

SECOND REGULAR SESSION

# HOUSE BILL NO. 2189

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLAND.

Read 1<sup>st</sup> time March 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

5068L.011

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### AN ACT

To repeal section 141.540, RSMo, and to enact in lieu thereof one new section relating to property taxation.

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

Section A. Section 141.540, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 141.540, to read as follows:

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

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

NOTICE OF SHERIFF'S SALE  
UNDER JUDGMENT OF  
FORECLOSURE OF LIENS FOR  
DELINQUENT LAND TAXES

No. ....

In the Circuit Court of .....

County, Missouri.

In the Matter of Foreclosure of Liens

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

17 for Delinquent Land Taxes  
18 Collector of Revenue of .....  
19 County, Missouri,  
20 Plaintiff,  
21 --vs.--  
22 Parcels of Land encumbered with  
23 Delinquent Tax Liens,  
24 Defendants.

25 WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest,  
26 penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the  
27 description thereof, the name of the person appearing in the petition in the suit, and the total  
28 amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and  
29 costs, all as set out in said judgment and described in each case, respectively, as follows: (Here  
30 set out the respective serial numbers, descriptions, names and total amounts of each judgment,  
31 next above referred to, **together with the name of the creditor and the amount of any debt**  
32 **which the property secures pursuant to chapter 400, RSMo.)** and,

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

35 NOW, THEREFORE,

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

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

44 .....  
45 Sheriff of ..... County,  
46 Missouri.

47 .....  
48 Delinquent Land Tax Attorney  
49 Address: .....  
50 First Publication .....,  
51 20....

52 3. Such advertisement shall be published four times, once a week, upon the same day of

53 each week during successive weeks prior to the date of such sale, in a daily newspaper of general  
54 circulation regularly published in the county, qualified according to law for the publication of  
55 public notices and advertisements.

56 4. In addition to the provisions herein for notice and advertisement of sale, the county  
57 collector shall enter upon the property subject to foreclosure of these tax liens and post a written  
58 informational notice in any conspicuous location thereon. This notice shall describe the property  
59 and advise that it is the subject of delinquent land tax collection proceedings before the circuit  
60 court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment  
61 of delinquent taxes at a sale to be held at [ten o'clock a.m.] **a specified time between the hours**  
62 **of nine o'clock A.M. and five o'clock P.M.**, date and place, and shall also contain a file number  
63 and the address and phone number of the collector. If the collector chooses to post such notices  
64 as authorized by this subsection, such posting must be made not later than the fourteenth day  
65 prior to the date of the sale.

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

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