

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 707

96TH GENERAL ASSEMBLY

0405L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.420, 141.430, 141.450, 141.480, 141.520, 141.540 141.560, 141.570, 141.580, 141.720, 141.770, and 141.790, RSMo, section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for senate committee substitute for house substitute for house bill no. 1238, ninetieth general assembly, second regular session, and section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof twenty-four new sections relating to land tax collection, with penalty provisions.

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

Section A. Section 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410,
2 141.420, 141.430, 141.450, 141.480, 141.520, 141.540, 141.560, 141.570, 141.580, 141.720,
3 141.770, and 141.790, RSMo, section 141.530 as enacted by senate committee substitute for
4 house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth
5 general assembly, second regular session, and section 141.530 as enacted by conference
6 committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth
7 general assembly, second regular session, section 141.550 as enacted by conference committee
8 substitute for senate committee substitute for house substitute for house bill no. 1238, ninetieth

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 general assembly, second regular session, and section 141.550 as enacted by conference
10 committee substitute for house substitute for house committee substitute for senate committee
11 substitute for senate bill no. 894, ninetieth general assembly, second regular session, are repealed
12 and twenty-four new sections enacted in lieu thereof, to be known as sections 141.210, 141.220,
13 141.250, 141.290, 141.300, 141.320, 141.410, 141.420, 141.430, 141.450, 141.480, 141.520,
14 141.530, 141.540, 141.550, 141.560, 141.570, 141.580, 141.720, 141.770, 141.790, 141.980,
15 141.981, and 141.982, to read as follows:

141.210. Sections 141.210 to [141.810] **141.982** shall be known by the short title of
2 "Land Tax Collection Law".

141.220. The following words, terms and definitions, when used in sections 141.210 to
2 141.810 **and sections 141.980 to 141.982**, shall have the meanings ascribed to them in this
3 section, except where the text clearly indicates a different meaning:

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

6 (2) "Collector" shall mean the collector of the revenue in any county affected by sections
7 141.210 to 141.810 **and sections 141.980 to 141.982**;

8 (3) "County" shall mean any county of the first class in this state having a charter form
9 of government, any county of the first class not having a charter form of government with a
10 population of at least one hundred fifty thousand but less than one hundred sixty thousand and
11 any county of the first class not having a charter form of government with a population of at least
12 eighty-two thousand but less than eighty-five thousand;

13 (4) "Court" shall mean the circuit court of any county affected by sections 141.210 to
14 141.810 **and sections 141.980 to 141.982**;

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

17 (6) **"Land bank agency", an agency created under section 141.980;**

18 (7) **"Land bank commission", a commission created under section 141.980;**

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

21 [(7)] (9) "Land trustees" and "land trust" shall mean the land trustees and land trust as
22 the same are created by and described in section 141.700;

23 [(8)] (10) "Municipality" shall include any incorporated city or town, or a part thereof,
24 located in whole or in part within a county of class one, which municipality now has or which
25 may hereafter contain a population of two thousand five hundred inhabitants or more, according
26 to the last preceding federal decennial census;

27 [(9)] (11) "Person" shall mean any individual, male or female, firm, copartnership, joint
28 adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by
29 any state or federal court, trustee otherwise created, syndicate, or any other group or combination
30 acting as a unit, and the plural as well as the singular number;

31 (12) **"Private sale" and "private foreclosure sale", a sheriff's private foreclosure**
32 **sale to a land bank agency under a tax lien foreclosure judgment as provided in sections**
33 **141.210 to 141.810 and sections 141.980 to 141.902;**

34 [(10)] (13) "School district", "road district", "water district", "sewer district", "levee
35 district", "drainage district", "special benefit district", "special assessment district", or "park
36 district" shall include those located within a county as such county is described in subdivision
37 (3) of this section;

38 [(11)] (14) "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk,
39 respectively, of any county affected by sections 141.210 to 141.810 **and sections 141.980 to**
40 **141.982;**

41 [(12)] (15) "Tax bill" as used in sections 141.210 to 141.810 **and sections 141.980 to**
42 **141.982** shall represent real estate taxes and the lien thereof, whether general or special, levied
43 and assessed by any taxing authority;

44 [(13)] (16) "Tax district" shall mean the state of Missouri and any county, municipality,
45 school district, road district, water district, sewer district, levee district, drainage district, special
46 benefit district, special assessment district, or park district, located in any municipality or county
47 as herein described;

48 [(14)] (17) "Tax lien" shall mean the lien of any tax bill as defined in [subdivision (12)
49 of] this section;

50 [(15)] (18) "Taxing authority" shall include any governmental, managing, administering
51 or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of
52 Missouri or any county, municipality, school district, road district, water district, sewer district,
53 levee district, drainage district, special benefit district, special assessment district, or park
54 district, affected by sections 141.210 to 141.810 **and sections 141.980 to 141.982.**

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

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

13 3. The proceeds derived from the sale of any lands encumbered with a tax lien or liens,
14 or held by the land trustees **or acquired by a land bank agency a deemed sale under**
15 **subsection 3 of section 141.560, by redemption under subsection 3 of section 141.981, by**
16 **gift under subsection 2 of section 141.980, or by deed from land trustees under subsection**
17 **1 of section 141.980**, shall be distributed to the owners of such liens in the order of the seniority
18 of the liens, or their respective interests as shown by the records of the land trust **or such land**
19 **bank agency**. Those holding liens of equal rank shall share in direct proportion to the amounts
20 of their respective liens.

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

4 2. The collector shall assign a serial number to each parcel of real estate in each list and
5 if suit has been filed in the circuit court of the county on any delinquent tax bill included in any
6 list, the collector shall give the court docket number of such suit and some appropriate
7 designation of the place where such suit is pending, and such pending suit so listed in any
8 petition filed pursuant to the provisions of sections 141.210 to 141.810 **and sections 141.980**
9 **to 141.982** shall, without further procedure or court order, be deemed to be consolidated with
10 the suit brought under sections 141.210 to 141.810 **and sections 141.980 to 141.982**, and such
11 pending suit shall thereupon be abated.

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

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

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

5 2. The collector shall, on or before the fifth day of each month, file with the owner or
6 holder of any tax bill or with the treasurer or other corresponding financial officer of any taxing
7 authority, a detailed statement, verified by affidavit, of all taxes collected by him during the
8 preceding month which appear on the list or lists received by him, and shall, on or before the

9 fifteenth day of the month, pay the same, less his commissions and costs payable to the county,
10 to the tax bill owner or holder or to the treasurer or other corresponding financial officer of any
11 taxing authority; provided, however, that the collector shall be given credit for the full amount
12 of any tax bill which is bid in by the land trustees and where title to the real estate described in
13 such tax bill is taken by the land trust **or where title to the real estate described in such tax**
14 **bill is taken by the land bank agency under a deemed sale under subsection 3 of section**
15 **141.560.**

141.320. 1. The collector shall at his option appoint a delinquent land tax attorney at a
2 compensation of ten thousand dollars per year, or in counties having a county counselor, the
3 collector shall at his option designate the county counselor and such of his assistants as shall
4 appear necessary to act as the delinquent land tax attorney.

5 2. A delinquent land tax attorney who is not the county counselor, with the approval of
6 the collector, may appoint one or more assistant delinquent land tax attorneys at salaries of not
7 less than two hundred dollars and not more than four hundred dollars per month, and such
8 clerical employees as may be necessary, at salaries to be fixed by the collector at not less than
9 three hundred dollars and not more than four hundred dollars per month; and the appointed
10 delinquent tax attorney may incur such reasonable expenses as are necessary for the performance
11 of his duties.

12 3. The delinquent land tax attorney and his assistants shall perform legal services for the
13 collector and shall act as attorney for him in the prosecution of all suits brought for the collection
14 of land taxes; but they shall not perform legal services for the land trust **or any land bank**
15 **agency.**

16 4. Salaries and expenses of a delinquent land tax attorney who is not also the county
17 counselor, his assistants and his employees shall be paid monthly out of the treasury of the
18 county from the same funds as employees of the collector whenever the funds provided for by
19 sections 141.150, 141.270, and 141.620 are not sufficient for such purpose.

20 5. The compensation herein provided shall be the total compensation for a delinquent
21 land tax attorney who is not also a county counselor, his assistants and employees, and when the
22 compensation received by him or owing to him by the collector exceeds ten thousand dollars in
23 any one calendar year by virtue of the sums charged and collected pursuant to the provisions of
24 section 141.150, the surplus shall be credited and applied by the collector to the expense of the
25 delinquent land tax attorney and to the compensation of his assistants and employees, and any
26 sum then remaining shall be paid into the county treasury on or before the first day of March of
27 each year and credited to the general revenue fund of the county.

28 6. A delinquent land tax attorney who is not also the county counselor shall make a
29 return quarterly to the county commission of such county of all compensation received by him,

30 and of all amounts owing to him by the collector, and of all salaries and expenses of any
31 assistants and employees, stating the same in detail, and verifying such amounts by his affidavit.

141.410. 1. A suit for the foreclosure of the tax liens herein provided for shall be
2 instituted by filing in the appropriate office of the circuit clerk a petition, which petition shall
3 contain a caption, a copy of the list so furnished to the delinquent land tax attorney by the
4 collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

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

6 In the Circuit Court of County, Missouri,

7 In the Matter of

8 Foreclosure of Liens for Delinquent Land Taxes

9 By Action in Rem.

10 Collector of Revenue of County, Missouri,

11 Plaintiff

12 -vs.-

13 Parcels of Land Encumbered with Delinquent Tax Liens

14 Defendants.

15 3. The petition shall conclude with a prayer that all tax liens upon such real estate be
16 foreclosed; that the court determine the amounts and priorities of all tax bills, together with
17 interest, penalties, costs, and attorney's fees; that the court order such real estate to **either** be sold
18 by the sheriff at public sale as provided by sections 141.210 to 141.810 **and sections 141.980**
19 **to 141.982** and that thereafter a report of such sale be made by the sheriff to the court for further
20 proceedings under sections 141.210 to 141.810 **and sections 141.980 to 141.982, or be sold by**
21 **the sheriff at a private sale to a land bank agency if so designated by such land bank**
22 **agency within thirty days after judgment of foreclosure has been entered. Any additional**
23 **costs relating to such a private sale incurred by the county shall be reimbursed by such**
24 **land bank agency to the county within thirty days after the county submits a bill therefor**
25 **to such land bank agency.**

26 4. The delinquent land tax attorney within ten days after the filing of any such petition,
27 shall forward by United States registered mail to each person or taxing authority having filed a
28 list of delinquent tax bills with the collector as provided by sections 141.210 to 141.810 **and**
29 **sections 141.980 to 141.982** a notice of the time and place of the filing of such petition and of
30 the newspaper in which the notice of publication has been or will be published.

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

141.420. 1. Except as otherwise provided in subsection 3 of section 141.520, any person
2 having any right, title or interest in, or lien upon, any parcel of real estate described in such
3 petition, may redeem such parcel of real estate by paying to the collector all of the sums
4 mentioned therein, including principal, interest, penalties, attorney's fees and costs then due, at
5 any time prior to the time of the **public foreclosure sale or private** foreclosure sale of such real
6 estate by the sheriff.

7 2. In the event of failure to redeem prior to the time of the **public foreclosure sale or**
8 **private** foreclosure sale **of such parcel** by the sheriff, such person shall be barred and forever
9 foreclosed of all his right, title and interest in and to the parcels of real estate described in such
10 petition.

11 3. Upon redemption, as permitted by this section, the person redeeming shall be entitled
12 to a certificate of redemption from the collector describing the property in the same manner as
13 it is described in such petition, and the collector shall thereupon note on his records the word
14 "redeemed" and the date of such payment opposite the description of such parcel of real estate.

15 4. The collector shall promptly notify the taxing authority and the delinquent land tax
16 attorney of such redemption, and such payment shall operate as a release of the lien of the tax
17 bill or bills involved and as a dismissal of the suit so far as such tax bill or bills are concerned.

141.430. 1. Upon the filing of such suits with the circuit clerk, the delinquent land tax
2 attorney shall forthwith cause a notice of foreclosure to be published four times, once a week,
3 during successive weeks, and on the same day of each week, in a daily newspaper of general
4 circulation regularly published in such county, qualified according to law for the publication of
5 public notices and advertisements.

6 2. Such notice shall be in substantially the following form:

7 NOTICE OF FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES,
8 BY ACTION IN REM

9 Public notice is hereby given that on the day of, 20.., the Collector of Revenue
10 of County, Missouri, filed a petition, being suit No., in the Circuit Court of County,
11 Missouri, at (stating the city), for the foreclosure of liens for delinquent land taxes (except
12 liens in favor of the United States of America, if any) against the real estate situated in such
13 county, all as described in said petition.

14 The object of said suit is to obtain from the Court a judgment foreclosing the tax liens
15 against such real estate and ordering the sale of such real estate for the satisfaction of said tax
16 liens thereon (except liens in favor of the United States of America, if any), including principal,
17 interest, penalties, attorneys' fees and costs. Such action is brought against the real estate only
18 and no personal judgment shall be entered therein.

55
 56 Address
 57
 58 Delinquent Land Tax Attorney
 59
 60 Address
 61
 62 First Publication:
 63

141.450. Such notice shall be substantially as follows:

To the person to whom this notice is addressed:

You are the last known person, according to the records in this office, in whose name land taxes were billed or charged, as to one or more parcels of real estate described in a certain petition bearing cause No. (fill in number of case) filed in the Circuit Court of County, Missouri, at (fill in city), on, 20.., wherein a foreclosure of the lien of various delinquent tax bills is sought and a court order asked for the purpose of selling said real estate at a public sale **or a private sale** for payment of all delinquent tax bills, together with interest, penalties, attorney's fees and costs. Publication of notice of such foreclosure was commenced on the day of, 20.., in (here insert name of newspaper), a daily newspaper published in (here insert name of city), Missouri. Unless all delinquent taxes be paid upon the parcels of real estate described in said petition and said real estate redeemed prior to the time of the **public** foreclosure sale **or private foreclosure sale** of such real estate by the sheriff, the owner or any person claiming any right, title or interest in or to, or lien upon, any such parcels of real estate, shall be forever barred and foreclosed of all right, title and interest and equity of redemption in and to such parcels of real estate; provided, however, that any such persons shall have the right to file an answer in said suit on or before the day of, 20.., in the office of the Circuit Clerk and a copy thereof with the Delinquent Land Tax Attorney, setting forth in detail the nature and amount of the interest and any defense or objection to the foreclosure.

Dated

 Delinquent Land Tax Collector of Revenue
 Attorney County, Missouri

 Address Address

141.480. 1. Upon the trial of the cause upon the question of foreclosure, the tax bill, whether general or special, issued by any taxing authority shall be prima facie proof that the tax

3 described in the tax bill has been validly assessed at the time indicated by the tax bill and that
4 the tax is unpaid. Absent any answer the court shall take the allegations of the petition as
5 confessed. Any person alleging any jurisdictional defect or invalidity in the tax bill or in the sale
6 thereof must particularly specify in his answer the defect or basis of invalidity, and must, upon
7 trial, affirmatively establish such defense.

8 2. Prior to formal hearing, the court may conduct an informal hearing for the purpose of
9 clarifying issues, and shall attempt to reach an agreement with the parties upon a stipulated
10 statement of facts. The court shall hear the evidence offered by the collector or relator as the
11 case may be, and by all answering parties, and shall determine the amount of each and every tax
12 bill proved by the collector or any answering party, together with the amount of interest,
13 penalties, attorney's fees and costs accruing upon each tax bill and the date from which interest
14 began to accrue upon each tax bill and the rate thereof. The court shall hear evidence and
15 determine every issue of law and of fact necessary to a complete adjudication of all tax liens
16 asserted by any and every pleading, and may also hear evidence and determine any other issue
17 of law or fact affecting any other right, title, or interest in or to, or lien upon, such real estate,
18 sought to be enforced by any party to the proceeding against any other party to the proceeding
19 who has been served by process or publication as authorized by law, or who has voluntarily
20 appeared, and shall determine the order and priority of the liens and of any other rights or interest
21 put in issue by the pleadings.

22 3. After the court has first determined the validity of the tax liens of all tax bills affecting
23 parcels of real estate described in the petition, the priorities of the respective tax bills and the
24 amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court
25 shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the
26 **public** foreclosure sale **and the time of the private foreclosure sale**. The petition shall be
27 dismissed as to any parcel of real estate redeemed prior to the time fixed for the sheriff's **public**
28 **or private** foreclosure sale **thereof** as provided in sections 141.210 to 141.810 **and sections**
29 **141.980 to 141.982**. If the parcel of real estate auctioned off at sheriff's **public** foreclosure sale
30 **or sold at sheriff's private foreclosure sale** is sold for a sum sufficient to fully pay the principal
31 amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees
32 and costs, and for no more, and such sale is confirmed by the court, then all other proceedings
33 as to such parcels of real estate shall be finally dismissed as to all parties and interests other than
34 tax bill owners or holders; provided, however, that any parties seeking relief other than an
35 interest in or lien upon the real estate may continue with said suit to a final adjudication of such
36 other issues; provided, further, an appeal may be had as to any claim attacking the validity of the
37 tax bill or bills or the priorities as to payment of proceeds of foreclosure sale. If the parcel of real
38 estate auctioned off at sheriff's **public** foreclosure sale is sold for a sum greater than the total

39 amount necessary to pay the principal amount of all tax bills included in the judgment, together
40 with interest, penalties, attorney's fees and costs, and such sale is confirmed by the court, and no
41 appeal is taken by any person claiming any right, title or interest in or to or lien upon said parcel
42 of real estate or by any person or taxing authority owning or holding or claiming any right, title
43 or interest in or to any tax bills within the time fixed by law for the filing of notice of appeal, the
44 court shall thereupon order the sheriff to make distribution to the owners or holders of the
45 respective tax bills included in the judgment of the amounts found to be due and in the order of
46 priorities. Thereafter all proceedings in the suit shall be ordered by the court to be dismissed as
47 to such persons or taxing authorities owning, holding or claiming any right, title, or interest in
48 any such tax bill or bills so paid, and the case shall proceed as to any parties claiming any right,
49 title, or interest in or lien upon the parcel of real estate affected by such tax bill or bills as to their
50 respective claims to such surplus funds then remaining in the hands of the sheriff.

51 4. Whenever an answer is filed to the petition, as herein provided, a severance of the
52 action as to all parcels of real estate affected by such answer shall be granted, and the issues
53 raised by the petition and such answer shall be tried separate and apart from the other issues in
54 the suit, but the granting of such severance shall not delay the trial or other disposition of any
55 other issue in the case. A separate appeal may be taken from any action of the court affecting
56 any right, title, or interest in or to, or lien upon, such real estate, other than issues of law and fact
57 affecting the amount or validity of the lien of tax bills, but the proceeding to foreclose the lien
58 of any tax bills shall not be stayed by such appeal. The trial shall be conducted by the court
59 without the aid of a jury and the suit shall be in equity. This action shall take precedence over
60 and shall be triable before any other action in equity affecting the title to such real estate, upon
61 motion of any interested party.

141.520. 1. **With respect to parcels of real estate to be sold in a public foreclosure**
2 **sale**, after the judgment of foreclosure has been entered, or, after a motion for a new trial has
3 been overruled, or, if an appeal be taken from such judgment and the judgment has been
4 affirmed, after the sheriff shall have been notified by any party to the suit that such judgment has
5 been affirmed on appeal and that the mandate of the appellate court is on file with the circuit
6 clerk, there shall be a waiting period of six months before any advertisement of sheriff's **public**
7 **foreclosure** sale shall be published.

8 2. If any such parcel of real estate **to be sold in a public foreclosure sale** be not
9 redeemed, or if no written contract providing for redemption be made within six months after
10 the date of the judgment of foreclosure, if no motion for rehearing be filed, and, if filed, within
11 six months after such motion may have been overruled, or, if an appeal be taken from such
12 judgment and the judgment be affirmed, within six months after the sheriff shall have been
13 notified by any party to the suit that such judgment has been affirmed on appeal and that the

14 mandate of the appellate court is on file with the circuit clerk, the sheriff shall commence to
15 advertise the real estate described in the judgment and shall fix the date of **the public**
16 **foreclosure** sale within thirty days after the date of the first publication of the notice of sheriff's
17 sale as herein provided, and shall at such sale proceed to sell the real estate.

18 **3. With respect to parcels of real estate to be sold to a land bank agency in a private**
19 **foreclosure sale, after the judgement of foreclosure has been entered or after a motion for**
20 **a new trial has been overruled or if an appeal is taken from such judgment and the**
21 **judgment has been affirmed, after the collector shall have been notified by any party to the**
22 **suit that such judgment has been affirmed on appeal and that the mandate of the appellate**
23 **court is on file with the clerk, there shall be a waiting period of six months before such**
24 **private foreclosure sale.**

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

141.530. 1. Except as otherwise provided in section 141.520, during such waiting period
2 and at any time prior to the time of **the public or the private** foreclosure sale **of a parcel** by the
3 sheriff, any interested party may redeem [any] **such** parcel of real estate as provided by this
4 chapter. During such waiting period and at any time prior to the time of **the public or the**
5 **private** foreclosure sale **of a parcel** by the sheriff, the collector may, at the option of the party
6 entitled to redeem, enter into a written redemption contract with any such party interested in
7 [any] **such** parcel of real estate, providing for payment in installments, monthly or bimonthly,
8 of the delinquent tax bills, including interest, penalties, attorney's fees and costs charged against
9 such parcel of real estate, provided, however, that in no instance shall such installments exceed
10 twelve in number or extend more than twenty-four months next after any agreement for such
11 installment payments shall have been entered into; provided further, that upon good cause being
12 shown by the owner of any parcel of real estate occupied as a homestead, or in the case of
13 improved real estate with an assessed valuation of not more than three thousand five hundred
14 dollars, owned by an individual, the income from such property being a major factor in the total
15 income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the
16 time and terms of payment in such contract to permit all of such installments to be paid within
17 not longer than forty-eight months after any order or agreement as to installment payments shall
18 have been made.

19 2. So long as such installments be paid according to the terms of the contract, the said
20 six months waiting period shall be extended, but if any installment be not paid when due, the
21 extension of said waiting period shall be ended without notice, and the real estate shall forthwith
22 be advertised for sale or included in the next notice of sheriff's foreclosure sale.

23 [3. No redemption contracts may be used under this section for residential property
24 which has been vacant for at least six months in any municipality contained wholly or partially
25 within a county with a population of over six hundred thousand and less than nine hundred
26 thousand.]

 [141.530. 1. Except as otherwise provided in section 141.520, during
2 such waiting period and at any time prior to the time of foreclosure sale by the
3 sheriff, any interested party may redeem any parcel of real estate as provided by
4 this chapter. During such waiting period and at any time prior to the time of
5 foreclosure sale by the sheriff, the collector may, at the option of the party
6 entitled to redeem, enter into a written redemption contract with any such party
7 interested in any parcel of real estate, other than a residential property which has
8 been vacant for at least six months, providing for payment in installments,
9 monthly or bimonthly, of the delinquent tax bills, including interest, penalties,
10 attorney's fees and costs charged against such parcel of real estate, provided,
11 however, that in no instance shall such installments exceed twelve in number or
12 extend more than twenty-four months next after any agreement for such
13 installment payments have been entered into; provided further, that upon good
14 cause being shown by the owner of any parcel of real estate occupied as a
15 homestead, or in the case of improved real estate with an assessed valuation of
16 not more than three thousand five hundred dollars, owned by an individual, the
17 income from such property being a major factor in the total income of such
18 individual, or by anyone on the individual's behalf, the court may, in its
19 discretion, fix the time and terms of payment in such contract to permit all of
20 such installments to be paid within not longer than forty-eight months after any
21 order or agreement as to installment payments being made.

22 2. So long as such installments are paid according to the terms of the
23 contract, the six-month waiting period shall be extended, but if any installment
24 is not paid when due, the extension of such waiting period shall be ended without
25 notice, and the real estate shall forthwith be advertised for sale or included in the
26 next notice of sheriff's foreclosure sale.]

 141.540. 1. In any county at a certain front door of whose courthouse sales of real estate
2 are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell
3 **in a public foreclosure sale** the respective parcels of real estate ordered sold by him or her
4 pursuant to any judgment of foreclosure by any court pursuant to sections 141.210 to 141.810
5 at any of such courthouses **which are not sold in a private foreclosure sale**, but the sale of such

6 parcels of real estate shall be held at the same front door as sales of real estate are customarily
7 made by the sheriff under execution.

8 2. Such advertisements may include more than one parcel of real estate, and shall be in
9 substantially the following form: NOTICE OF SHERIFF'S SALE UNDER JUDGMENT OF
10 FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES

11 No. In the Circuit Court of County, Missouri. In the Matter of
12 Foreclosure of Liens for Delinquent Land Taxes Collector of Revenue of County,
13 Missouri, Plaintiff, vs. Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

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

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

23 NOW, THEREFORE,

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

31 Any bid received shall be subject to confirmation by the court.
32

33 Sheriff of

34 County, Missouri.

35 Delinquent Land Tax Attorney Address: First Publication
36, 20. . .

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

41 4. In addition to the provisions herein for notice and advertisement of **public** sale, the
42 county collector shall enter upon the property subject to foreclosure of these tax liens and post
43 a written informational notice in any conspicuous location thereon. This notice shall describe
44 the property and advise that it is the subject of delinquent land tax collection proceedings before
45 the circuit court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the
46 payment of delinquent taxes at a **public foreclosure** sale to be held at ten o'clock a.m., date and
47 place, **or at a private foreclosure sale, date, and place**, and shall also contain a file number and
48 the address and phone number of the collector. If the collector chooses to post such notices as
49 authorized by this subsection, such posting must be made not later than the fourteenth day prior
50 to the date of the sale.

51 5. The collector shall, concurrently with the beginning of the publication of sale **for**
52 **parcels to be sold in a public foreclosure sale, or not less than thirty days prior to the sale**
53 **for parcels to be sold in a private foreclosure sale**, cause to be prepared and sent by [restricted,
54 registered or certified] **first class** mail with postage prepaid, a brief notice of the date, location,
55 and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810,
56 to the persons named in the petition as being the last known persons in whose names tax bills
57 affecting the respective parcels of real estate described in said petition were last billed or charged
58 on the books of the collector, or the last known owner of record, if different, and to the addresses
59 of said persons upon said records of the collector. [The terms "restricted", "registered" or
60 "certified mail" as used in this section mean mail which carries on the face thereof in a
61 conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO
62 ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal
63 authorities that the addressee refused to receive and receipt for such mail.] If the notice is
64 returned to the collector by the postal authorities as undeliverable for reasons other than the
65 refusal by the addressee to receive [and receipt for] the notice [as shown by the return receipt],
66 then the collector shall make a search of the records maintained by the county, including those
67 kept by the recorder of deeds, to discern the name and address of any person who, from such
68 records, appears as a successor to the person to whom the original notice was addressed, and to
69 cause another notice to be mailed to such person. The collector shall prepare and file with the
70 circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address
71 and serial number of the tract of real estate affected of any such notices of sale that are
72 undeliverable because of an addressee's refusal to receive [and receipt for] the same, or of any
73 notice otherwise nondeliverable by mail, or in the event that any name or address does not appear
74 on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth
75 above shall also state reason for the nondelivery of such notice.

76 6. The collector may, at his or her option, concurrently with the beginning of the
77 publication of sale **for parcels to be sold in a public foreclosure sale, or not less than thirty**
78 **days prior to the sale for parcels to be sold in a private foreclosure sale**, cause to be prepared
79 and sent by [restricted, registered or certified] **first class** mail with postage prepaid, a brief notice
80 of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections
81 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of
82 real estate described in said petition, and to the addressee of such mortgagee or security holder
83 according to the records of the collector. [The terms "restricted", "registered" or "certified mail"
84 as used in this section mean mail which carries on the face thereof in a conspicuous place, where
85 it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which
86 also requires a return receipt or a statement by the postal authorities that the addressee refused
87 to receive and receipt for such mail.] If the notice is returned to the collector by the postal
88 authorities as undeliverable for reasons other than the refusal by the addressee to receive [and
89 receipt for] the notice [as shown by the return receipt], then the collector shall make a search of
90 the records maintained by the county, including those kept by the recorder of deeds, to discern
91 the name and address of any security holder who, from such records, appears as a successor to
92 the security holder to whom the original notice was addressed, and to cause another notice to be
93 mailed to such security holder. The collector shall prepare and file with the circuit clerk prior
94 to confirmation hearings an affidavit reciting to the court any name, address and serial number
95 of the tract of real estate affected by any such notices of sale that are undeliverable because of
96 an addressee's refusal to receive [and receipt for] the same, or of any notice otherwise
97 nondeliverable by mail, and stating the reason for the nondelivery of such notice.

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

6 2. The following provisions shall apply to any **public foreclosure** sale pursuant to this
7 section of property located within any municipality contained wholly or partially within a county
8 with a population of over six hundred thousand and less than nine hundred thousand:

9 (1) The sale shall be held on the day for which it is advertised, between the hours of nine
10 o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as
11 to each respective parcel of real estate sold;

12 (2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder
13 shall be the purchaser unless the highest bid is less than the full amount of all tax bills included
14 in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall

15 be eligible to bid at the time of the sale unless such person has, no later than ten days before the
16 sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale
17 that he or she is not the owner of any parcel of real estate in the county which is affected by a tax
18 bill which has been delinquent for more than six months and is not the owner of any parcel of
19 real property with two or more violations of the municipality's building or housing codes. A
20 prospective bidder may make such a demonstration by presenting statements from the
21 appropriate collection and code enforcement officials of the municipality.

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

26 4. The collector shall advance the sums necessary to pay for the publication of all
27 advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in
28 his or her accounts with the county. The collector shall give credit in such accounts for all such
29 advances recovered by him or her. Such expenses of publication shall be apportioned pro rata
30 among and taxed as costs against the respective parcels of real estate described in the judgment;
31 provided, however, that none of the costs herein enumerated, including the costs of publication,
32 shall constitute any lien upon the real estate after such sale.

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

7 2. The following provisions shall apply to any sale pursuant to this
8 section of property located within any municipality contained wholly or partially
9 within a county with a population of over six hundred thousand and less than nine
10 hundred thousand:

11 (1) The sale shall be held on the day for which it is advertised, between
12 the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day
13 thereafter to satisfy the judgment as to each respective parcel of real estate sold;

14 (2) The sale shall be conducted publicly, by auction, for ready money.
15 The highest bidder shall be the purchaser unless the highest bid is less than the
16 full amount of all tax bills included in the judgment, interest, penalties, attorney's
17 fees and costs then due thereon. No person shall be eligible to bid at the time of
18 the sale unless such person has, no later than ten days before the sale date,
19 demonstrated to the satisfaction of the official charged by law with conducting
20 the sale that he or she is not the owner of any parcel of real estate in the county
21 which is affected by a tax bill which has been delinquent for more than six
22 months and is not the owner of any parcel of real property with two or more
convictions based on violations occurring within a two-year period of the

23 municipality's building or housing codes. A prospective bidder may make such
24 a demonstration by presenting statements from the appropriate collection and
25 code enforcement officials of the municipality.

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

31 4. The collector shall advance the sums necessary to pay for the
32 publication of all advertisements required by sections 141.210 to 141.810 and
33 shall be allowed credit therefor in his or her accounts with the county. The
34 collector shall give credit in such accounts for all such advances recovered by
35 him or her. Such expenses of publication shall be apportioned pro rata among
36 and taxed as costs against the respective parcels of real estate described in the
37 judgment; provided, however, that none of the costs herein enumerated, including
38 the costs of publication, shall constitute any lien upon the real estate after such
39 sale.]

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

6 2. **With respect to any parcel of real estate not located within a municipality that**
7 **is an appointing authority under section 141.980**, in the event no bid equal to the full amount
8 of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due
9 thereon shall be received at such sale after any parcel of real estate has been offered for sale on
10 three different days, which need not be successive, the land trustees shall be deemed to have bid
11 the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and
12 costs then due, and if no other bid be then received by the sheriff in excess of the bid of the
13 trustees, and the sheriff shall so announce at the sale, then the bid of the trustees shall be
14 announced as accepted. The sheriff shall report any such bid or bids so made by the land trustees
15 in the same way as his report of other bids is made. **The land trustees shall pay any penalties,**
16 **attorney's fees or costs included in the judgment of foreclosure of such parcel of real estate,**
17 **when such parcel is sold or otherwise disposed of by the land trustees, as herein provided.**
18 **Upon confirmation by the court of such bid at such sale by such land trustees, the collector**
19 **shall mark the tax bills so bid by the land trustees as "canceled by sale to the land trust"**
20 **and shall take credit for the full amount of such tax bills, including principal amount,**
21 **interest, penalties, attorney's fees, and costs, on the collector's books and in the collector's**
22 **statements with any other taxing authorities.**

23 3. [The land trustees shall pay any penalties, attorney's fees or costs included in the
24 judgment of foreclosure of such parcel of real estate, when such parcel is sold or otherwise
25 disposed of by the land trustees, as herein provided. Upon confirmation by the court of such bid
26 at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees
27 as "canceled by sale to the land trust" and shall take credit for the full amount of such tax bills,
28 including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his
29 statements with any other taxing authorities.] **With respect to any parcel of real estate located**
30 **within a municipality that is an appointing authority under section 141.980, in the event**
31 **no bid equal to the full amount of all tax bills included in the judgment, interest, penalties,**
32 **attorney's fees, and costs then due thereon shall be received at such sale after such parcel**
33 **of real estate has been offered for sale on three different days, which need not be**
34 **successive, the land bank agency for which such municipality is an appointing authority**
35 **shall be deemed to have bid the full amount of all tax bills included in the judgment,**
36 **interest, penalties, attorney's fees, and costs then due, and the sheriff shall so announce at**
37 **the sale, then the bid of the land bank agency shall be announced as accepted. The sheriff**
38 **shall report any such bid or bids so made by such land bank agency in the same way as the**
39 **sheriff's report of other bids is made. Upon confirmation by the court of such bid at such**
40 **sale by such land bank agency, the collector shall mark the tax bills so bid by such land**
41 **bank agency as "canceled by sale to the land bank" and shall take credit for the full**
42 **amount of such tax bills, including principal amount, interest, penalties, attorney's fees,**
43 **and costs, on the collector's books and in the collector's statements with any other taxing**
44 **authorities.**

141.570. 1. The title to any real estate which shall vest in the land trust under the
2 provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.982** shall be held by the
3 land trust of such county in trust for the tax bill owners and taxing authorities having an interest
4 in any tax liens which were foreclosed, as their interests may appear in the judgment of
5 foreclosure. **The title to any real estate acquired by a land bank agency pursuant to a**
6 **deemed sale under subsection 3 of section 141.560 or by deed from land trustees under**
7 **subsection 1 of section 141.980 shall be held in trust for the tax bill owners and taxing**
8 **authorities having an interest in any tax liens which were foreclosed, as their interests may**
9 **appear in the judgment of foreclosure.**

10 2. The title to any real estate which shall vest in any purchaser **in a private or public**
11 **foreclosure sale**, upon confirmation of such sale by the court, shall be an absolute estate in fee
12 simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid,
13 and subject to any lien thereon of the United States of America, if any, and all persons, including
14 the state of Missouri, infants, incapacitated and disabled persons as defined in chapter 475, and

15 nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to,
16 or lien upon, such lands, shall be barred and forever foreclosed of all such right, title, interest,
17 claim, lien or equity of redemption, and the court shall order immediate possession of such real
18 estate be given to such purchaser; provided, however, that such title shall also be subject to the
19 liens of any tax bills which may have attached to such parcel of real estate prior to the time of
20 the filing of the petition affecting such parcel of real estate not then delinquent, or which may
21 have attached after the filing of the petition and prior to sheriff's sale and not included in any
22 answer to such petition, but if such parcel of real estate is **deemed** sold to the land trust **under**
23 **subsection 2 of section 141.560 or deemed sold to a land bank agency under subsection 3**
24 **of section 141.560**, the title thereto shall be free of any such liens to the extent of the interest of
25 any taxing authority in such real estate; provided further, that such title shall not be subject to
26 the lien of special tax bills which have attached to the parcel of real estate prior to November 22,
27 1943, but the lien of such special tax bills shall attach to the proceeds of the sheriff's sale or to
28 the proceeds of the ultimate sale of such parcel by the land trust.

141.580. 1. After the sheriff sells any parcel of real estate, the court shall, upon its own
2 motion or upon motion of any interested party, set the cause down for hearing to confirm the
3 foreclosure sale thereof, even though such parcels are not all of the parcels of real estate
4 described in the notice of sheriff's foreclosure sale. At the time of such hearing, the sheriff shall
5 make report of the sale, and the court shall hear evidence of the value of the property offered on
6 behalf of any interested party to the suit, and shall forthwith determine whether an adequate
7 consideration has been paid for each such parcel; **provided that the amount to be paid by a**
8 **land bank agency under subsection 5 of section 141.982 for a parcel sold to such land bank**
9 **agency in a private foreclosure sale shall be deemed to be adequate consideration therefor**
10 **and no evidence of value shall be heard with respect to such parcel; and provided further,**
11 **that the amount bid for a parcel by a land bank agency under subsection 3 of section**
12 **141.560 shall be deemed adequate consideration and no evidence of value shall be heard**
13 **with respect to such parcel; and provided further, that the amount bid for a parcel by land**
14 **trust under subsection 2 of section 141.560 shall be deemed adequate consideration and no**
15 **evidence of value shall be heard with respect to such parcel.**

16 2. For this purpose the court shall have power to summon any city or county official or
17 any private person to testify as to the reasonable value of the property, and if the court finds that
18 adequate consideration has been paid, he **or she** shall confirm the sale and order the sheriff to
19 issue a deed to the purchaser. If the court finds that the consideration paid is inadequate, **the**
20 **court shall confirm the sale if** the purchaser [may] increase his **or her** bid to such amount as
21 the court [may deem] **deems** to be adequate[, whereupon the court may confirm the sale. If,
22 however,] **and makes such additional payment, or if all tax bills included in the judgment,**

23 **interest, penalties, attorney's fees, and costs then due thereon are not paid in full by one**
24 **or more interested parties to the suit. If the court finds that the consideration is**
25 **inadequate, but** the purchaser declines to increase his or her bid to such an amount as the
26 **court deems adequate** and make such additional payment, then the sale shall be disapproved
27 **if all tax bills included in the judgment, interest, penalties, attorney's fees, and costs then**
28 **due thereon are paid in full by one or more interested parties to the suit**, the lien of the
29 judgment continued, and such parcel of real estate shall be again advertised and offered for sale
30 by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's
31 foreclosure sale. [Unless the court requires evidence of the value of the property conveyed to
32 land trust, none shall be required, and the amount bid by the land trustees shall be deemed
33 adequate consideration.]

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

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

38 (2) To the payment of all costs including appraiser's fee not to exceed fifteen dollars and
39 attorney's fees;

40 (3) To the payment of all tax bills adjudged to be due in the order of their priority,
41 including principal, interest and penalties thereon.

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

49 4. If there are any funds remaining of the proceeds after the sheriff's sale and after the
50 distribution of such funds as herein set out and no person entitled to any such funds, whether or
51 not a party to the suit, shall, within two years after such sale, appear and claim the funds, they
52 shall [escheat to the state as provided by law] **be distributed to the appropriate taxing**
53 **authorities.**

141.720. 1. The land trust shall be composed of three members, one of whom shall be
2 appointed by the county, **as directed by the county** executive, or if the county does not have a
3 county executive, **as directed by** the county commission of the county, one of whom shall be
4 appointed by [the city council of that city] **that municipality** in the county which **is not an**
5 **appointing authority under section 141.980 and** then has the largest population according to

6 the last preceding federal decennial census, and one of whom shall be appointed by [the board
7 of directors of the] **that school district in the county which is not an appointing authority**
8 **under section 141.980 and** then has the largest population according to such census in the
9 county. **If any such appointing authority fails to make any appointment of a land trustee**
10 **after any term expires, then the appointment shall be made by the county.**

11 2. The terms of office of the land trustees shall be for four years each, except the terms
12 of the first land trustees who shall be appointed by the foregoing appointing authorities,
13 respectively, not sooner than twelve months and not later than eighteen months after sections
14 141.210 to 141.810 take effect; **provided, however, that the term of any land trustee**
15 **appointed by a municipality or school district that becomes an appointing authority under**
16 **section 141.980 shall thereupon terminate.**

17 3. Each land trustee shall have been a resident of the county for at least five years next
18 prior to appointment, shall not hold other salaried or compensated public office by election or
19 appointment during service as land trustee, the duties of which would in any way conflict with
20 his duties as land trustee, and shall have had at least ten years experience in the management or
21 sale of real estate.

22 4. Of the first land trustees appointed under sections 141.210 to 141.810, the land trustee
23 appointed by the county commission shall serve for a term ending February 1, 1946, the land
24 trustee appointed by the board of directors of the school district then having the largest
25 population in the county shall serve for a term expiring February 1, 1947, and the land trustee
26 appointed by the city council of the city then having the largest population in the county shall
27 serve for a term expiring February 1, 1948. Each land trustee shall serve until his successor has
28 been appointed and qualified.

29 5. Any vacancy in the office of land trustee shall be filled for the unexpired term by the
30 same appointing authority which made the original appointment. If any appointing authority fails
31 to make any appointment of a land trustee within the time the first appointments are required by
32 sections 141.210 to 141.810 to be made, or within thirty days after any term expires or vacancy
33 occurs, then the appointment shall be made by the mayor of that city in the county then having
34 the largest population, according to the last preceding federal decennial census.

35 6. The members shall receive for their services as land trustees a salary of two thousand
36 four hundred dollars per year.

37 7. Each land trustee may be removed for cause by the respective appointing authority,
38 after public hearing, if requested by the land trustee, and an opportunity to be represented by
39 counsel and to present evidence is afforded the trustee.

141.770. 1. Each annual budget of the land trust shall be itemized as to objects and
2 purposes of expenditure, prepared not later than [December tenth] **October first** of each year

3 with copies delivered to the [county and city] **taxing authorities** that appointed trustee members,
4 and shall include therein only such appropriations as shall be deemed necessary to meet the
5 reasonable expenses of the land trust during the forthcoming fiscal year. That budget shall not
6 become the required annual budget of the land trust unless and until it has been approved by the
7 governing bodies of the [county or city] **taxing authorities** that appointed trustee members. If
8 [either] **any** of the governing bodies of the [county and city] **taxing authorities** that appointed
9 trustee members fail to notify the land trust in writing of any objections to the proposed annual
10 budget on or before [December] **November** twentieth, then such failure or failures to object shall
11 be deemed approval. In the event objections have been made and a budget for the fiscal year
12 beginning January first has not been approved by the governing bodies of the [county and city]
13 **taxing authorities that appointed trustee members** on or before January first, then the budget
14 for the previous fiscal year shall become the approved budget for that fiscal year. Any
15 unexpended funds from the preceding fiscal year shall be deducted from the amounts needed to
16 meet the budget requirements of the forthcoming year.

17 2. Copies of the budget shall be made available to the public on or before [December]
18 **October** tenth, and a public hearing shall be had thereon prior to [December] **October** twentieth,
19 in each year. The approved and adopted budget may be amended by the trustee members only
20 with the approval of the governing bodies of the [county and city] **taxing authorities** that
21 appointed trustee members.

22 3. If at any time there are not sufficient funds available to pay the salaries and other
23 expenses of such land trust and of its employees, incident to the administration of sections
24 141.210 to 141.810, including any expenditures authorized by section 141.760, funds sufficient
25 to pay such expenses shall be advanced and paid to the land trust upon its requisition therefor
26 **by the ad valorem taxing authorities in the county that are not appointing authorities**
27 **under section 141.980**, [fifty] **seven** percent thereof by the county commission of such county,
28 and the other [fifty] **ninety-three** percent by all of the [municipalities in such county as defined
29 in section 141.220] **other such ad valorem taxing authorities**, in proportion to their assessed
30 valuations [at the time of their last completed assessment for state and county purposes] **of the**
31 **properties then in the land trust inventory located within their respective taxing**
32 **jurisdictions**. The land trust shall have power to requisition such funds in an amount not to
33 exceed twenty-five percent of the total annual budget of the land trust from such sources for that
34 fiscal year of the land trust for which there are not sufficient funds otherwise available to pay the
35 salaries and other expenses of the land trust, but any amount in excess of twenty-five percent of
36 the total annual budget in any fiscal year may be requisitioned by and paid to the land trust only
37 if such additional sums are agreed to and approved by [the county commission and the respective
38 municipalities in such county so desiring to make such payment] **such ad valorem taxing**

39 **authorities.** All moneys so requisitioned shall be paid in a lump sum within thirty days after
 40 such requisition or the commencement of the fiscal year of the land trust for which such
 41 requisition is made, whichever is later, [and] **by the county paying seven percent thereof due**
 42 **from the county under this section and advancing the remaining ninety-three percent due**
 43 **from other ad valorem taxing authorities under this section on behalf of such other ad**
 44 **valorem taxing authorities, and such amounts so paid** shall be deposited to the credit of the
 45 land trust in some bank or trust company, subject to withdrawal by warrant as herein provided.
 46 **Amounts advanced by the county on behalf of any ad valorem taxing authority under this**
 47 **section shall be reimbursed to the county upon demand by the county or by the county**
 48 **withholding such amounts from distributions of tax moneys to such ad valorem taxing**
 49 **authority.**

50 4. The fiscal year of the land trust shall commence on January first of each year. Such
 51 land trust shall audit all claims for the expenditure of money, and shall, acting by the chairman
 52 or vice chairman thereof, draw warrants therefor from time to time.

53 5. No warrant for the payment of any claim shall be drawn by such land trust until such
 54 claim shall have been approved by the land commissioner and shall bear the commissioner's
 55 certificate that there is a sufficient unencumbered balance in the proper appropriation and
 56 sufficient unexpended cash available for the payment thereof. For any certification contrary
 57 thereto, such land commissioner shall be liable personally and on the commissioner's official
 58 bond for the amounts so certified, and shall thereupon be promptly removed from office by the
 59 land trustees.

60 6. In addition to the annual audit provided for in section 141.760, the land trust may be
 61 performance audited at any time by the state auditor or by the auditor of any home rule city with
 62 more than four hundred thousand inhabitants and located in more than one county that is a
 63 member of the land trust. The cost of such audit shall be paid by the land trust, and copies shall
 64 be made available to the public within thirty days of the completion of the audit.

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

3 (1) **To the payment of amounts due from the land trustees under subsection 2 of**
 4 **section 141.560 on the sale or other disposition of such parcel;**

5 (2) To the payment of the expenses of sale;

6 [(2)] (3) The balance to be retained by the land trust to pay the salaries and other
 7 expenses of such land trust and of its employees, incident to the administration of sections
 8 141.210 to 141.810, including any expenditures authorized by section 141.760, as provided for
 9 in its annual budget;

10 [(3)] (4) Any funds in excess of those necessary to meet the expenses of the annual
11 budget of the land trust in any fiscal year, and including a reasonable sum to carry over into the
12 next fiscal year to assure that sufficient funds will be available to meet initial expenses for that
13 next fiscal year, [may] **shall** be paid to the respective taxing authorities which, at the time of the
14 distribution, are taxing the real property from which the proceeds are being distributed. The
15 distributions shall be in proportion to the amounts of the taxes levied on the properties by the
16 taxing authorities; distribution shall be made on January first and July first of each year, and at
17 such other times as the land trustees in their discretion may determine.

**141.980. 1. Any municipality located wholly or partially within a county in which
2 a land trust created under section 141.700 was operating on January 1, 2011, may establish
3 a land bank agency for the management, sale, transfer, and other disposition of interest in
4 real estate owned by such land bank agency. Any such land bank agency created shall be
5 created to foster the public purpose of returning land, including land that is in a
6 nonrevenue-generating nontax-producing status, to effective use in order to provide
7 housing, new industry, and jobs for citizens of the establishing municipality, and to create
8 new revenues for such municipality. Such land bank agency shall be established by order
9 or ordinance as applicable. Such land bank agency shall not own any interest in real estate
10 that is located outside such establishing municipality or outside such county. Within one
11 year of the effective date of an order or ordinance passed establishing such a land bank
12 agency, title to any real estate held by the land trustees of the land trust of such county that
13 is located within the establishing municipality shall be transferred by deed to such land
14 bank agency.**

**15 2. Any land bank agency created under this section shall be known as "The Land
16 Bank of the City of, Missouri". Such land bank agency shall have the authority to
17 accept the grant of any interest in real property made to it, or to accept gifts and grant in
18 aid assistance. Any interest in real property acquired by such land bank agency by gift
19 shall be administered in the same manner as other property sold to the land bank agency.
20 Such land bank agency shall have and exercise all the powers that are conferred by
21 sections 141.210 to 141.810 and sections 141.980 to 141.982 necessary and incidental to the
22 effective management, sale, or other disposition of real estate acquired under and by virtue
23 of the foreclosure of the lien for delinquent real estate taxes, as provided in such sections,
24 and in the exercise of such powers, the land bank agency shall be deemed to be a public
25 corporation acting in a governmental capacity.**

**26 3. The beneficiaries of the land bank agency shall be the taxing authorities that held
27 or owned tax bills against the respective parcels of real estate acquired by such land bank
28 agency under a deemed sale under subsection 3 of section 141.560 or by deed from land**

65 trust, according to the laws of this state and for the benefit of the public bodies and the tax
66 bill owners which I represent, so help me God.

67

68 Subscribed and sworn to this day of, 20...

69 My commission expires:

70

71 Notary Public

141.981. 1. Such land bank agency shall be a continuing body and shall have and
2 adopt an official seal which shall bear on its face the words "Land Bank Agency of,
3 Missouri", "Seal", and shall have the power to sue and issue deeds in its name, which deed
4 shall be signed by the chair or vice chair, and attested by the secretary and the official seal
5 of the land bank agency affixed thereon, and shall have the general power to administer
6 its business as any other corporate body.

7 2. A land bank agency may convey title to any real estate sold or conveyed by it by
8 general or special warranty deed, and may convey as absolute title in fee simple, without
9 in any case procuring any consent, conveyance, or other instrument from the beneficiaries
10 for which it acts, provided that each such deed shall recite whether the selling price
11 represents a consideration equal to or in excess of two-thirds of the appraised value of such
12 real estate so sold or conveyed. If such selling price represents a consideration less than
13 two-thirds of the appraised value of the real estate, then the land bank commissioners shall
14 first procure the consent thereto of not less than two of the three appointing authorities,
15 which consent shall be evidenced by a copy of the action of each such appointing authority
16 duly certified to by its clerk or secretary attached to and made a part of land bank
17 commission official minutes.

18 3. As a condition of the sale or other authorized conveyance of ownership of any
19 unimproved parcel of land classified as residential property owned by the land bank
20 agency to a private owner, unless the owner owns an adjacent improved parcel, such owner
21 may be required to enter into a contract with the land bank agency stipulating that such
22 owner or owner's successor agree that the parcel of land shall, within one year of such sale,
23 either be improved by a nontemporary structure or returned to the land bank agency by
24 special warranty deed. The contract shall further state that if the private owner fails to
25 comply with the stipulation, the owner shall be liable to the land bank agency for damages
26 at the rate of one hundred dollars per month accruing on the first day of each month after
27 the termination of the one-year period so long as the private owner fails to convey the
28 parcel to the land bank agency. The performance of such agreement shall be secured by
29 a deed of trust or other lien encumbering the parcel. If the land bank agency finds by

30 resolution that the terms of the agreement have not been satisfied, the land bank agency
31 shall be authorized to bring suit to recover damages for the breach and to redeem the
32 ownership of such property without consideration or compensation by seeking a judicial
33 foreclosure of such agreement under sections 443.190 to 443.260, except that upon final
34 judgment of the court, title shall revert to the land bank agency without necessity of sale.
35 Notwithstanding subsection 2 of this section, the original deed conveying title to the private
36 owner shall contain a possibility of reverter upon the condition that the private owner fails
37 to comply with the terms of the contract, with a right of reentry retained by the land bank
38 agency. As an alternative to, or in addition to, seeking a judicial foreclosure, the land bank
39 agency may exercise the right of reentry under chapter 524, 527, or 534. The land bank
40 agency shall assume title to the land by filing a copy of the judgment with the recorder of
41 deeds in the county where the property is located. Any property redeemed by the land
42 bank agency under the provisions of this section shall be administered in the same manner
43 as other property sold to the land bank agency.

44 **4. It shall be the duty of such land bank agency to administer the tax delinquent**
45 **lands and other lands in its possession as provided in this section.**

46 **(1) The land bank agency shall immediately assume possession and control of all**
47 **real estate acquired by it under the provisions of sections 141.210 to 141.810 and sections**
48 **141.980 to 141.982 or otherwise and proceed to inventory and appraise such land, and**
49 **thereafter keep and maintain a perpetual inventory of such real estate, except that**
50 **individual parcels may be consolidated and grouped or regrouped for economy, utility, or**
51 **convenience.**

52 **(2) The land bank agency shall use reasonable efforts, consistent with the funding**
53 **available, to market the property in its inventory, and will endeavor to obtain a purchase**
54 **price consistent with the market conditions for that particular type of property in a similar**
55 **location, however, the land bank agency may take into consideration factors that include:**
56 **the costs expended either by it or the municipality in which the property is located to**
57 **continue to maintain the property while it is held in inventory, the detrimental impact of**
58 **vacant property on other properties within its vicinity, the proposed use of the property,**
59 **and the advantage of returning the property to the tax rolls for the benefit of all taxing**
60 **authorities intended to benefit from proceeds generated by the land bank agency. The land**
61 **bank agency shall maintain an inventory of the property held by it, and make it available**
62 **to the public, through means that make the best use of its limited resources, including**
63 **limiting accessibility through electronic means. The land bank agency shall systematically**
64 **update its inventory information, no less than quarterly per year. The records from each**
65 **transaction with respect to the transfer or exchange of property in the land bank agency's**

66 inventory shall be maintained, and provided upon request to any taxing authority intended
67 to benefit from the proceeds of the land bank. A summary of all such transactions shall
68 be prepared at least annually, and made publicly available upon request, and submitted
69 with the budget request of such land bank as provided in subsection 6 of section 141.981.

70 (3) The land bank commissioners shall have power, and it shall be their duty, to
71 manage, maintain, protect, rent, lease, repair, insure, alter, hold and return, assemble, sell,
72 trade, acquire, exchange, or otherwise dispose of any such real estate, on such terms and
73 conditions as may be determined in the sole discretion of the commissioners. The land
74 bank commissioners may assemble tracts or parcels of real estate for public parks or any
75 other purposes and to such end may exchange or acquire parcels, and otherwise effectuate
76 such purposes by agreement with any taxing authority. Without limiting the foregoing
77 power vested in the land bank commissioners to directly dispose of its inventory property,
78 such commissioners may, but are not obligated to, enter into listing or commission
79 agreements with real estate brokers licensed to do business within the city, and such
80 commissioners.

81 (4) The land bank agency shall adopt rules and regulations in harmony with
82 sections 141.210 to 141.810 and sections 141.980 to 141.982, and shall keep records of all
83 its transactions, which records shall be open to inspection of any taxing authority in the
84 city at any time. There shall be an annual audit of the affairs, accounts, expenses, and
85 financial transactions of such land bank agency by certified public accountants as of April
86 thirtieth of each year, which accountants shall be employed by the commissioners on or
87 before March first of each year, and certified copies thereof shall be furnished to the
88 appointing authorities described in section 141.980, and shall be available for public
89 inspection at the office of the land bank agency and on the land bank agency's internet
90 website, if it maintains a website. In addition to the annual audit provided for in this
91 subdivision, the land bank agency may be performance audited at any time by the state
92 auditor or by the auditor of the city that appoints members. The cost of such audit shall
93 be paid by the land bank agency, and copies shall be made available to the public within
94 thirty days of the completion of the audit.

95 5. The land bank commissioners may appoint a director and such other employees
96 who are deemed necessary to carry out the responsibilities and duties imposed under
97 sections 141.980 to 141.982, and may incur such other reasonable and proper costs and
98 expenses as are related thereto. The director shall furnish a surety bond at the expense of
99 the land bank agency in a penal sum of not less than ten thousand dollars, to be approved
100 by the land bank commissioners, conditioned to guarantee the faithful performance of the
101 director's duties. The bond shall be filed with the county clerk of the county. The director,

102 who shall be a person experienced in the management and sale of real estate, shall be
103 executive officer and administrator of the land bank agency, and shall manage all of its
104 business, under the supervision, direction, and control of the land bank commissioners.

105 **6. Each annual budget of the land bank agency shall be itemized as to objects and**
106 **purposes of expenditure, prepared not later than December tenth of each year with copies**
107 **delivered to the ad valorem taxing authorities that appointed members, and shall include**
108 **therein only such appropriations as shall be deemed necessary to meet the reasonable**
109 **expenses of the land bank agency during the forthcoming fiscal year. That budget shall**
110 **not become the required annual budget of the land bank agency unless and until it has**
111 **been approved by the governing bodies of the ad valorem taxing authorities that appointed**
112 **members. If either of the governing bodies of the ad valorem taxing authorities that**
113 **appointed members fails to notify the land bank agency in writing of any objections to the**
114 **proposed annual budget on or before December twentieth, then such failure or failures to**
115 **object shall be deemed approved. In the event objections have been made and a budget for**
116 **the fiscal year beginning May first has not been approved by the governing bodies of the**
117 **ad valorem taxing authorities that appointed members on or before May first, then the**
118 **budget for the previous fiscal year shall become the approved budget for that fiscal year.**
119 **Any unexpended funds from the preceding fiscal year shall be deducted from the amounts**
120 **needed to meet the budget requirements of the forthcoming year. Copies of the budget**
121 **shall be made available to the public on or before December tenth, and a public hearing**
122 **shall be had thereon before December twentieth, in each year. The approved and adopted**
123 **budget may be amended by the land bank commissioners only with the approval of the**
124 **governing bodies of the ad valorem taxing authorities that appointed members.**

125 **7. The fiscal year of the land bank agency shall commence on May first of each**
126 **year. Such land bank agency shall audit all claims for the expenditure of money and shall,**
127 **acting by the chair or vice chair thereof, draw warrants therefor from time to time.**

128 **8. No warrant for the payment of any claim shall be drawn by such land bank**
129 **agency until such claim shall have been approved by the director and shall bear the**
130 **director's certificate that there is a sufficient unencumbered balance in the proper**
131 **appropriation and sufficient unexpended cash available for the payment thereof.**

141.982. 1. Such land bank agency shall set up and maintain a perpetual inventory
2 **on each tract of its real estate, except that individual tracts may be consolidated and**
3 **grouped or regrouped for economy or convenience.**

4 **2. When any parcel of real estate acquired by such land bank agency under a**
5 **deemed sale under subsection 3 of section 141.560, by redemption under subsection 3 of**
6 **section 141.981, by gift under subsection 2 of section 141.980, or by deed from land trustees**

7 under subsection 1 of section 141.980 is sold or otherwise disposed of by such land bank
8 agency, the proceeds therefrom shall be applied and distributed in the following order:

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

10 (2) The balance to be retained by the land bank agency to pay the salaries and
11 other expenses of such land bank agency and of its employees, including any expenditures
12 authorized by subsection 4 of section 141.981, as provided for in its annual budget;

13 (3) Any funds in excess of those necessary to meet the expenses of the annual budget
14 of the land bank agency in any fiscal year and a reasonable sum to carry over into the next
15 fiscal year to assure that sufficient funds will be available to meet initial expenses for that
16 next fiscal year, exclusive of net profit from the sale of parcels acquired by the land bank
17 agency under a private foreclosure sale, shall be paid to the respective taxing authorities
18 that, at the time of the distribution, are taxing the real property from which the proceeds
19 are being distributed.

20
21 The distributions shall be in proportion to the amounts of the taxes levied on the properties
22 by the taxing authorities. Distribution shall be made on January first and July first of each
23 year, and at such other times as the land bank commissioners in their discretion may
24 determine.

25 3. When any parcel of real estate acquired by such land bank agency under a
26 private foreclosure sale is sold or otherwise disposed of by such land bank agency, the
27 proceeds therefrom shall be applied and distributed in the following order:

28 (1) To the payment of all land taxes and related charges then due on such parcel,
29 subject to subsection 5 of section 141.982;

30 (2) To the payment of the expenses of sale;

31 (3) The balance to be retained by the land bank agency to pay the salaries and
32 other expenses of such land bank agency and of its employees, including any expenditures
33 authorized by subsection 4 of section 141.981, as provided for in its annual budget;

34 (4) Any funds in excess of those necessary to meet the expenses of the annual budget
35 of the land bank agency in any fiscal year and a reasonable sum to carry over into the next
36 fiscal year to assure that sufficient funds will be available to meet initial expenses for that
37 next fiscal year, shall be paid in accordance with subdivision (3) of subsection 2 of this
38 section.

39 4. Upon acquiring title to any real estate under a deemed sale under subsection 3
40 of section 141.560, by redemption under subsection 3 of section 141.981, by gift under
41 subsection 2 of section 141.980, or by deed from land trustees under subsection 1 of section
42 141.980, such land bank agency shall immediately notify the county assessor of such

43 ownership, and the interests of each taxing authority therein shall be exempt from all
44 taxation, in the same manner and to the same extent as any other publicly owned real
45 estate, and upon the sale or other disposition of any real estate held by it, such land bank
46 agency shall immediately notify the county assessor of such change of ownership.

47 **5. Upon confirmation under section 141.580 of a sheriff's private foreclosure sale**
48 **of a parcel of real estate to a land bank agency, the sheriff shall deliver a court**
49 **administrator's deed for such parcel to the purchasing land bank agency and such land**
50 **bank agency shall pay the full amount of all tax bills included in the judgment, interest,**
51 **penalties, attorney's fees and costs then due thereon. Such parcel shall not be exempt from**
52 **taxation; provided however, if all land taxes on such parcel are paid in full at the time of**
53 **sale or other disposition of such parcel by the land bank agency or two years from the date**
54 **of its acquisition by the land bank agency, whichever occurs first, then all interest and**
55 **penalties that may have accrued thereon shall be abated.**

56 **6. Neither the land bank commissioners nor any salaried employee of the land bank**
57 **agency provided for in sections 141.980 to 141.982 shall receive any compensation,**
58 **emolument, or other profit directly or indirectly from the rental, management, purchase,**
59 **sale, or other disposition of any lands held by such land bank agency other than the**
60 **salaries, expenses, and emoluments provided for in sections 141.980 to 141.982; provided**
61 **further that neither the land bank commissioners nor any salaried employee of the land**
62 **bank agency provided for in sections 141.980 to 141.982 shall have any relationship with,**
63 **or be employed by, or otherwise receive any form of compensation from, any contractor**
64 **or developer who purchases property from the land bank agency. Any person convicted**
65 **of violating this subsection shall be deemed guilty of a felony and upon conviction thereof**
66 **shall be sentenced to serve not less than two nor more than five years in the state**
67 **penitentiary.**

✓