other taxing authorities.

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

71 7. Within one year of the effective date of the
72 ordinance, resolution, or rule passed establishing a
73 municipal land bank agency under subsection 2 of section
74 140.981, the title to any real property that is located
75 wholly within the municipality that created the land bank

76 agency and that is held by a land trust created under
77 subsection 1 of section 141.819 shall be transferred by deed
78 from the land trust to such land bank agency, at the land
79 bank agency's request.

140.985. 1. A land bank agency shall hold in its own
2 name all real property acquired by such land bank agency,
3 irrespective of the identity of the transferor of such
4 property.

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

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

23 3. The land bank agency shall determine and set forth
24 in policies and procedures the general terms and conditions
25 for consideration to be received by the land bank agency for
26 the transfer of real property and interests in real
27 property. Consideration may take the form of monetary
28 payments and secured financial obligations, covenants, and

29 conditions related to the present and future use of the
30 property; contractual commitments of the transferee; and
31 such other forms of consideration as the land bank agency
32 determines to be in the best interest of the land bank
33 agency.

34 4. A land bank agency may convey, exchange, sell,
35 transfer, grant, release and demise, pledge, and hypothecate
36 any and all interests in, upon, or to property of the land
37 bank agency. A land bank agency may gift any interest in,
38 upon, or to property to the county or municipality that
39 established the land bank agency.

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

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

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

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

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

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

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

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

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

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

140.986. 1. No later than five years from the date it
2 acquired the property, a land bank agency shall either sell,

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

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

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

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

10 2. No foreign or domestic corporation or limited
11 liability company that has failed to appoint or maintain a
12 registered agent under chapter 347 or 351 shall be eligible
13 to buy property from the land bank agency. No foreign
14 corporate entity shall be eligible to buy property from the

15 land bank agency unless it has a certificate of authority to
16 transact business in Missouri under section 351.572.

17 3. As a condition of the sale or other authorized
18 conveyance of ownership of any parcel of land owned by the
19 land bank agency to a private owner, such owner may be
20 required to enter into a contract, which may be secured by a
21 deed of trust in favor of the land bank agency, stipulating
22 that such owner or the owner's successor agrees that such
23 owner or the owner's successor make certain improvements to
24 the parcel. If the land bank agency finds by resolution
25 that the terms of the contract have not been satisfied, the
26 land bank agency shall be authorized to bring suit to
27 recover damages for the breach and to seek a judicial
28 foreclosure of the parcel under sections 443.190 to 443.260,
29 except that upon final judgment of the court, title shall
30 revert to the land bank agency without necessity of sale.
31 As an alternative to, or in addition to, seeking a judicial
32 foreclosure, the land bank agency may, only by gift, assign
33 or convey its right to foreclose under sections 443.190 to
34 443.260 to any 501(c)(3) tax-exempt nonprofit organization
35 or exercise the right of reentry under chapter 524, 527, or
36 534. The land bank agency or its assignee shall assume
37 title to the land by filing a copy of the judgment with the
38 recorder of deeds in the county where the property is
39 located. Any property redeemed by the land bank agency
40 under the provisions of this section shall be administered
41 in the same manner as other property sold to the land bank
42 agency.

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

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

11 2. Except as otherwise provided in subsection 7 of
12 section 140.985, a land bank agency may receive and retain
13 payments for services rendered, for consideration for
14 disposition of real and personal property, for proceeds of
15 insurance coverage for losses incurred, for income from
16 investments, and for any other asset and activity lawfully
17 permitted to a land bank agency under the chapter 140 land
18 bank act.

19 3. If a land bank agency sells or otherwise disposes
20 of a parcel of real estate held by it, any land taxes
21 assessed against such parcel for the three tax years
22 following such sale or disposition by such land bank agency
23 that are collected by the county collector in a calendar
24 year and not refunded, less the fees provided under section
25 52.260 and subsection 4 of this section and less the amounts
26 to be deducted under section 137.720, shall be distributed
27 by the county collector to such land bank agency no later
28 than March first of the following calendar year, provided
29 that land taxes impounded under section 139.031 or otherwise
30 paid under protest shall not be subject to distribution
31 under this subsection. Any amount required to be
32 distributed to a land bank agency under this subsection
33 shall be subject to offset for amounts previously
34 distributed to such land bank agency that were assessed,
35 collected, or distributed in error.

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

41 5. If a county has established a land bank agency
42 under subsection 1 of section 140.981, the collector may
43 collect on behalf of the county a fee for the collection of
44 delinquent and back taxes of up to five percent on all sums
45 collected to be added to the face of the tax bill and
46 collected from the party paying the tax. All fees collected
47 under the provisions of this subsection shall be paid to the
48 land bank agency established under subsection 1 of section
49 140.981.

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

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

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

12 2. Bonds issued pursuant to this section shall not be
13 deemed to be an indebtedness within the meaning of any
14 constitutional or statutory limitation upon the incurring of
15 indebtedness. The bonds shall not constitute a debt,
16 liability, or obligation of the state or a pledge of the
17 full faith and credit or the taxing power of the state and
18 the bonds shall contain a recital to that effect. Neither
19 the members of the board nor any person executing the bonds
20 shall be liable personally on the bonds by reason of the
21 issuance thereof.

22 3. Bonds issued pursuant to this section shall be
23 authorized by resolution of the governing body of the county
24 or municipality establishing the land bank agency, shall be
25 issued in such form, shall be in such denominations, shall
26 bear interest at such rate or rates, shall mature on such
27 dates and in such manner, shall be subject to redemption at
28 such times and on such terms, and shall be executed by one
29 or more members of the governing body of the county or
30 municipality establishing the land bank agency, as provided
31 in the resolution authorizing the issuance thereof or as set
32 out in the indenture or other financing document authorized

33 and approved by such resolution. The governing body of the
34 county or municipality establishing the land bank agency may
35 sell such bonds in such manner, either at public or at
36 private sale, and for such price as the governing body of
37 the county or municipality establishing the land bank agency
38 may determine to be in the best interests of the land bank
39 agency.

40 4. A governing body of the county or municipality
41 establishing the land bank agency may from time to time, as
42 authorized by resolution of the governing body, issue
43 refunding bonds for the purpose of refunding, extending, and
44 unifying all or any part of its valid outstanding bonds.
45 Such refunding bonds may be payable from any of the sources
46 identified in subsection 1 of this section and from the
47 investment of any of the proceeds of the refunding bonds.

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

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

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

140.995. Notwithstanding any provision of sections
2 140.980 to 140.995 to the contrary, a land bank agency may
3 rent or lease property held by the land bank agency for **any**
4 community, noncommercial, **or** agricultural uses.

140.1000. 1. No board member or employee of a land
2 bank agency shall receive any compensation, emolument, or

3 other profit directly or indirectly from the rental,
4 management, acquisition, sale, demolition, repair,
5 rehabilitation, use, operation, ownership, or disposition of
6 any [lands] **property** held by such land bank agency other
7 than the salaries, expenses, and emoluments provided for in
8 the chapter 140 land bank act.

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

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

15 4. The land bank agency may adopt supplemental rules
16 and regulations addressing potential conflicts of interest
17 and ethical guidelines for board members and land bank
18 agency employees, provided that such rules and regulations
19 are not inconsistent with this chapter or any other
20 applicable law.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 3. No land bank agency shall be dissolved while there
16 remains any outstanding bonds, notes, or other obligations
17 of the land bank agency unless such bonds, notes, or other
18 obligations are paid or defeased pursuant to the resolution,
19 indenture, or other financing document under which such
20 bonds, notes, or other obligations were issued prior to or
21 simultaneously with such dissolution. Once all outstanding
22 bonds, notes, or other obligations are satisfied, no new
23 property shall be purchased by, gifted to, traded to, or
24 exchanged with the land bank agency. No further debts or
25 other obligations shall be incurred other than that which is
26 necessary to sell or put to public use any remaining
27 property held by the land bank agency. The land bank agency
28 shall be dissolved within thirty days after all outstanding
29 bonds, notes, or other obligations are satisfied.

30 4. Upon dissolution of a land bank agency pursuant to
31 this section, all real property, personal property, and
32 other assets of the land bank agency shall be transferred by

33 appropriate written instrument to and shall become the
34 assets of the county or municipality that established the
35 land bank agency. Such county or municipality shall act
36 expeditiously to return such real property to the tax rolls
37 and shall market and sell such real property using an open,
38 public method that ensures the best possible prices are
39 realized while ensuring such real property is returned to a
40 suitable, productive use for the betterment of the
41 neighborhood in which such real property is located. Upon
42 the sale or other disposition of any such property by such
43 county or municipality, the proceeds therefrom shall be
44 applied and distributed in the following order:

- 45 (1) To the payment of the expenses of sale;
- 46 (2) To the reasonable costs incurred by such county or
47 municipality in maintaining and marketing such property; and
- 48 (3) The balance shall be paid to the respective taxing
49 authorities that, at the time of the distribution, are
50 taxing the real property from which the proceeds are being
51 distributed.

141.220. The following words, terms and definitions,
2 when used in sections 141.210 to 141.810 and sections
3 141.980 to 141.1015, shall have the meanings ascribed to
4 them in this section, except where the text clearly
5 indicates a different meaning:

- 6 (1) "Ancillary parcel" shall mean a parcel of real
7 estate acquired by a land bank agency other than:
 - 8 (a) Pursuant to a deemed sale under subsection 3 of
9 section 141.560;
 - 10 (b) By deed from a land trust under subsection 1 of
11 section 141.984; or
 - 12 (c) Pursuant to a sale under subdivision (2) of
13 subsection 2 of section 141.550;

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

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

20 (4) "Collector" shall mean the collector of the
21 revenue in any county affected by sections 141.210 to
22 141.810 and sections 141.980 to 141.1015;

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

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

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

30 (8) "Interested party", shall mean any person with a
31 legal interest in a parcel of land affected by sections
32 141.210 to 141.810 and sections 141.980 to 141.1015.

33 Interested party shall not include:

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

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

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

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

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

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

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

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

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

62 (15) "Reserve period taxes" shall mean land taxes
63 assessed against any parcel of real estate sold or otherwise
64 disposed of by a land bank agency for the first three tax
65 years following such sale or disposition;

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

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

75 (18) "Tax bill" as used in sections 141.210 to 141.810
76 and sections 141.980 to 141.1015 shall represent real estate

77 taxes and the lien thereof, whether general or special,
78 levied and assessed by any taxing authority;

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

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

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

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

5 2. Alternatively, any county may, by adoption of a
6 resolution or order of the county commission of such county,
7 elect to operate under the provisions of sections 141.210 to
8 141.810 as a partial opt-in county. After adoption of any
9 such resolution or order, the collector for such county may
10 elect to operate under the provisions of sections 141.210 to
11 141.810 for any parcel [or parcels for which there is an
12 unpaid tax bill for a period of at least two years after the
13 date on which it became delinquent].

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

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

26 5. After the adoption of such resolution or order by
27 such county commission, each municipality shall cooperate
28 with such county under the provisions of sections 141.210 to
29 141.810. Any such county which shall, in the manner
30 provided herein, have elected to come within the provisions
31 of sections 141.210 to 141.810, in whole or in part, by
32 adoption of such resolution, order or ordinance, may, after
33 a period of one year from the effective date of such
34 resolution, order or ordinance, adopt by similar means a
35 resolution, order or ordinance, rescinding the election to
36 adopt the provisions of the land tax collection law and
37 certified copies of such resolution, order or ordinance
38 shall be filed in the same manner as said original
39 resolution, order or ordinance; provided, that such
40 resolution, order or ordinance rescinding or nullifying the
41 election to adopt the provisions of sections 141.210 to
42 141.810 shall not become effective for one year thereafter
43 nor shall it invalidate or in any way affect any proceedings
44 in rem for foreclosure which may have been instituted under
45 the provisions of sections 141.210 to 141.810, but all such

46 actions and proceedings so instituted while the provisions
47 of said sections were in full force and effect shall be
48 prosecuted to their conclusion and completion; provided
49 further, that any county which may have operated under
50 sections 141.210 to 141.810 prior to the enactment of this
51 section may hereafter elect to terminate any further
52 operation under sections 141.210 to 141.810 by proceeding in
53 manner and form and to the same effect as though it had
54 originally elected to operate under the provisions of
55 sections 141.210 to 141.810.

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

141.250. 1. The respective liens of the tax bills for
2 general taxes of the state of Missouri, the county, any
3 municipality, and any school district, for the same tax
4 year, shall be equal and first liens upon the real estate
5 described in the respective tax bills thereof; provided,
6 however, that the liens of such tax bills for the latest
7 year for which tax bills are unpaid shall take priority over
8 the liens of tax bills levied and assessed for less recent
9 years, and the lien of such tax bills shall rate in priority
10 in the order of the years for which the tax bills are
11 delinquent, the lien of the tax bill longest delinquent
12 being junior in priority to the lien of the tax bill for the
13 next most recent tax year.

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

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

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

9 2. The taxing authority or person filing such list
10 shall pay to the collector a filing fee of one dollar and
11 fifty cents for each parcel of real estate described
12 therein, which fee shall be charged against each parcel and
13 collected and accounted for by the collector as other costs.

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

18 4. If the taxes of any taxing authority are two or
19 more years delinquent, the other taxing authorities and
20 other tax bill owners shall include in the said list all

21 tax liens against the said parcel, even though the taxes are
22 not two years delinquent.

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

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

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

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

28 5. The delinquent land tax attorney shall incorporate
29 such lists in petitions in the form prescribed in section

30 141.410, and shall file such petitions with the circuit
31 clerk not later than June first of each year.

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

8 2. The collector shall, on or before the fifth day of
9 each month, file with the owner or holder of any tax bill or
10 with the treasurer or other corresponding financial officer
11 of any taxing authority, a detailed statement, verified by
12 affidavit, of all taxes collected by the collector during
13 the preceding month which appear on the list or lists
14 received by the collector, and shall, on or before the
15 fifteenth day of the month, pay the same, less the
16 collector's commissions and costs payable to the county, to
17 the tax bill owner or holder or to the treasurer or other
18 corresponding financial officer of any taxing authority;
19 provided, however, that the collector shall be given credit
20 for the full amount of any tax bill where title to the real
21 estate described in such tax bill is taken by a land trust,
22 or which is bid on by a land bank agency and where title to
23 the real estate described in such tax bill is taken by such
24 land bank agency pursuant to a deemed sale under subsection
25 3 of section 141.560, or which is included in the bid of a
26 land bank agency and where title to the real estate
27 described in such tax bill is taken by such land bank agency
28 pursuant to a sale under subdivision (2) of subsection 2 of
29 section 141.550.

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

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

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

23 4. Salaries and expenses of a delinquent land tax
24 attorney who is not also the county counselor, the
25 attorney's assistants, and the attorney's employees shall be
26 paid monthly out of the treasury of the county from the same
27 funds as employees of the collector whenever the funds
28 provided for by sections 141.150, 141.270, and 141.620 are
29 not sufficient for such purpose.

30 5. The compensation herein provided shall be the total
31 compensation for a delinquent land tax attorney who is not

32 also a county counselor, and the attorney's assistants and
33 employees.

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

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

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

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

141.410. 1. A suit for the foreclosure of the tax
2 liens herein provided for shall be instituted by filing in
3 the appropriate office of the circuit clerk a petition[,
4 which]. **Such** petition shall contain a caption, a copy of
5 the list so furnished to the delinquent land tax attorney by
6 the collector, and a prayer. The petition shall name each
7 person with a legal interest in the parcel of land affected
8 by the suit, as reasonably discoverable to the collector
9 from publicly available records. Such petition without
10 further allegation shall be deemed to be sufficient.

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

12 In the Circuit Court of _____ County, Missouri,

13 In the Matter of

14 Foreclosure of Liens for Delinquent Land Taxes

15 By Action in Rem.

16 Collector of Revenue of _____ County, Missouri,

17 Plaintiff

18 -vs.-

19 Parcels of Land Encumbered with Delinquent Tax
20 Liens

21 Defendants

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

24 (1) The identity of the petitioner and the name and
25 address of the collector;

26 (2) The parcel's common street address;

27 (3) A full legal description for the parcel;

28 (4) The tax identification number of the parcel;

29 (5) The period of tax delinquency; and

30 (6) The principal amount of delinquent taxes, together
31 with interest, penalties, and fees.

32 4. The petition shall conclude with a prayer that all
33 tax liens upon such real estate be foreclosed; that the
34 court determine the amounts and priorities of all tax bills,
35 together with interest, penalties, costs, and attorney's
36 fees; that the court order such real estate to be sold by
37 the sheriff at public sale as provided by sections 141.210
38 to 141.810 and sections 141.980 to 141.1015 and that

39 thereafter a report of such sale be made by the sheriff to
40 the court for further proceedings under sections 141.210 to
41 141.810 and sections 141.980 to 141.1015.

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

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

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

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

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

141.500. 1. After the trial of the issues, the court
2 shall, as promptly as circumstances permit, render
3 judgment. If the court finds that no tax bill upon the land
4 collectible by the collector or the relator was delinquent
5 when the suit was instituted or tried, then the judgment of
6 the court shall be that the cause be dismissed as to the

7 parcels of real estate described in the tax bill[; or,]. If
8 the evidence warrant, the judgment may be for the principal
9 amount of the delinquent tax bills upon the real estate upon
10 which suit was brought, together with interest, penalties,
11 attorney's and appraiser's fees and costs computed as of the
12 date of the judgment. The judgment may recite the amount of
13 each tax bill, the date when it began to bear interest, and
14 the rate of such interest, together with the rate and amount
15 of penalties, attorney's and appraiser's fees not to exceed
16 fifteen dollars. It may decree that the lien upon the
17 parcels of real estate described in the tax bill be
18 foreclosed and such real estate sold by the sheriff, and the
19 cause shall be continued for further proceedings, as herein
20 provided.

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

39 If the notice is returned to the collector by the postal
40 authorities as undeliverable for reasons other than the
41 refusal by the addressee to receive and receipt for the
42 notice as shown by the return receipt, then the collector
43 shall make a search of the records maintained by the county,
44 including those kept by the recorder of deeds, to discern
45 the name and address of any person who, from such records,
46 appears as a successor to the person to whom the original
47 notice was addressed, and to cause another notice to be
48 mailed to such person. The collector shall prepare and file
49 with the circuit clerk prior to confirmation hearings an
50 affidavit reciting to the court any name, address and serial
51 number of the tract of real estate affected of any such
52 notices of judgment that are undeliverable because of an
53 addressee's refusal to receive and receipt for the same, or
54 of any notice otherwise nondeliverable by mail, or in the
55 event that any name or address does not appear on the
56 records of the collector, then of that fact. The affidavit
57 in addition to the recitals set forth above shall also state
58 reason for the nondelivery of such notice.

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

141.520. 1. After the judgment of foreclosure has
2 been entered, or, after a motion for a new trial has been
3 overruled, or, if an appeal be taken from such judgment and
4 the judgment has been affirmed, after the sheriff shall have
5 been notified by any party to the suit that such judgment
6 has been affirmed on appeal and that the mandate of the
7 appellate court is on file with the circuit clerk, there

8 shall be a waiting period of six months before any
9 advertisement of sheriff's sale shall be published.

10 2. If any such parcel of real estate [be] is not
11 redeemed, or if no written contract providing for redemption
12 [be] is made within six months after the date of the
13 judgment of foreclosure, if no motion for rehearing [be] is
14 filed, and, if filed, within six months after such motion
15 may have been overruled, or, if an appeal [be] is taken from
16 such judgment and the judgment [be] is affirmed, within six
17 months after the sheriff shall have been notified by any
18 party to the suit that such judgment has been affirmed on
19 appeal and that the mandate of the appellate court is on
20 file with the circuit clerk, the sheriff shall commence to
21 advertise the real estate described in the judgment and
22 shall fix the date of sale within thirty days after the date
23 of the first publication of the notice of sheriff's sale as
24 herein provided, and shall at such sale proceed to sell the
25 real estate.

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

38 4. In partial opt-in counties, no later than one
39 hundred twenty days prior to the sheriff's sale, the

40 collector shall obtain from a licensed title company or
41 attorney a title search that includes all conveyances,
42 liens, and charges against the real estate involved in the
43 suit for any parcel of real estate against which the
44 collector has obtained a judgment under section 141.500 and
45 for which it has been decreed that the lien upon the parcel
46 of real estate described in the tax bill be foreclosed and
47 such real estate sold by the sheriff. The charge of such
48 title search may be recovered from the proceeds of the sale
49 under section 141.580.

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

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

62 The collector may also incur reasonable costs for web-based
63 investigatory searches to supplement the search for
64 interested parties and addresses. The reasonable cost of
65 locating interested parties and addresses for notice may be
66 recovered from the proceeds of the sale under section
67 141.580.

68 6. No later than thirty days prior to the sheriff's
69 sale, the collector shall send notice of the sale to all
70 interested parties at the address most likely to apprise

71 interested parties of the sale. The notice shall provide
72 the date, time, and place of the sale and shall also state
73 that the parcel may be redeemed prior to the sale as
74 specified in sections 141.420 and 141.530. The notice
75 required by this subsection shall be mailed first class,
76 postage prepaid. The cost of notice under this subsection
77 may be recovered from the proceeds of the sale under section
78 141.580.

79 7. No later than twenty days prior to the sheriff's
80 sale, the sheriff shall enter upon the parcel subject to
81 foreclosure of these tax liens and post a written
82 informational notice in a conspicuous location, attached to
83 a structure, and intended to be visible by the nearest
84 public right-of-way. This notice shall describe the parcel
85 and advise that it is the subject of delinquent land tax
86 collection proceedings brought under sections 141.210 to
87 141.810 and sections 141.980 to 141.1015 and that it may be
88 sold for the payment of delinquent taxes at a sale to be
89 held at a certain time, date, and place and shall also
90 contain the tax identification number and the phone number
91 and address of the collector as well as a prohibition
92 against removal unless the parcel has been redeemed. The
93 notice shall be not less than eight inches by ten inches and
94 shall be laminated or otherwise sufficiently weatherproof to
95 withstand normal exposure to rain, snow, and other
96 conditions. The sheriff shall document, by time-stamped
97 photograph, compliance with this section, make such
98 documentation generally available upon request, and provide
99 verification by affidavit of compliance with this section.
100 The cost of notice under this subsection may be recovered
101 from the proceeds of the sale under section 141.580.

102 8. In addition to the other notice requirements of
103 this section, no later than twenty days prior to the
104 sheriff's sale, the sheriff shall attempt in-person notice
105 that shall describe the parcel and advise that it is the
106 subject of delinquent land tax collection proceedings
107 brought under sections 141.210 to 141.810 and sections
108 141.980 to 141.1015; that shall state that it may be sold
109 for the payment of delinquent taxes at a sale to be held at
110 a certain time, date, and place; and that shall also contain
111 the tax identification number and the phone number and
112 address of the collector. In-person notice may be provided
113 to any person found at the parcel. The sheriff shall note
114 the date and time of attempted notice and the name,
115 description, or other identifying information regarding the
116 person to whom notice was attempted. The sheriff shall
117 document compliance with this section, make such
118 documentation generally available upon request, and provide
119 verification by affidavit of compliance with this section.
120 The cost of notice under this subsection may be recovered
121 from the proceeds of the sale under section 141.580.

 141.535. 1. If a parcel is the subject of an action
2 filed under sections 447.620 to 447.640, the court shall
3 stay the sale of any tax parcel to be sold under execution
4 of a tax foreclosure judgment obtained under this chapter,
5 provided that the party which has brought such an action has
6 paid into the circuit court the principal amount of all
7 **[land] delinquent** taxes then due and owing under the tax
8 foreclosure judgment, exclusive of penalties, interest,
9 attorney fees, and court costs, prior to the date of any
10 proposed sale under execution. The party bringing such
11 action shall provide written notice of the filing of the
12 action to the court administrator and file with the circuit

13 court in which the action is pending a certificate that such
14 notice has been provided to the court administrator. If the
15 party that brought the action under sections 447.620 to
16 447.640 dismisses its action prior to gaining temporary
17 possession of the property, it shall recover any amounts
18 paid into the circuit court under this subsection.

19 2. In any order granting a sheriff's deed under
20 section 447.625 or a judicial deed under section 447.640,
21 the court shall also order the permanent extinguishment of
22 liability against the grantee and the grantee's successors
23 in interest for penalties, interest, attorney fees, and
24 court costs arising from actions to collect delinquent land
25 taxes due on the subject property. The funds paid into the
26 court for land taxes under subsection 1 of this section
27 shall then be paid to the county collector.

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

141.540. 1. In any county at a certain front door of
2 whose courthouse sales of real estate are customarily made
3 by the sheriff under execution, the sheriff shall advertise
4 for sale and sell the respective parcels of real estate
5 ordered sold by the sheriff pursuant to any judgment of

6 foreclosure by any court pursuant to sections 141.210 to
7 141.810 and 141.980 to 141.1015 at any of such courthouses[,
8 but]. The sale of such parcels of real estate shall be held
9 at the same front door as sales of real estate are
10 customarily made by the sheriff under execution.

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

14 NOTICE OF SHERIFF'S
15 SALE UNDER JUDGMENT OF
16 FORECLOSURE OF LIENS FOR
17 DELINQUENT LAND TAXES
18 No. _____
19 In the Circuit Court of _____ County,
20 Missouri.
21 In the Matter of Foreclosure of Liens for
22 Delinquent Land Taxes
23 Collector of Revenue of _____ County,
24 Missouri, Plaintiff,
25 vs.
26 Parcels of Land encumbered with Delinquent Tax
27 Liens, Defendants.

28 WHEREAS, judgment has been rendered against
29 parcels of real estate for taxes, interest,
30 penalties, attorney's fees and costs with the
31 serial numbers of each parcel of real estate,
32 the description thereof, the name of the person
33 appearing in the petition in the suit, and the
34 total amount of the judgment against each such

35 parcel for taxes, interest, penalties,
 36 attorney's fees and costs, all as set out in
 37 said judgment and described in each case,
 38 respectively, as follows: (Here set out the
 39 respective serial numbers, descriptions, names
 40 and total amounts of each judgment, next above
 41 referred to.) and,

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

46 NOW, THEREFORE,

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

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

65 _____
 66 Sheriff of _____ County,
 67 Missouri

68 _____

69 Delinquent Land Tax
70 Attorney

71 Address: _____

72 First Publication _____, 20_____

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

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

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

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

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

31 (3) No person shall be eligible to bid at the time of
32 the sale unless such person has, no later than ten days
33 before the sale date, demonstrated to the satisfaction of
34 the official charged by law with conducting the sale that he
35 or she is not the owner of any parcel of real estate in the
36 county which is affected by a tax bill which has been
37 delinquent for more than six months. A prospective bidder
38 may make such a demonstration by presenting statements from
39 the appropriate collection officials of the county. The
40 official charged with conducting the sale may require
41 prospective bidders to submit an affidavit attesting to the
42 requirements of this subdivision and is expressly authorized
43 to permanently preclude any prospective bidder from
44 participating in the sale for failure to comply with the
45 provisions of this subdivision; and

46 (4) No foreign or domestic corporation or limited
47 liability company that has failed to appoint or maintain a
48 registered agent under chapter 347 or 351 shall be eligible
49 to bid at the time of the sale. No foreign corporate entity
50 shall be eligible to bid at the time of the sale unless it
51 has a certificate of authority to transact business in

52 Missouri under section 351.572. The official charged with
53 conducting the sale may require prospective bidders to
54 submit an affidavit attesting to the requirements of this
55 subdivision and is expressly authorized to permanently
56 preclude any prospective bidder from participating in the
57 sale for failure to comply with the provisions of this
58 subdivision.

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

64 (1) No person shall be eligible to bid at the time of
65 the sale unless such person has, no later than ten days
66 before the sale date, demonstrated to the satisfaction of
67 the official charged by law with conducting the sale that
68 the person is not the owner of any parcel of real property
69 with two or more violations of the municipality's building
70 or housing codes. A prospective bidder may make such a
71 demonstration by presenting statements from the appropriate
72 code enforcement officials of the municipality; and

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

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

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

 141.560. 1. If, when the sheriff offers the
2 respective parcels of real estate for sale, there [be] are
3 no bidders for any parcel, or there [be] is insufficient
4 time or opportunity to sell all of the parcels of real
5 estate so advertised, the sheriff shall adjourn such sale
6 from day to day at the same place and commencing at the same
7 hour as when first offered and shall announce that such real
8 estate will be offered or reoffered for sale at such time
9 and place.

10 2. With respect to any parcel of real estate not
11 located wholly within a county or municipality that has
12 established a land bank agency under section 140.981 or
13 141.980, in the event no bid equal to the full amount of all
14 tax bills due and owing on the parcel, which may differ
15 from the judgment amount; plus interest; penalties;
16 attorney's fees and costs; and a nonreimbursable, two-
17 hundred-dollar bidder fee that shall be received at such
18 sale after any parcel of real estate has been offered for
19 sale on three different days, which need not be successive,
20 the land trust shall be deemed to have bid the full amount

21 of all tax bills included in the judgment, interest,
22 penalties, attorney's fees and costs then due, and if no
23 other bid be then received by the sheriff in excess of the
24 bid of the land trust, and the sheriff shall so announce at
25 the sale, then the bid of the land trust shall be announced
26 as accepted. The sheriff shall report any such bid or bids
27 so made by the land trust in the same way as the sheriff's
28 report of other bids is made. Upon confirmation by the
29 court of such bid at such sale by such land trust, the
30 collector shall mark the tax bills so bid by the land trust
31 as "cancelled by sale to the land trust" and shall take
32 credit for the full amount of such tax bills, including
33 principal amount, interest, penalties, attorney's fees, and
34 costs, on the collector's books and in the collector's
35 statements with any other taxing authorities.

36 3. With respect to any parcel of real estate located
37 wholly within a county or municipality that has established
38 a land bank agency under section 140.981 or 141.980, in the
39 event no bid equal to the full amount of all tax bills due
40 and owing on the parcel, which may differ from the judgment
41 amount; plus interest; penalties; attorney's fees and costs;
42 and a nonreimbursable, two-hundred-dollar bidder fee that
43 shall be received at such sale after such parcel of real
44 estate has been offered for sale on three different days,
45 which need not be successive, the land bank agency
46 established under section 140.981 or 141.980 shall be deemed
47 to have bid the full amount of all tax bills included in the
48 judgment, interest, penalties, attorney's fees and costs
49 then due, and the sheriff shall so announce at the sale,
50 then the bid of the land bank agency shall be announced as
51 accepted. The sheriff shall report any such bid or bids so
52 made by such land bank agency in the same way as the

53 sheriff's report of other bids is made. Upon confirmation
54 by the court of such bid at such sale by such land bank
55 agency, the collector shall mark the tax bills so bid by
56 such land bank agency as "cancelled by sale to the land
57 bank" and shall take credit for the full amount of such tax
58 bills, including principal amount, interest, penalties,
59 attorney's fees, and costs, on the collector's books and in
60 the collector's statements with any other taxing authorities.

141.570. The title to any real estate which shall vest
2 in any purchaser[,] upon confirmation of such sale by the
3 court, or in any land bank agency or land trust, shall be an
4 absolute estate in fee simple, subject to rights-of-way
5 thereon of public utilities on which tax has been otherwise
6 paid, and subject to any lien thereon of the United States
7 of America, if any, and all persons and interested parties,
8 including the state of Missouri, any taxing authority or tax
9 district, as defined herein, judgment creditors,
10 lienholders, infants, incapacitated and disabled persons as
11 defined in chapter 475, and nonresidents who may have had
12 any right, title, interest, claim, or equity of redemption
13 in or to, or lien upon, such lands, shall be barred and
14 forever foreclosed of all such right, title, interest,
15 claim, lien or equity of redemption, and the court shall
16 order immediate possession of such real estate be given to
17 such purchaser; provided, however, that such title shall
18 also be subject to the liens of any tax bills which may have
19 attached after the sheriff's sale, but if such parcel of
20 real estate is deemed sold to the land trust pursuant to
21 subsection 2 of section 141.560, or deemed sold to a land
22 bank agency pursuant to subsection 3 of section 141.560, or
23 sold to a land bank agency pursuant to subdivision (2) of
24 subsection 2 of section 141.550, the title thereto shall be

25 free of any such liens to the extent of the interest of any
26 taxing authority in such real estate; provided further, that
27 the lien of special tax bills shall attach to the proceeds
28 of the sheriff's sale, if any, or shall otherwise be forever
29 barred and foreclosed.

141.580. 1. Within six months after the sheriff sells
2 any parcel of real estate, the court shall, upon its own
3 motion or upon motion of any interested party, set the cause
4 [down] for hearing to confirm or set aside the foreclosure
5 sale thereof, even though such parcels are not all of the
6 parcels of real estate described in the notice of sheriff's
7 foreclosure sale. Notice of the hearing, or of the court
8 moving to confirm the foreclosure sale, shall be sent by any
9 interested party to each person who was sent notice of the
10 sale and to any interested parties as required by prevailing
11 notions of due process. At the time of such hearing, the
12 sheriff shall make report of the sale, and the court shall
13 hear evidence of the value of the property offered on behalf
14 of any interested party to the suit, and shall forthwith
15 determine whether an adequate consideration has been paid
16 for each such parcel. The court's judgment shall include a
17 specific finding that adequate notice was provided to all
18 interested parties under prevailing notions of due process
19 and sections 141.210 to 141.810 and sections 141.980 to
20 141.1015, reciting the notice efforts of the collector,
21 sheriff, and tax sale purchaser. Nothing in this section
22 shall be interpreted to preclude a successful tax sale
23 purchaser from asserting a claim to quiet title to the bid-
24 upon parcel under section 527.150.

25 2. For this purpose the court shall have power to
26 summon any city or county official or any private person to
27 testify as to the reasonable value of the property, and if

28 the court finds that adequate consideration has been paid,
29 the court shall confirm the sale and order the sheriff to
30 issue a deed to the purchaser. If the court finds that the
31 consideration paid is inadequate, the court shall confirm
32 the sale if the purchaser increases the purchaser's bid to
33 such amount as the court deems to be adequate and makes such
34 additional payment, or if all tax bills included in the
35 judgment, interest, penalties, attorney's fees and costs
36 then due thereon are not paid in full by one or more
37 interested parties to the suit. If the court finds that the
38 consideration is inadequate, but the purchaser declines to
39 increase the purchaser's bid to such amount as the court
40 deems adequate and make such additional payment, then the
41 sale shall be disapproved if all tax bills included in the
42 judgment, interest, penalties, attorney's fees and costs
43 then due thereon are paid in full by one or more interested
44 parties to the suit, the lien of the judgment continued, and
45 such parcel of real estate shall be again advertised and
46 offered for sale by the sheriff to the highest bidder at
47 public auction for cash at any subsequent sheriff's
48 foreclosure sale. Unless the court requires evidence of the
49 value of the property conveyed to land trust or a land bank
50 agency, none shall be required, and the amount bid by the
51 land trust or such land bank agency shall be deemed adequate
52 consideration.

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

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

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

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

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

77 4. If there are any funds remaining of the proceeds
78 after the sheriff's sale and after the distribution of such
79 funds as herein set out and no person entitled to any such
80 funds, whether or not a party to the suit, shall, within two
81 years after such sale, appear and claim the funds, the funds
82 shall be distributed to the appropriate taxing authorities,
83 except in partial opt-in counties, where the funds shall be
84 distributed to the school fund for the county.

85 5. Any county operating under the provisions of
86 sections 141.210 to 141.810 and sections 141.980 to 141.1015
87 may elect to allocate a portion of its share of the proceeds
88 toward a fund for the purpose of defending against claims

89 challenging the sufficiency of notice provisions under this
90 section.

91 6. Any interested party, other than the sheriff's sale
92 purchaser, who moves the court to set aside a sheriff's sale
93 after the issuance of a sheriff's deed made under the
94 provisions of sections 141.210 to 141.810 and sections
95 141.980 to 141.1015 shall be required to pay into the court
96 the redemption amount otherwise necessary under sections
97 141.420 and 141.530 prior to the court hearing any such
98 motion to set aside.

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

141.620. 1. In addition to all amounts due on any tax
2 bill, including principal, interest, penalties, attorney's
3 fees, and costs, as now fixed by law, there shall be imposed
4 and charged as a part of the costs on each such tax bill a
5 suit penalty of five percent of the principal amount of the
6 tax bill to be due to the collector upon the filing of the
7 petition with the circuit clerk.

8 2. The collector shall set up a separate fund in the
9 collector's accounts to which the collector shall credit
10 such five percent suit penalties when paid, together with
11 all other penalties and costs recovered under this action,
12 and shall retain such portion thereof as may be needed for
13 the purpose of paying the expenses and costs required to be

14 advanced under sections 141.210 to 141.810, including
15 compensation to the delinquent land tax attorney, the
16 attorney's assistants, and stenographic and clerical help,
17 and funds for the costs of publication, notices, for court
18 costs, sheriff's expenses and other costs hereunder, and
19 shall transfer the remainder of such funds annually, on
20 January first of each year, to the land trust for the use
21 and expenses of the land trust. Where no land trust exists,
22 the collector shall retain the remainder of such funds.

141.680. 1. Except for partial opt-in counties, the
2 remedies and procedures set forth in sections 141.210 to
3 141.810 shall be the exclusive remedies and procedures
4 available for the collection of delinquent and back land
5 taxes in a county **[electing] that elects** to come under or
6 **[which] that** has come under their authority. Sections
7 141.210 to 141.810 shall not be affected nor infringed upon
8 by any other laws or parts of law in conflict herewith.

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

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

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

141.819. 1. In all partial opt-in counties, prior to
2 a confirmation by a court of a deemed bid under subsection 2
3 of section 141.560, a **land** trust shall be created for the
4 management, sale, and other disposition of tax delinquent
5 lands, which shall be known as "The Land Trust of _____
6 County, Missouri", and the board of which shall be known as
7 land trustees. The county commission of such county shall
8 appoint by resolution or order one or three land trustees.
9 The first appointed land trustee shall serve for a term of
10 two years and the remaining land trustees shall serve for
11 terms of three years respectively, as applicable.
12 Thereafter, land trustees shall be appointed by the county
13 commission for a term of office of two years, except that
14 all vacancies shall be filled for an unexpired term.

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

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

27 4. (1) The land trust shall set up accounts relating
28 to the operation and management of the land trust.

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

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

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

37 (c) To the county's general fund.

38 5. No land trustee shall receive any compensation,
39 emolument, or other profit directly or indirectly from the
40 rental, management, acquisition, sale, demolition, repair,
41 rehabilitation, use, operation, ownership, or disposition of
42 any lands held by such land trust.

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

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

19 2. The beneficiaries of the land bank agency shall be
20 the taxing authorities that held or owned tax bills against
21 the respective parcels of real estate acquired by such land
22 bank agency pursuant to a deemed sale under subsection 3 of
23 section 141.560, by deed from a land trust under subsection
24 1 of section 141.984, or pursuant to a sale under
25 subdivision (2) of subsection 2 of section 141.550 included
26 in the judgment of the court, and the beneficiaries'
27 respective interests in each parcel of real estate shall be
28 to the extent and in the proportion and according to the
29 priorities determined by the court on the basis that the
30 principal amount of the beneficiaries' respective tax bills
31 bore to the total principal amount of all of the tax bills
32 described in the judgment.

33 3. Each land bank agency created pursuant to this
34 chapter shall be a public body corporate and politic, and
35 shall have permanent and perpetual duration until terminated

36 and dissolved in accordance with the provisions of section
37 141.1012.

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

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

25 3. Subject to the limitation set forth in subsection 1
26 of section 141.980, a land bank agency may acquire real
27 property or interests in property by gift, devise, transfer,
28 exchange, foreclosure, purchase, or [pursuant to sections
29 141.560 to 141.580 or section 141.819. A land bank agency
30 may only purchase real property for the purpose of adding to

31 a parcel already owned by the land bank agency] **otherwise on**
32 **terms and conditions and in a manner the land bank agency**
33 **considers proper.**

34 4. Subject to the limitation set forth in subsection 1
35 of section 141.980, a land bank agency may acquire property
36 by purchase contracts, installment sales contracts, and land
37 contacts, and may accept transfers from political
38 subdivisions upon such terms and conditions as agreed to by
39 the land bank agency and the political subdivision. Subject
40 to the limitation set forth in subsection 1 of section
41 141.980, a land bank agency may bid on any parcel of real
42 estate offered for sale at a sheriff's foreclosure sale held
43 in accordance with section 141.550. Notwithstanding any
44 other law to the contrary, but subject to the limitation set
45 forth in subsection 1 of section 141.980, any political
46 subdivision may transfer to the land bank agency real
47 property and interests in real property of the political
48 subdivision on such terms and conditions and according to
49 such procedures as determined by the political subdivision.

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

53 6. Upon confirmation under section 141.580 of a
54 sheriff's foreclosure sale of a parcel of real estate to a
55 land bank agency under subdivision (2) of subsection 2 of
56 section 141.550, said land bank agency shall pay the amount
57 of the land bank agency's bid that exceeds the amount of all
58 tax bills included in the judgment, interest, penalties,
59 attorney's fees and costs then due thereon. Such excess
60 shall be applied and distributed in accordance with
61 subsections 3 and 4 of section 141.580, exclusive of
62 subdivision (3) of subsection 3 thereof. Upon such

63 confirmation by the court, the collector shall mark the tax
64 bills included in the judgment as "cancelled by sale to the
65 land bank" and shall take credit for the full amount of such
66 tax bills, including principal amount, interest, penalties,
67 attorney's fees, and costs, on the collector's books and in
68 the collector's statements with any other taxing authorities.

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

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

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

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

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

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

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

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

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

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

 141.1020. Notwithstanding any provision of sections
2 141.980 to 141.1020 to the contrary, a land bank agency may
3 rent or lease property held by the land bank agency for
4 community, noncommercial, **and** agricultural uses.

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

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

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

**262.975. Notwithstanding any provision of law to the
2 contrary, for the purposes of chapter 89, helianthus annuus
3 shall not be considered an agricultural crop.**

347.048. 1. (1) Any limited liability company that
2 owns and rents or leases real property, or owns unoccupied
3 real property, located within:

4 (a) Any home rule city with a population of more than
5 four hundred thousand inhabitants which is located in more
6 than one county;

7 (b) Any home rule city with more than one hundred
8 sixteen thousand but fewer than one hundred fifty-five
9 thousand inhabitants; [or]

10 (c) Any home rule city with more than seventy-one
11 thousand but fewer than seventy-nine thousand inhabitants; or

12 **(d) Any county with more than one million inhabitants;**

13 shall file with that city's **or county's** clerk an affidavit
14 listing the name and street address of at least one natural
15 person who has management control and responsibility for the
16 real property owned and leased or rented by the limited
17 liability company, or owned by the limited liability company
18 and unoccupied.

19 (2) Within thirty days following the cessation of
20 management control and responsibility of any natural person
21 named in an affidavit described in this section, the limited
22 liability company shall file a successor affidavit listing
23 the name and street address of a natural person successor.

24 2. No limited liability company shall be charged a fee
25 for filing an affidavit or successor affidavit required
26 under this section.

27 3. If a limited liability company required by this
28 section to file an affidavit or a successor affidavit fails
29 or refuses to file such completed affidavit with the
30 appropriate clerk, any person who is adversely affected by
31 the failure or refusal, **the county**, or the home rule city
32 may petition the circuit court in the county where the
33 property is located to direct the execution and filing of
34 such document.

407.3600. 1. For purposes of this section, the
2 **following terms mean:**

3 (1) "Residential real property", real property that is
4 improved by a building or other structure that has one to
5 four dwelling units;

6 (2) "Wholesaler", a person or entity that for a fee,
7 commission, or other valuable consideration, or with the
8 intention, expectation, or upon the promise of receiving or
9 collecting a fee, commission, or other valuable
10 consideration, enters into a purchase contract for
11 residential real property either:

12 (a) As the grantee, and assigns or novates the
13 contract to another person or entity; or

14 (b) As the grantor, and, without holding legal title
15 to the real property, assigns or novates the contract to
16 another person or entity.

17 "Wholesaler" shall not include:

18 a. An individual who assigns or novates the contract
19 to another individual who is a relative within the third
20 degree of consanguinity or affinity; or

21 b. A person or entity that assigns or novates the
22 contract to a parent, affiliate, subsidiary, or affiliated
23 group under common control with the person or entity.

24 2. Not less than fourteen calendar days before
25 entering into a contract that transfers an interest in
26 residential real property, a wholesaler acting as a grantee
27 or a wholesaler's representative, if applicable, shall
28 provide to the record owner a written disclosure statement,
29 separate from the purchase contract or agreement, printed in
30 boldface type font size not less than twelve points, that
31 contains the following disclosure:

32 "Missouri law requires a wholesaler acting as
33 a grantee, before entering into a contract or
34 agreement that conveys an interest in
35 residential real property, to provide certain
36 information to the record owner in a
37 conspicuous manner printed in boldface type
38 font size not less than twelve points.
39 Failure by a wholesaler to present or complete
40 this form shall be considered an unlawful and
41 unfair practice under the Missouri
42 Merchandising Practices Act. Any person who
43 enters into an agreement that conveys an
44 interest in residential real property to a
45 wholesaler acting as a grantee without
46 receiving this disclosure has a cause of
47 action against the wholesaler. A wholesaler
48 acting as a grantee is prohibited from
49 entering into a binding contract to acquire an
50 interest in residential real property unless
51 this statement is signed and dated by the
52 record owner of the property.

53 The owner acknowledges that the person
54 presenting this document is a wholesaler, as
55 defined in section 407.3600 of the Revised
56 Statutes of Missouri, and that the owner is
57 advised to seek legal advice before entering
58 into any agreement or contract with the
59 wholesaler. A wholesaler is acting on the
60 wholesaler's own behalf and does not represent

61 the owner in this transaction. A wholesaler
 62 enters assignable contracts with owners and
 63 seeks to sell or assign the wholesaler's
 64 interest for a profit. The wholesaler may
 65 assign the wholesaler's interest in the
 66 purchase contract to a third party without the
 67 owner's consent before closing. The
 68 wholesaler may charge a fee to the third-party
 69 buyer separately for profit. The agreed
 70 purchase price between the owner and
 71 wholesaler may be below market value and is
 72 conveyed voluntarily.

73 The owner acknowledges disclosure of the
 74 information provided in this form by signing
 75 and dating below:

76 _____ (Property owner signature) ____
 77 (date)

78 _____ (Wholesaler signature) ____ (date)."

79 3. A wholesaler acting as the grantee shall not enter
 80 into a binding contract that transfers an interest in
 81 residential real property until both the wholesaler and the
 82 record owner of the property sign and date the disclosure
 83 statement required under subsection 2 of this section.

84 4. If a wholesaler acting as the grantee fails to make
 85 the disclosures pursuant to subsection 2 of this section
 86 before entering into a binding contract that transfers an
 87 interest in residential real property, the record owner of
 88 the residential real property may cancel the contract at any
 89 time prior to the close of escrow without penalty and the
 90 escrow or closing agent shall disburse any earnest money
 91 paid by the wholesaler to the record owner within thirty
 92 days after such cancellation.

93 5. Provisions of this section shall not be modified or
94 waived by any oral or written agreement. Any portion of an
95 agreement that is executed, modified, or extended after the
96 effective date of this section that modifies or waives any
97 provision of this section shall be null and void.

98 6. Any violation of this section shall be considered
99 an unlawful practice under the Missouri merchandising
100 practices act under this chapter. A party that enters into
101 an agreement without receiving the disclosures required
102 under subsection 2 of this section may bring a private
103 action against a wholesaler.

104 7. The attorney general shall have the authority to
105 enforce the provisions of this section. If the attorney
106 general finds that a violation occurred, the attorney
107 general may commence a civil action in a court of competent
108 jurisdiction. If the court finds that a violation occurred,
109 the court may grant damages, injunctive relief, attorney
110 fees, and any such other relief the court finds appropriate.

 442.703. 1. (1) This section shall be known and may
2 be cited as the "American Dream Act".

3 (2) The general assembly finds that excessive
4 institutional ownership of single-family homes contributes
5 to housing scarcity, inflates prices, and denies young
6 families access to homeownership.

7 (3) Young families are increasingly priced out of the
8 housing market, creating barriers to entry for first-time
9 homebuyers and discouraging Missourians from raising
10 families in our state.

11 (4) It is unhealthy for entire generations of young
12 people to be unable to own property. Individuals who own
13 homes have greater stability, stronger community ties, and a
14 deeper sense of civic responsibility.

15 (5) Homeownership is an integral part of the American
16 dream. In light of this fact, it is incumbent upon this
17 general assembly to preserve and protect the American way of
18 life for generations of Americans to come. This can be
19 accomplished by setting reasonable regulations pertaining to
20 the institutional ownership of residential real estate.
21 These regulations should prevent market concentration by
22 institutional investors, since such concentration undermines
23 the long-term stability of our communities.

24 2. For purposes of this section, the following terms
25 mean:

26 (1) "Commission", the Missouri housing development
27 commission, established pursuant to section 215.020;

28 (2) "Institutional buyer", any corporation,
29 partnership, limited liability company, real estate
30 investment trust, private equity firm, hedge fund, or
31 similar business entity, including any subsidiary or
32 affiliate thereof, that collectively owns more than fifty
33 single-family residential properties within the United
34 States, and is engaged in the business of acquiring such
35 properties for investment or profit through rental or
36 resale, provided that the term institutional buyer shall not
37 include any home builder; residential land developer; land
38 bank entity; investment entity or financing entity providing
39 land banking, investment, or financing to a home builder or
40 residential land developer and that is affiliated with a
41 home builder or residential land developer; not-for-profit
42 corporation; or public housing agency;

43 (3) "Investment entity", an entity that manages funds
44 pooled from twenty-five or less investors. Two or more
45 investment entities under common management shall be

46 aggregated and treated as one for purposes of this
47 definition;

48 (4) "Single-family residential property", real
49 property improved with one dwelling unit intended for
50 occupancy by one family, including detached homes, but shall
51 not include:

52 (a) Any residential structure situated on a single
53 legal lot on which multiple residential structures are
54 situated; or

55 (b) Two or more contiguous residential structures in a
56 community of twenty or more units in which residential
57 rental occupancy is allowed.

58 3. An institutional buyer shall not acquire a single-
59 family residential property in this state unless such single-
60 family residential property has been publicly listed for
61 sale for more than ninety days and is not during such time
62 subject to a binding sales agreement.

63 4. Nothing in this section shall be construed to:

64 (1) Prohibit, restrict, or interfere with any bank,
65 credit union, land bank or investor for a home builder,
66 mortgage lender, or other financial institution from
67 offering, issuing, or servicing loans or mortgages for the
68 acquisition, financing, or land banking or refinancing of
69 single-family residential property;

70 (2) Affect the rights, obligations, or activities of
71 such financial institutions under state or federal law;

72 (3) Apply to any person or entity which is not an
73 institutional buyer; or

74 (4) Apply to any entity acquiring a single-family
75 residential property built and permitted as a rental
76 community.

77 5. The commission may promulgate rules necessary to
78 implement and enforce this act, with respect to the
79 responsibilities granted to them, respectively, pursuant to
80 this section. Any rule or portion of a rule, as that term
81 is defined in section 536.010, that is created under the
82 authority delegated in this section shall become effective
83 only if it complies with and is subject to all of the
84 provisions of chapter 536 and, if applicable, section
85 536.028. This section and chapter 536 are nonseverable and
86 if any of the powers vested with the general assembly
87 pursuant to chapter 536 to review, to delay the effective
88 date, or to disapprove and annul a rule are subsequently
89 held unconstitutional, then the grant of rulemaking
90 authority and any rule proposed or adopted after August 28,
91 2026, shall be invalid and void.

 442.920. 1. This section shall be known and may be
2 cited as the "Missouri Residential Sale Leaseback Protection
3 Act".

4 2. For purposes of this section, the following terms
5 mean:

6 (1) "Buyer", any person or entity that acquires an
7 ownership interest in residential real estate in a sale
8 leaseback transaction;

9 (2) "Residential real estate", real property that is
10 improved by a building or other structure that has one to
11 four dwelling units;

12 (3) "Sale leaseback", a transaction or series of
13 transactions in which a seller sells residential real estate
14 that is or was the seller's residence to another party and,
15 as a condition of the sale, or as part of the same or a
16 related transaction, enters into a lease or rental agreement
17 to remain in or re-occupy the property;

18 (4) "Seller", any natural person who transfers an
19 ownership interest in residential real estate in a sale
20 leaseback transaction.

21 3. (1) In any sale leaseback transaction, the buyer
22 shall provide the seller with the following disclosure on a
23 single page in a clear and conspicuous manner, printed in
24 boldface type:

25 If you sign a sale leaseback agreement, you
26 are entering into a contract to sell your
27 home. This means you will no longer own your
28 home.

29 You may be subject to eviction if you do not
30 follow the lease terms.

31 You may lose the right to buy back your home.

32 This may affect your credit, taxes, and legal
33 rights.

34 You are encouraged to speak with:

- 35 (1) An attorney;
- 36 (2) A real estate agent;
- 37 (3) A housing counselor;
- 38 (4) A tax advisor; and
- 39 (5) A real estate appraiser.

40 No sale leaseback can be closed for at least
41 thirty (30) days after signing an agreement.

42 Do not sign unless you fully understand the
43 terms.

44 (2) The disclosure required by subdivision (1) of this
45 subsection shall be provided to the seller not less than
46 fourteen calendar days prior to execution of any sale
47 leaseback agreement, and the disclosures shall be signed by
48 both the seller and the buyer concurrently with the
49 execution of the sale leaseback agreement.

50 (3) A copy of the signed disclosure required by
51 subdivision (1) of this subsection shall be provided to the
52 seller within five days of the execution of the sale
53 leaseback agreement.

54 4. There shall be no delivery, recording, or other
55 transfer of title from seller to buyer until thirty days
56 after the execution of any sale leaseback agreement.

57 5. (1) Any violation of the provisions of this
58 section shall be subject to a civil penalty not to exceed
59 ten thousand dollars per violation.

60 (2) The attorney general may bring an action to
61 enforce this section, including actions for injunctive
62 relief, civil penalties, and restitution.

63 (3) Any seller harmed by a violation of this section
64 may bring a civil action to recover:

- 65 (a) Actual damages;
- 66 (b) Statutory damages of ten thousand dollars, which
67 shall be in addition to any actual damages proven;
- 68 (c) Attorneys' fees and costs; and
- 69 (d) Equitable or injunctive relief.

70 6. No provision of this section shall be modified or
71 waived by any agreement. Any portion of an agreement that
72 is executed, modified, or extended after the effective date
73 of this section that modifies or waives a duty or remedy
74 under this section is void ab initio and unenforceable.

Section B. If any provision of section A of this act
2 or the application thereof to anyone or to any circumstance
3 is held invalid, the remainder of those sections and the
4 application of such provisions to others or other
5 circumstances shall not be affected thereby.

✓