

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 235**  
**95TH GENERAL ASSEMBLY**

0247L.13C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof thirty-seven new sections relating to manufactured homes, with penalty provisions.

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

Section A. Sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.094, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 442.015, 513.010, 700.010, 700.100, 700.111, 700.320, 700.330, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.526, 700.527, 700.528, 700.529, and 700.630, to read as follows:

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

(1) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily

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.

7 associated with farming, agricultural, and horticultural uses. Agricultural and horticultural  
8 property shall also include land devoted to and qualifying for payments or other compensation  
9 under a soil conservation or agricultural assistance program under an agreement with an agency  
10 of the federal government. Agricultural and horticultural property shall further include land and  
11 improvements, exclusive of structures, on privately owned airports that qualify as reliever  
12 airports under the Nation Plan of Integrated Airports System, to receive federal airport  
13 improvement project funds through the Federal Aviation Administration. Real property  
14 classified as forest croplands shall not be agricultural or horticultural property so long as it is  
15 classified as forest croplands and shall be taxed in accordance with the laws enacted to  
16 implement section 7 of article X of the Missouri Constitution. **Agricultural and horticultural**  
17 **property shall also include any sawmill or planing mill defined in the U.S. Department of**  
18 **Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with**  
19 **the SIC numbers 2421, 2426, or 2429;**

20 (2) "Residential property", all real property improved by a structure which is used or  
21 intended to be used for residential living by human occupants, vacant land in connection with  
22 an airport, land used as a golf course, and manufactured home parks, but residential property  
23 shall not include other similar facilities used primarily for transient housing. For the purposes  
24 of this section, "transient housing" means all rooms available for rent or lease for which the  
25 receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision  
26 (6) of subsection 1 of section 144.020, RSMo;

27 (3) "Utility, industrial, commercial, railroad and other real property", all real property  
28 used directly or indirectly, for any commercial, mining, industrial, manufacturing, trade,  
29 professional, business, or similar purpose, including all property centrally assessed by the state  
30 tax commission but shall not include floating docks, portions of which are separately owned and  
31 the remainder of which is designated for common ownership and in which no one person or  
32 business entity owns more than five individual units. All other real property not included in the  
33 property listed in subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution,  
34 as such property is defined in this section, shall be deemed to be included in the term "utility,  
35 industrial, commercial, railroad and other real property".

36 2. Pursuant to article X of the state constitution, any taxing district may adjust its  
37 operating levy to recoup any loss of property tax revenue, except revenues from the surtax  
38 imposed pursuant to article X, subsection 2 of section 6 of the constitution, as the result of  
39 changing the classification of structures intended to be used for residential living by human  
40 occupants which contain five or more dwelling units if such adjustment of the levy does not  
41 exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this  
42 section, loss in revenue shall include the difference between the revenue that would have been

43 collected on such property under its classification prior to enactment of this section and the  
44 amount to be collected under its classification under this section. The county assessor of each  
45 county or city not within a county shall provide information to each taxing district within its  
46 boundaries regarding the difference in assessed valuation of such property as the result of such  
47 change in classification.

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

51 4. Where real property is used or held for use for more than one purpose and such uses  
52 result in different classifications, the county assessor shall allocate to each classification the  
53 percentage of the true value in money of the property devoted to each use; except that, where  
54 agricultural and horticultural property, as defined in this section, also contains a dwelling unit  
55 or units, the farm dwelling, appurtenant residential-related structures and up to five acres  
56 immediately surrounding such farm dwelling shall be residential property, as defined in this  
57 section.

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

64 (1) Immediate prior use, if any, of such property;

65 (2) Location of such property;

66 (3) Zoning classification of such property; except that, such zoning classification shall  
67 not be considered conclusive if, upon consideration of all factors, it is determined that such  
68 zoning classification does not reflect the immediate most suitable economic use of the property;

69 (4) Other legal restrictions on the use of such property;

70 (5) Availability of water, electricity, gas, sewers, street lighting, and other public services  
71 for such property;

72 (6) Size of such property;

73 (7) Access of such property to public thoroughfares; and

74 (8) Any other factors relevant to a determination of the immediate most suitable  
75 economic use of such property.

76 6. All lands classified as forest croplands shall not, for taxation purposes, be classified  
77 as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in  
78 section 4(b) of article X of the Missouri Constitution and defined in this section, but shall be

79 taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri  
80 Constitution.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's  
2 deputies in all counties of this state including the city of St. Louis shall annually make a list of  
3 all real and tangible personal property taxable in the assessor's city, county, town or district.  
4 Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor  
5 shall annually assess all personal property at thirty-three and one-third percent of its true value  
6 in money as of January first of each calendar year. The assessor shall annually assess all real  
7 property, including any new construction and improvements to real property, and possessory  
8 interests in real property at the percent of its true value in money set in subsection 5 of this  
9 section. The true value in money of any possessory interest in real property in subclass (3),  
10 where such real property is on or lies within the ultimate airport boundary as shown by a federal  
11 airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139  
12 certification and owned by a political subdivision, shall be the otherwise applicable true value  
13 in money of any such possessory interest in real property, less the total dollar amount of costs  
14 paid by a party, other than the political subdivision, towards any new construction or  
15 improvements on such real property completed after January 1, 2008, and which are included in  
16 the above-mentioned possessory interest, regardless of the year in which such costs were incurred  
17 or whether such costs were considered in any prior year. The assessor shall annually assess all  
18 real property in the following manner: new assessed values shall be determined as of January  
19 first of each odd-numbered year and shall be entered in the assessor's books; those same assessed  
20 values shall apply in the following even-numbered year, except for new construction and  
21 property improvements which shall be valued as though they had been completed as of January  
22 first of the preceding odd-numbered year. The assessor may call at the office, place of doing  
23 business, or residence of each person required by this chapter to list property, and require the  
24 person to make a correct statement of all taxable tangible personal property owned by the person  
25 or under his or her care, charge or management, taxable in the county. On or before January first  
26 of each even-numbered year, the assessor shall prepare and submit a two-year assessment  
27 maintenance plan to the county governing body and the state tax commission for their respective  
28 approval or modification. The county governing body shall approve and forward such plan or  
29 its alternative to the plan to the state tax commission by February first. If the county governing  
30 body fails to forward the plan or its alternative to the plan to the state tax commission by  
31 February first, the assessor's plan shall be considered approved by the county governing body.  
32 If the state tax commission fails to approve a plan and if the state tax commission and the  
33 assessor and the governing body of the county involved are unable to resolve the differences, in  
34 order to receive state cost-share funds outlined in section 137.750, the county or the assessor

35 shall petition the administrative hearing commission, by May first, to decide all matters in  
36 dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter  
37 may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by  
38 the parties. The final decision of the administrative hearing commission shall be subject to  
39 judicial review in the circuit court of the county involved. In the event a valuation of subclass  
40 (1) real property within any county with a charter form of government, or within a city not within  
41 a county, is made by a computer, computer-assisted method or a computer program, the burden  
42 of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be  
43 on the assessor at any hearing or appeal. In any such county, unless the assessor proves  
44 otherwise, there shall be a presumption that the assessment was made by a computer,  
45 computer-assisted method or a computer program. Such evidence shall include, but shall not be  
46 limited to, the following:

47 (1) The findings of the assessor based on an appraisal of the property by generally  
48 accepted appraisal techniques; and

49 (2) The purchase prices from sales of at least three comparable properties and the address  
50 or location thereof. As used in this subdivision, the word "comparable" means that:

51 (a) Such sale was closed at a date relevant to the property valuation; and

52 (b) Such properties are not more than one mile from the site of the disputed property,  
53 except where no similar properties exist within one mile of the disputed property, the nearest  
54 comparable property shall be used. Such property shall be within five hundred square feet in size  
55 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,  
56 and other relevant characteristics.

57 2. Assessors in each county of this state and the city of St. Louis may send personal  
58 property assessment forms through the mail.

59 3. The following items of personal property shall each constitute separate subclasses of  
60 tangible personal property and shall be assessed and valued for the purposes of taxation at the  
61 following percentages of their true value in money:

62 (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one  
63 percent;

64 (2) Livestock, twelve percent;

65 (3) Farm machinery, twelve percent;

66 (4) Motor vehicles which are eligible for registration as and are registered as historic  
67 motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five  
68 years old and which are used solely for noncommercial purposes and are operated less than fifty  
69 hours per year or aircraft that are home built from a kit, five percent;

70 (5) Poultry, twelve percent; and

71 (6) Tools and equipment used for pollution control and tools and equipment used in  
72 retooling for the purpose of introducing new product lines or used for making improvements to  
73 existing products by any company which is located in a state enterprise zone and which is  
74 identified by any standard industrial classification number cited in subdivision (6) of section  
75 135.200, RSMo, twenty-five percent.

76 4. The person listing the property shall enter a true and correct statement of the property,  
77 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed  
78 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered  
79 to the assessor.

80 5. All subclasses of real property, as such subclasses are established in section 4(b) of  
81 article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the  
82 following percentages of true value:

83 (1) For real property in subclass (1), nineteen percent;

84 (2) For real property in subclass (2), twelve percent; and

85 (3) For real property in subclass (3), thirty-two percent.

86 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used  
87 as dwelling units shall be assessed at the same percentage of true value as residential real  
88 property for the purpose of taxation. The percentage of assessment of true value for such  
89 manufactured homes shall be the same as for residential real property. If the county collector  
90 cannot identify or find the manufactured home when attempting to attach the manufactured home  
91 for payment of taxes owed by the manufactured home owner, the county collector may request  
92 the county commission to have the manufactured home removed from the tax books, and such  
93 request shall be granted within thirty days after the request is made; however, the removal from  
94 the tax books does not remove the tax lien on the manufactured home if it is later identified or  
95 found. **For purposes of this section,** a manufactured home located in a manufactured home  
96 rental park, rental community or on real estate not owned by the manufactured home owner shall  
97 be considered personal property. **For purposes of this section,** a manufactured home located  
98 on real estate owned by the manufactured home owner may be considered real property.

99 7. Each manufactured home assessed shall be considered a parcel for the purpose of  
100 reimbursement pursuant to section 137.750, unless the manufactured home has been converted  
101 to real [property in compliance with section 700.111] **estate as defined in subsection 7 of**  
102 **section 442.015,** RSMo, and assessed as a realty improvement to the existing real estate parcel.

103 8. Any amount of tax due and owing based on the assessment of a manufactured home  
104 shall be included on the personal property tax statement of the manufactured home owner unless  
105 the manufactured home has been converted to real [property in compliance with section 700.111]  
106 **estate as defined in subsection 7 of section 442.015,** RSMo, in which case the amount of tax

107 due and owing on the assessment of the manufactured home as a realty improvement to the  
108 existing real estate parcel shall be included on the real property tax statement of the real estate  
109 owner.

110 9. The assessor of each county and each city not within a county shall use the trade-in  
111 value published in the October issue of the National Automobile Dealers' Association Official  
112 Used Car Guide, or its successor publication, as the recommended guide of information for  
113 determining the true value of motor vehicles described in such publication. In the absence of a  
114 listing for a particular motor vehicle in such publication, the assessor shall use such information  
115 or publications which in the assessor's judgment will fairly estimate the true value in money of  
116 the motor vehicle.

117 10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)  
118 real property by more than fifteen percent since the last assessment, excluding increases due to  
119 new construction or improvements, the assessor shall conduct a physical inspection of such  
120 property.

121 11. If a physical inspection is required, pursuant to subsection 10 of this section, the  
122 assessor shall notify the property owner of that fact in writing and shall provide the owner clear  
123 written notice of the owner's rights relating to the physical inspection. If a physical inspection  
124 is required, the property owner may request that an interior inspection be performed during the  
125 physical inspection. The owner shall have no less than thirty days to notify the assessor of a  
126 request for an interior physical inspection.

127 12. A physical inspection, as required by subsection 10 of this section, shall include, but  
128 not be limited to, an on-site personal observation and review of all exterior portions of the land  
129 and any buildings and improvements to which the inspector has or may reasonably and lawfully  
130 gain external access, and shall include an observation and review of the interior of any buildings  
131 or improvements on the property upon the timely request of the owner pursuant to subsection 11  
132 of this section. Mere observation of the property via a drive-by inspection or the like shall not  
133 be considered sufficient to constitute a physical inspection as required by this section.

134 13. The provisions of subsections 11 and 12 of this section shall only apply in any county  
135 with a charter form of government with more than one million inhabitants.

136 14. A county or city collector may accept credit cards as proper form of payment of  
137 outstanding property tax or license due. No county or city collector may charge surcharge for  
138 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,  
139 processor, or issuer for its service. A county or city collector may accept payment by electronic  
140 transfers of funds in payment of any tax or license and charge the person making such payment  
141 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic  
142 payment.

143           15. Any county or city not within a county in this state may, by an affirmative vote of  
144 the governing body of such county, opt out of the provisions of this section and sections 137.073,  
145 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general  
146 assembly, second regular session and section 137.073 as modified by house committee substitute  
147 for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general  
148 assembly, second regular session, for the next year of the general reassessment, prior to January  
149 first of any year. No county or city not within a county shall exercise this opt-out provision after  
150 implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo,  
151 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and  
152 section 137.073 as modified by house committee substitute for senate substitute for senate  
153 committee substitute for senate bill no. 960, ninety-second general assembly, second regular  
154 session, in a year of general reassessment. For the purposes of applying the provisions of this  
155 subsection, a political subdivision contained within two or more counties where at least one of  
156 such counties has opted out and at least one of such counties has not opted out shall calculate a  
157 single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general  
158 assembly, second regular session. A governing body of a city not within a county or a county  
159 that has opted out under the provisions of this subsection may choose to implement the  
160 provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by  
161 house bill no. 1150 of the ninety-first general assembly, second regular session, and section  
162 137.073 as modified by house committee substitute for senate substitute for senate committee  
163 substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the  
164 next year of general reassessment, by an affirmative vote of the governing body prior to  
165 December thirty-first of any year.

166           16. The governing body of any city of the third classification with more than twenty-six  
167 thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located  
168 in any county that has exercised its authority to opt out under subsection 15 of this section may  
169 levy separate and differing tax rates for real and personal property only if such city bills and  
170 collects its own property taxes or satisfies the entire cost of the billing and collection of such  
171 separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax  
172 rate ceiling.

          362.105. 1. Every bank and trust company created under the laws of this state may for  
2 a fee or other consideration, directly or through a subsidiary company, and upon complying with  
3 any applicable licensing statute:

4           (1) Conduct the business of receiving money on deposit and allowing interest thereon  
5 not exceeding the legal rate or without allowing interest thereon, and of buying and selling  
6 exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or

7 personal property, and upon collateral of personal security at a rate of interest not exceeding that  
8 allowed by law, and also of buying, investing in, selling and discounting negotiable and  
9 nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and  
10 for all loans and discounts made, the corporation may receive and retain the interest in advance;

11 (2) Accept for payment, at a future date, drafts drawn upon it by its customers and to  
12 issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its  
13 correspondents at sight or on time not exceeding one year; provided, that no bank or trust  
14 company shall incur liabilities under this subdivision to an amount equal at any time in the  
15 aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with  
16 the approval of the director under such general regulations as to amount of acceptances as the  
17 director may prescribe;

18 (3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve  
19 Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank  
20 pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act"  
21 and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and  
22 exercise all powers, not in conflict with the laws of this state, which are conferred upon any  
23 member by the Federal Reserve Act and any amendments thereto. The member bank or trust  
24 company and its directors, officers and stockholders shall continue to be subject, however, to all  
25 liabilities and duties imposed upon them by any law of this state and to all the provisions of this  
26 chapter relating to banks or trust companies;

27 (4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation  
28 and to make such payments to and to make such deposits with the Federal Deposit Insurance  
29 Corporation and to pay such assessments made by such corporation as will enable the bank or  
30 trust company to obtain the benefits of the insurance of deposits under the act of Congress known  
31 as "The Banking Act of 1933" and any amendments thereto;

32 (5) Invest in a bank service corporation as defined by the act of Congress known as the  
33 "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same  
34 extent as provided by that act or any amendment thereto;

35 (6) Hold a noncontrolling equity interest in any business entity that conducts only  
36 activities that are financial in nature or incidental to financial activity or that is established  
37 pursuant to subdivision (16) of this subsection where the majority of the stock or other interest  
38 is held by Missouri banks, Missouri trust companies, national banks located in Missouri, or any  
39 foreign bank with a branch or branches in Missouri, or any combination of these financial  
40 institutions; provided that if the entity is defined pursuant to Missouri law as any type of  
41 financial institution subsidiary or other type of entity subject to special conditions or regulations,  
42 those conditions and regulations shall remain applicable, and provided that such business entity

43 may be formed as any type of business entity, in which each investor's liability is limited to the  
44 investment in and loans to the business entity as otherwise provided by law;

45 (7) Receive upon deposit for safekeeping personal property of every description, and to  
46 own or control a safety vault and rent the boxes therein;

47 (8) Purchase and hold the stock of one safe deposit company organized and existing  
48 under the laws of the state of Missouri and doing a safe deposit business on premises owned or  
49 leased by the bank or trust company at the main banking house and any branch operated by the  
50 bank or trust company; provided, that the purchasing and holding of the stock is first duly  
51 authorized by resolution of the board of directors of the bank or trust company and by the written  
52 approval of the director, and that all of the shares of the safe deposit company shall be purchased  
53 and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales  
54 or transfers or pledges in violation hereof to be void;

55 (9) Act as the fiscal or transfer agent of the United States, of any state, municipality,  
56 body politic or corporation and in such capacity to receive and disburse money, to transfer,  
57 register and countersign certificates of stock, bonds and other evidences of indebtedness;

58 (10) Acquire or convey real property for the following purposes:

59 (a) Real property conveyed to it in satisfaction or part satisfaction of debts previously  
60 contracted in the course of its business; and

61 (b) Real property purchased at sales under judgment, decrees or liens held by it;

62 (11) Purchase, hold and become the owner and lessor of personal property acquired upon  
63 the specific request of and for use of a customer; and, in addition, leases that neither anticipate  
64 full purchase price repayment on the leased asset, nor require the lease to cover the physical life  
65 of the asset, other than those for motor vehicles which will not be used by bank or trust company  
66 personnel, and may incur such additional obligations as may be incident to becoming an owner  
67 and lessor of the property, subject to the following limitations:

68 (a) Lease transactions do not result in loans for the purpose of section 362.170, but the  
69 total amount disbursed under leasing obligations or rentals by any bank to any person,  
70 partnership, association, or corporation shall at no time exceed the legal loan limit permitted by  
71 statute except upon the written approval of the director of finance;

72 (b) Lease payments are in the nature of rent rather than interest, and the provisions of  
73 chapter 408, RSMo, are not applicable;

74 (12) Contract with another bank or trust company, bank service corporation or other  
75 partnership, corporation, association or person, within or without the state, to render or receive  
76 services such as check and deposit sorting and posting, computation and posting of interest and  
77 other credits and charges, preparation and mailing of checks, statements, notices, and similar  
78 items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar

79 services, or the storage, transmitting or processing of any information or data; except that, the  
80 contract shall provide, to the satisfaction of the director of finance, that the party providing such  
81 services to a bank or trust company will be subject to regulation and examination to the same  
82 extent as if the services were being performed by the bank or trust company on its own premises.  
83 This subdivision shall not be deemed to authorize a bank or trust company to provide any  
84 customer services through any system of electronic funds transfer at places other than bank  
85 premises;

86 (13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease,  
87 hold or convey real property of a character which the bank or trust company holding stock in the  
88 corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph  
89 (a) of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first  
90 duly authorized by resolution of the board of directors of the bank or trust company and by the  
91 written approval of the director, and that all of the shares of the corporation shall be purchased  
92 and held by the bank or trust company and shall not be sold or transferred except as a whole;

93 (14) Purchase and sell investment securities, without recourse, solely upon order and for  
94 the account of customers; and establish and maintain one or more mutual funds and offer to the  
95 public shares or participations therein. Any bank which engages in such activity shall comply  
96 with all provisions of chapter 409, RSMo, regarding the licensing and registration of sales  
97 personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer  
98 with the office of the commissioner of securities and shall consent to supervision and inspection  
99 by that office and shall be subject to the continuing jurisdiction of that office;

100 (15) Make debt or equity investments in corporations or projects, whether for profit or  
101 not for profit, designed to promote the development of the community and its welfare, provided  
102 that the aggregate investment in all such corporations and in all such projects does not exceed  
103 five percent of the unimpaired capital of the bank, and provided that this limitation shall not  
104 apply to loans made under the authority of other provisions of law, and other provisions of law  
105 shall not limit this subdivision;

106 (16) Offer through one or more subsidiaries any products and services which a national  
107 bank may offer through its financial subsidiaries, subject to the limitations that are applicable to  
108 national bank financial subsidiaries, and provided such bank or trust company meets the division  
109 of finance safety and soundness considerations. This subdivision is enacted to provide in part  
110 competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999,  
111 Public Law 106-102.

112 2. In addition to the power and authorities granted in subsection 1 of this section, and  
113 notwithstanding any limitations therein, a bank or trust company may:

114 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real property and  
115 improvements thereto suitable for the convenient conduct of its functions. The bank may derive  
116 income from renting or leasing such real property or improvements or both. If the purchase or  
117 lease of such real property or improvements exceeds the legal loan limit or is from an officer,  
118 director, employee, affiliate, principal shareholder or a related interest of such person, prior  
119 approval shall be obtained from the director of finance; and

120 (2) Loan money on real estate **as defined in section 442.010, RSMo**, and handle  
121 escrows, settlements and closings on real estate for the benefit of the bank's customers, as a core  
122 part of the banking business, notwithstanding any other provision of law to the contrary.

123 3. In addition to the powers and authorities granted in subsection 1 of this section, every  
124 trust company created under the laws of this state shall be authorized and empowered to:

125 (1) Receive money in trust and to accumulate the same at such rate of interest as may be  
126 obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

127 (2) Accept and execute all such trusts and perform such duties of every description as  
128 may be committed to it by any person or persons whatsoever, or any corporation, and act as  
129 assignee, receiver, trustee and depositary, and to accept and execute all such trusts and perform  
130 such duties of every description as may be committed or transferred to it by order, judgment or  
131 decree of any courts of record of this state or other states, or of the United States;

132 (3) Take, accept and hold, by the order, judgment or decree of any court of this state, or  
133 of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or  
134 bequest of any person or corporation, any real or personal property in trust, and to execute and  
135 perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions,  
136 limitations and restrictions which may be declared, imposed, established or agreed upon in and  
137 by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

138 (4) Buy, invest in and sell all kinds of stocks or other investment securities;

139 (5) Execute, as principal or surety, any bond or bonds required by law to be given in any  
140 proceeding, in law or equity, in any of the courts of this state or other states, or of the United  
141 States;

142 (6) Act as trustee, personal representative, or conservator or in any other like fiduciary  
143 capacity;

144 (7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in  
145 the management and control of real or personal property, the sale or conveyance of same, the  
146 investment of money, and for any other lawful purpose.

147 4. (1) In addition to the powers and authorities granted in this section, the director of  
148 finance may, from time to time, with the approval of the state banking board, issue orders

149 granting such other powers and authorities as have been granted to financial institutions subject  
150 to the supervision of the federal government to:

151 (a) State-chartered banks and trust companies which are necessary to enable such banks  
152 and trust companies to compete;

153 (b) State-chartered banks and trust companies to establish branches to the same extent  
154 that federal law permits national banks to establish branches;

155 (c) Subsidiaries of state-chartered banks and trust companies to the same extent powers  
156 are granted to national bank subsidiaries to enable such banks and trust companies to compete;

157 (d) State-chartered banks and trust companies to establish trust representative offices to  
158 the same extent national banks are permitted such offices.

159 (2) The orders shall be promulgated as provided in section 361.105, RSMo, and shall  
160 not be inconsistent with the constitution and the laws of this state.

161 5. As used in this section, the term "subsidiary" shall include one or more business  
162 entities of which the bank or trust company is the owner, provided the owner's liability is limited  
163 by the investment in and loans to the subsidiary as otherwise provided for by law.

164 6. A bank or trust company to which authority is granted by regulation in subsection 4  
165 of this section, based on the population of the political subdivision, may continue to exercise  
166 such authority for up to five years after the appropriate decennial census indicates that the  
167 population of the town in which such bank or trust company is located has exceeded the limits  
168 provided for by regulation pursuant to subsection 4 of this section.

365.020. Unless otherwise clearly indicated by the context, the following words and  
2 phrases have the meanings indicated:

3 (1) "Cash sale price", the price stated in a retail installment contract for which the seller  
4 would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle  
5 which is the subject matter of the retail installment contract, if the sale had been a sale for cash  
6 or at a cash price instead of a retail installment transaction at a time sale price. The cash sale  
7 price may include any taxes, registration, certificate of title, license and other fees and charges  
8 for accessories and their installment and for delivery, servicing, repairing or improving the motor  
9 vehicle;

10 (2) "Director", the office of the director of the division of finance;

11 (3) "Holder" of a retail installment contract, the retail seller of the motor vehicle under  
12 the contract or, if the contract is purchased by a sales finance company or other assignee, the  
13 sales finance company or other assignee;

14 (4) "Insurance company", any form of lawfully authorized insurer in this state;

15 (5) "Motor vehicle", any new or used automobile, mobile home, **manufactured home**  
16 **as defined in section 700.010, RSMo, excluding a manufactured home with respect to which**

17 **the requirements of subsections 1 to 3 of section 700.111, RSMo, as applicable, have been**  
18 **satisfied**, motorcycle, all-terrain vehicle, motorized bicycle, moped, motortricycle, truck, trailer,  
19 semitrailer, truck tractor, or bus primarily designed or used to transport persons or property on  
20 a public highway, road or street;

21 (6) "Official fees", the fees prescribed by law for filing, recording or otherwise perfecting  
22 and releasing or satisfying any title or lien retained or taken by a seller in connection with a retail  
23 installment transaction;

24 (7) "Person", an individual, partnership, corporation, association, and any other group  
25 however organized;

26 (8) "Principal balance", the cash sale price of the motor vehicle which is the subject  
27 matter of the retail installment transaction plus the amounts, if any, included in the sale, if a  
28 separate identified charge is made therefor and stated in the contract, for insurance and other  
29 benefits, including any amounts paid or to be paid by the seller pursuant to an agreement with  
30 the buyer to discharge a security interest, lien, or lease interest on property traded in and official  
31 fees, minus the amount of the buyer's down payment in money or goods. Notwithstanding any  
32 law to the contrary, any amount actually paid by the seller pursuant to an agreement with the  
33 buyer to discharge a security interest, lien or lease on property traded in which was included in  
34 a contract prior to August 28, 1999, is valid and legal;

35 (9) "Retail buyer" or "buyer", a person who buys a motor vehicle from a retail seller in  
36 a retail installment transaction under a retail installment contract;

37 (10) "Retail installment contract" or "contract", an agreement evidencing a retail  
38 installment transaction entered into in this state pursuant to which the title to or a lien upon the  
39 motor vehicle, which is the subject matter of the retail installment transaction is retained or taken  
40 by the seller from the buyer as security for the buyer's obligation. The term includes a chattel  
41 mortgage or a conditional sales contract;

42 (11) "Retail installment transaction", a sale of a motor vehicle by a retail seller to a retail  
43 buyer on time under a retail installment contract for a time sale price payable in one or more  
44 deferred installments;

45 (12) "Retail seller" or "seller", a person who sells a motor vehicle, not principally for  
46 resale, to a retail buyer under a retail installment contract;

47 (13) "Sales finance company", a person engaged, in whole or in part, in the business of  
48 purchasing retail installment contracts from one or more sellers. The term includes but is not  
49 limited to a bank, trust company, loan and investment company, savings and loan association,  
50 financing institution, or registrant pursuant to sections 367.100 to 367.200, RSMo, if so engaged.  
51 The term shall not include a person who makes only isolated purchases of retail installment

52 contracts, which purchases are not being made in the course of repeated or successive purchases  
53 of retail installment contracts from the same seller;

54 (14) "Time price differential", the amount, however denominated or expressed, as  
55 limited by section 365.120, in addition to the principal balance to be paid by the buyer for the  
56 privilege of purchasing the motor vehicle on time to be paid for by the buyer in one or more  
57 deferred installments;

58 (15) "Time sale price", the total of the cash sale price of the motor vehicle and the  
59 amount, if any, included for insurance and other benefits if a separate identified charge is made  
60 therefor and the amounts of the official fees and time price differential.

365.200. 1. For any motor vehicle which is not subject to the Missouri motor vehicle  
2 time sales law as provided in sections 365.010 to 365.160, a seller is permitted to include in the  
3 contractual time sale of a motor vehicle the outstanding balance of a prior loan or lease of a  
4 motor vehicle used as a trade-in. For the purposes of this section, a "time sale contract" is a  
5 contract evidencing an installment transaction entered into in this state pursuant to which the title  
6 to or a lien upon the motor vehicle which is the subject of the installment transaction is retained  
7 or taken by the seller from the buyer as security for the buyer's obligation. The term includes a  
8 security agreement or a contract for the bailment or leasing of the motor vehicle by which the  
9 bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or  
10 in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or  
11 has the option of becoming, the owner of a motor vehicle upon satisfying the contract. "Motor  
12 vehicle" is any new or used automobile, mobile home, **manufactured home as defined in**  
13 **section 700.010, RSMo, excluding a manufactured home with respect to which the**  
14 **requirements of subsections 1 to 3 of section 700.111, RSMo, as applicable, have been**  
15 **satisfied**, motorcycle, truck, trailer, semitrailer, truck tractor or bus.

16 2. Any seller as provided in this section shall first qualify as a retail seller pursuant to  
17 sections 365.010 to 365.160.

369.229. 1. Every association may:

2 (1) Make loans secured by its accounts to the extent of the withdrawal value thereof and  
3 unsecured loans to any account owner but not exceeding such amount individually or in the  
4 aggregate as may be established by the director of the division of finance by regulation;

5 (2) Make loans of any type or kind, approved by the director of the division of finance,  
6 secured by mortgage or deed of trust constituting a first lien on real estate **as defined in section**  
7 **442.010, RSMo**, or a leasehold interest therein and having an unexpired term of at least five  
8 years or some term in excess of five years as may be fixed by regulation of the director of the  
9 division of finance;

10 (3) Make additional real estate loans secured by liens immediately subsequent to its own  
11 first lien upon the same property and with or without additional security;

12 (4) Purchase real estate loans of the same character as that upon which the association  
13 may make an original loan and lend money on the security of such loans;

14 (5) Participate in loans with other lenders on real estate of any type that the association  
15 could originate;

16 (6) Sell with or without recourse any real estate loan it holds or any participating interest  
17 therein.

18 2. Every association may, subject to such regulations as the director of the division of  
19 finance may prescribe:

20 (1) Make loans secured by the cash surrender value of any life insurance or annuity  
21 policy;

22 (2) Make loans for the purpose of repair, improvement, rehabilitation, furnishing or  
23 equipping real estate **as defined in section 442.010, RSMo**;

24 (3) Make loans, and purchase obligations representing loans, for the purpose of mobile  
25 home financing, including development, holding and leasing of mobile home parks or sites,  
26 **provided that, for purposes of this section mobile home includes a manufactured home as**  
27 **defined in section 700.010, RSMo**;

28 (4) Make loans for the payment of educational expenses;

29 (5) Make loans to homeowners with or without security for any purpose, but the  
30 aggregate of the unpaid balances of all such loans to any one borrower shall not exceed at any  
31 time the sum of five thousand dollars or such greater sum as the director of the division of  
32 finance may allow by regulation;

33 (6) Make loans to its directors, officers, and employees; and

34 (7) Make such other loans secured or unsecured as the director of the division of finance  
35 by regulation may permit.

370.300. 1. A credit union may lend to its members at reasonable rates of interest, which  
2 shall not exceed the maximum rate in similar classes allowed all other lenders under the laws of  
3 this state; however, a minimum interest charge not exceeding one dollar per month shall be  
4 allowable in all cases.

5 2. A credit union may charge a borrower expenses of making a loan including title  
6 examinations on real estate **as defined in section 442.010, RSMo**, used as security for a loan,  
7 credit investigations, credit life insurance, and filing and recording fees by governmental  
8 agencies.

9 3. The board may at the close of a dividend period allocate a portion of receipts from  
10 interest on loans for the purpose of making an interest refund to members. The refund when

11 made shall be made in proportion to the interest paid by members during the dividend period.  
12 The board may deny a refund to a member whose loans have been delinquent during the period.  
13 The board may limit the refund to interest from specific classes of loans and make the interest  
14 refund to members whose loans are included in such classes.

2 400.9-303. (a) This section applies to goods covered by a certificate of title, even if there  
3 is no other relationship between the jurisdiction under whose certificate of title the goods are  
4 covered and the goods or the debtor.

5 (b) Goods become covered by a certificate of title when a valid application for the  
6 certificate of title and the applicable fee are delivered to the appropriate authority. Goods cease  
7 to be covered by a certificate of title at the earlier of the time the certificate of title ceases to be  
8 effective under the law of the issuing jurisdiction or the time the goods become covered  
9 subsequently by a certificate of title issued by another jurisdiction.

10 (c) The local law of the jurisdiction under whose certificate of title the goods are covered  
11 governs perfection, the effect of perfection or nonperfection, and the priority of a security interest  
12 in goods covered by a certificate of title from the time the goods become covered by the  
13 certificate of title until the goods cease to be covered by the certificate of title.

14 (d) When a notice of lien is filed in accordance with chapter 301 or 306, RSMo, then the  
15 lien is perfected and this chapter shall not govern perfection or nonperfection or the priority of  
16 the lien even though a valid application for a certificate of title and the applicable fee was not  
17 delivered to the appropriate authority or the certificate of title was not issued by such authority.

18 (e) **Except as otherwise provided in this subsection and in section 400.9-334(e)(4),**  
19 **article 9 of this chapter [shall] does not apply to [liens on] the perfection or nonperfection, the**  
20 **priority, or the termination of a security interest in a manufactured [homes] home** perfected  
21 **in accordance with sections 700.350 to 700.390, RSMo, and the perfection or nonperfection, the**  
22 **priority and the termination of [the lien shall be] any such security interest are governed**  
23 **exclusively by those sections[, except liens or encumbrances on] . The perfection or**  
24 **nonperfection, the priority, and the termination of a security interest in** manufactured homes  
25 **perfected [pursuant to] by filing under** article 9 of this chapter, after June 30, 2001, and before  
26 August 28, 2002, [and the perfection or nonperfection, the priority, termination, rights, duties,  
27 and interests flowing from them] are and shall remain [valid and may be terminated, completed,  
28 consummated, or enforced as required or permitted] **governed** by article 9 of this chapter,  
29 provided such [liens on such manufactured homes are] **security interest is** not perfected in  
30 accordance with sections 700.350 to 700.390, RSMo, [however when conflicting lienholders file  
31 liens on the same] **and provided further that a security interest in a** manufactured home[, the  
32 lien filed] **perfected** under sections 700.350 to 700.390, RSMo, [shall have] **has** priority over  
[the lien filed] **security interests in the same manufactured home perfected by filing** under

33 article 9 of this chapter[, for] **during** the time period after June 30, 2001, and before August 28,  
34 2002.

35 **(f) Article 9 of this chapter does not apply to a security interest in a manufactured**  
36 **home which is real estate as defined in subsection 7 of section 442.015, RSMo. Article 9 of**  
37 **this chapter does apply to a security interest in a manufactured home which has been**  
38 **permanently affixed to real estate in accordance with subsection 1 of section 442.015,**  
39 **RSMo, and which thereafter was detached or severed from such real estate, provided that:**

40 **(1) Article 9 of this chapter applies to such security interest only on and after all**  
41 **requirements of subsection 4 of section 700.111, RSMo, have been satisfied with respect to**  
42 **such manufactured home; and**

43 **(2) On and after the satisfaction of such requirements, the perfection or**  
44 **nonperfection, the priority, and the termination of such security interest are governed**  
45 **exclusively by sections 700.350 to 700.390, RSMo.**

400.9-311. (a) Except as otherwise provided in subsection (d), the filing of a financing  
2 statement is not necessary or effective to perfect a security interest in property subject to:

3 (1) A statute, regulation, or treaty of the United States whose requirements for a security  
4 interest's obtaining priority over the rights of a lien creditor with respect to the property preempt  
5 section 400.9-310(a);

6 (2) Sections 301.600 to 301.661, RSMo, **section 700.350, RSMo,** and section  
7 400.2A-304; or

8 (3) A certificate-of-title statute of another jurisdiction which provides for a security  
9 interest to be indicated on the certificate as a condition or result of the security interest's  
10 obtaining priority over the rights of a lien creditor with respect to the property.

11 (b) Compliance with the requirements of a statute, regulation, or treaty described in  
12 subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing  
13 of a financing statement under this article. Except as otherwise provided in subsection (d) and  
14 sections 400.9-313 and 400.9-316(d) and (e) for goods covered by a certificate of title, a security  
15 interest in property subject to a statute, regulation, or treaty described in subsection (a) may be  
16 perfected only by compliance with those requirements, and a security interest so perfected  
17 remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

18 (c) Except as otherwise provided in subsection (d) and section 400.9-316(d) and (e),  
19 duration and renewal of perfection of a security interest perfected by compliance with the  
20 requirements prescribed by a statute, regulation, or treaty described in subsection (a) are  
21 governed by the statute, regulation, or treaty. In other respects, the security interest is subject to  
22 this article.

23 (d) During any period in which collateral is inventory held for sale or lease by a person  
24 or leased by that person as lessor and that person is in the business of selling or leasing goods  
25 of that kind, this section does not apply to a security interest in that collateral created by that  
26 person as debtor.

408.015. As used in sections 408.020 to 408.562:

2 (1) "Bank" shall mean bank, trust company, or bank and trust company;

3 (2) "Business loan" shall mean a loan to an individual or a group of individuals, the  
4 proceeds of which are to be used in a business or for the purpose of acquiring an interest in a  
5 business. The term shall also include a loan to a trust, estate, cooperative, association, or limited  
6 or general partnership;

7 (3) "Corporation" shall mean any corporation, whether for profit or not for profit, and  
8 including any urban redevelopment corporation;

9 (4) "Lender" shall include any bank, savings and loan association, credit union,  
10 corporation, partnership, or any other person or entity who makes loans or extends credit;

11 (5) "Monthly Index of Long Term United States Government Bond Yields" shall mean  
12 the monthly unweighted average yield for all outstanding United States Treasury bonds neither  
13 due nor callable in less than ten years, based on the daily closing bid prices in the over the  
14 counter market, as determined by the Board of Governors of the Federal Reserve System,  
15 published in the Federal Reserve Bulletin, and expressed in terms of percent per annum;

16 (6) "Residential real estate" shall mean any real estate used or intended to be used as a  
17 residence by not more than four families, one of whom is the borrower, **including a**  
18 **manufactured home as defined in section 700.010, RSMo, which is real estate as defined**  
19 **in subsection 7 of section 442.015, RSMo;**

20 (7) "Residential real estate loan" shall mean a loan made for the acquisition,  
21 construction, repair, or improvement of, or secured by, residential real estate. The term shall also  
22 include any loan made to refinance such a loan. No loan secured by residential real estate shall  
23 be considered to be a business loan unless such loan meets the requirements of subdivision (2)  
24 of this section and subdivision (2) of section 408.035.

408.052. 1. No lender shall charge, require or receive, on any residential real estate loan,  
2 any points or other fees of any nature whatsoever, excepting insurance, including insurance for  
3 involuntary unemployment coverage, and a one-percent origination fee, whether from the buyer  
4 or the seller or any other person, except that the lender may charge bona fide expenses paid by  
5 the lender to any other person or entity except to an officer, employee, or director of the lender  
6 or to any business in which any officer, employee or director of the lender owns any substantial  
7 interest for services actually performed in connection with a loan. In addition to the foregoing,  
8 if the loan is for the construction, repair, or improvement of residential real estate, the lender may

9 charge a fee not to exceed one percent of the loan amount for inspection and disbursement of the  
10 proceeds of the loan to third parties. Notwithstanding the foregoing, the parties may contract for  
11 a default charge for any installment not paid in full within fifteen days of its scheduled due date.

12 The restrictions of this section shall not apply:

13 (1) To any loan which is insured or covered by guarantee made by any department,  
14 board, bureau, commission, agency or establishment of the United States, pursuant to the  
15 authority of any act of Congress heretofore or hereafter adopted; and

16 (2) To any loan for which an offer or commitment or agreement to purchase has been  
17 received from and which is made with the intention of reselling such loan to the Federal Housing  
18 Administration, Farmers Home Administration, Federal National Mortgage Association,  
19 Government National Mortgage Association, Federal Home Loan Mortgage Corporation, or to  
20 any successor to the above-mentioned organizations, to any other state or federal governmental  
21 or quasi-governmental organization; and

22 (3) Provided that the 1994 reenactment of this section shall not be construed to be action  
23 taken in accordance with Public Law 96-221, Section 501(b)(4). Any points or fees received in  
24 excess of those permitted under this section shall be returned to the person from whom received  
25 upon demand.

26 2. Notwithstanding the language in subsection 1 of this section, a lender may pay to an  
27 officer, employee or director of the lender, or to any business in which such person has an  
28 interest, bona fide fees for services actually and necessarily performed in good faith in  
29 connection with a residential real estate loan, provided:

30 (1) Such services are individually listed by amount and payee on the loan-closing  
31 documents; and

32 (2) Such lender may use the preemption of Public Law 96-221, Section 501 with respect  
33 to the residential real estate loan in question. When fees charged need not be disclosed in the  
34 annual percentage rate required by Title 15, U.S.C. Sections 1601, et seq., and regulations  
35 thereunder because such fees are de minimis amounts or for other reasons, such fees need not  
36 be included in the annual percentage rate for state examination purposes.

37 3. The lender may charge and collect bona fide fees for services actually and necessarily  
38 performed in good faith in connection with a residential real estate loan as provided in subsection  
39 2 of this section; however, the lender's board of directors shall determine whether such bona fide  
40 fees shall be paid to the lender or businesses related to the lender in subsection 2 of this section,  
41 but may allow current contractual relationships to continue for up to two years.

42 4. **The lender may offer, sell, and finance automobile club memberships, home and**  
43 **auto security plans, and other plans and services that provide a benefit to the borrower.**

44           **5.** If any points or fees are charged, required or received, which are in excess of those  
45 permitted by this section, or which are not returned upon demand when required by this section,  
46 then the person paying the same points or fees or his or her legal representative may recover  
47 twice the amount paid together with costs of the suit and reasonable attorney's fees, provided that  
48 the action is brought within five years of such payment.

49           [5.] **6.** Any lender who knowingly violates the provisions of this section is guilty of a  
50 class B misdemeanor.

**408.094. Nothing in this chapter shall be construed to prohibit the sale of a**  
2 **deficiency waiver addendum, guaranteed asset protection, or a similar product purchased**  
3 **as part of a loan transaction with collateral and at the borrower's option, provided the cost**  
4 **of the product is disclosed in the loan contract.**

          408.140. 1. No further or other charge or amount whatsoever shall be directly or  
2 indirectly charged, contracted for or received for interest, service charges or other fees as an  
3 incident to any such extension of credit except as provided and regulated by sections 367.100 to  
4 367.200, RSMo, and except:

5           (1) On loans for thirty days or longer which are other than "open-end credit" as such term  
6 is defined in the federal Consumer Credit Protection Act and regulations thereunder, a fee, not  
7 to exceed five percent of the principal amount loaned not to exceed seventy-five dollars may be  
8 charged by the lender; however, no such fee shall be permitted on any extension, refinance,  
9 restructure or renewal of any such loan, unless any investigation is made on the application to  
10 extend, refinance, restructure or renew the loan;

11           (2) The lawful fees actually and necessarily paid out by the lender to any public officer  
12 for filing, recording, or releasing in any public office any instrument securing the loan, which  
13 fees may be collected when the loan is made or at any time thereafter; however, premiums for  
14 insurance in lieu of perfecting a security interest required by the lender may be charged if the  
15 premium does not exceed the fees which would otherwise be payable;

16           (3) If the contract so provides, a charge for late payment on each installment or minimum  
17 payment in default for a period of not less than fifteen days in an amount not to exceed five  
18 percent of each installment due or the minimum payment due or fifteen dollars, whichever is  
19 greater, not to exceed fifty dollars. If the contract so provides, a charge for late payment on each  
20 twenty-five dollars or less installment in default for a period of not less than fifteen days shall  
21 not exceed five dollars;

22           (4) If the contract so provides, a charge for late payment for a single payment note in  
23 default for a period of not less than fifteen days in an amount not to exceed five percent of the  
24 payment due; provided that, the late charge for a single payment note shall not exceed fifty  
25 dollars;

26 (5) Charges or premiums for insurance written in connection with any loan against loss  
27 of or damage to property or against liability arising out of ownership or use of property as  
28 provided in section 367.170, RSMo; however, notwithstanding any other provision of law, with  
29 the consent of the borrower, such insurance may cover property all or part of which is pledged  
30 as security for the loan, and charges or premiums for insurance providing life, health, accident,  
31 or involuntary unemployment coverage;

32 (6) Reasonable towing costs and expenses of retaking, holding, preparing for sale, and  
33 selling any personal property in accordance with section 400.9, RSMo;

34 (7) Charges assessed by any institution for processing a refused instrument plus a  
35 handling fee of not more than twenty-five dollars;

36 (8) If the contract or promissory note, signed by the borrower, provides for attorney fees,  
37 and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the  
38 amount due and payable under such contract or promissory note, together with any court costs  
39 assessed. The attorney fees shall only be applicable where the contract or promissory note is  
40 referred for collection to an attorney, and is not handled by a salaried employee of the holder of  
41 the contract;

42 (9) Provided the debtor agrees in writing, the lender may collect a fee in advance for  
43 allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more  
44 than the lesser of fifty dollars or ten percent of the loan payments deferred, no extensions are  
45 made until the first loan payment is collected and no more than one deferral in a twelve-month  
46 period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed  
47 loans only and does not affect any other subdivision;

48 (10) If the open-end credit contract is tied to a transaction account in a depository  
49 institution, such account is in the institution's assets and such contract provides for loans of  
50 thirty-one days or longer which are "open-end credit", as such term is defined in the federal  
51 Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit  
52 advance fee of the lesser of twenty-five dollars or five percent of the credit advanced from time  
53 to time from the line of credit; such credit advance fee may be added to the open-end credit  
54 outstanding along with any interest, and shall not be considered the unlawful compounding of  
55 interest as that term is defined in section 408.120;

56 (11) **A deficiency waiver addendum, guaranteed asset protection, or a similar**  
57 **product purchased as part of a loan transaction with collateral and at the borrower's**  
58 **option, provided the cost of the product is disclosed in the loan contract;**

59 (12) **A lender may offer, sell, and finance automobile club memberships, home and**  
60 **auto security plans, and other plans and services that provide a benefit to the borrower.**

61           2. Other provisions of law to the contrary notwithstanding, an open-end credit contract  
62 under which a credit card is issued by a company, financial institution, savings and loan or other  
63 credit issuing company whose credit card operations are located in Missouri may charge an  
64 annual fee, provided that no finance charge shall be assessed on new purchases other than cash  
65 advances if such purchases are paid for within twenty-five days of the date of the periodic  
66 statement therefor.

67           3. Notwithstanding any other provision of law to the contrary, in addition to charges  
68 allowed pursuant to section 408.100, an open-end credit contract provided by a company,  
69 financial institution, savings and loan or other credit issuing company which is regulated  
70 pursuant to this chapter may charge an annual fee not to exceed fifty dollars.

          408.233. 1. No charge other than that permitted by section 408.232 shall be directly or  
2 indirectly charged, contracted for or received in connection with any second mortgage loan,  
3 except as provided in this section:

4           (1) Fees and charges prescribed by law actually and necessarily paid to public officials  
5 for perfecting, releasing, or satisfying a security interest related to the second mortgage loan;

6           (2) Taxes;

7           (3) Bona fide closing costs paid to third parties, which shall include:

8           (a) Fees or premiums for title examination, title insurance, or similar purposes including  
9 survey;

10          (b) Fees for preparation of a deed, settlement statement, or other documents;

11          (c) Fees for notarizing deeds and other documents;

12          (d) Appraisal fees; and

13          (e) Fees for credit reports;

14          (4) Charges for insurance as described in subsection 2 of this section;

15          (5) Nonrefundable [fee] **fees** not to exceed **in total** five percent of the principal which  
16 may be used by the lender to reduce the rate on a second mortgage loan;

17          (6) Any amounts paid to the lender by any person, corporation or entity, other than the  
18 borrower, to reduce the rate on a second mortgage loan or to assist the borrower in qualifying for  
19 the loan;

20          (7) For revolving loans, an annual fee not to exceed fifty dollars may be assessed.

21           2. An additional charge may be made for insurance written in connection with the loan,  
22 including insurance protecting the lender against the borrower's default or other credit loss, and:

23           (1) For insurance against loss of or damage to property where no such coverage already  
24 exists; and

25           (2) For insurance providing life, accident, health or involuntary unemployment coverage.

26           3. The cost of any insurance shall not exceed the rates filed with the department of  
27 insurance, financial institutions and professional registration, and the insurance shall be obtained  
28 from an insurance company duly authorized to conduct business in this state. Any person or  
29 entity making second mortgage loans, or any of its employees, may be licensed to sell insurance  
30 permitted in this section.

31           4. On any second mortgage loan, a default charge may be contracted for and received for  
32 any installment or minimum payment not paid in full within fifteen days of its scheduled due  
33 date equal to five percent of the amount or fifteen dollars, whichever is greater, not to exceed  
34 fifty dollars. A default charge may be collected only once on an installment or a payment due  
35 however long it remains in default. A default charge may be collected at the time it accrues or  
36 at any time thereafter and for purposes of subsection 3 of section 408.234 a default charge shall  
37 be treated as a payment. No default charge may be collected on an installment or a payment due  
38 which is paid in full within fifteen days of its scheduled due date even though an earlier  
39 installment or payment or a default charge on earlier installment or payments may not have been  
40 paid in full.

41           5. The lender shall, in addition to the charge authorized by subsection 4 of this section,  
42 be allowed to assess the borrower or other maker of refused instrument the actual charge made  
43 by any institution for processing the negotiable instrument, plus a handling fee of not more than  
44 twenty-five dollars; and, if the contract or promissory note, signed by the borrower, provides for  
45 attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen  
46 percent of the amount due and payable under such contract or promissory note, together with any  
47 court costs assessed. The attorney fees shall only be applicable where the contract or promissory  
48 note is referred for collection to an attorney, and are not handled by a salaried employee of the  
49 holder of the contract or note.

50           **6. No provision of this section shall be construed to prohibit the sale of a deficiency**  
51 **waiver addendum, guaranteed asset protection, or a similar product purchased as part of**  
52 **a loan transaction with collateral and at the borrower's option, provided the cost of the**  
53 **product is disclosed in the loan contract.**

54           **7. The lender may offer, sell, and finance automobile club memberships, home and**  
55 **auto security plans, and other plans and services that provide a benefit to the borrower.**

          408.250. Unless otherwise clearly indicated by the context, the following words when  
2 used in sections 408.250 to 408.370, for the purposes of sections 408.250 to 408.370, shall have  
3 the meanings respectively ascribed to them in this section:

4           (1) "Cash sale price" means the price stated in a retail time transaction for which the  
5 seller would have sold or furnished to the buyer, and the buyer would have bought or obtained  
6 from the seller, the goods or services which are the subject matter of the retail time transaction,

7 if such sale were for cash. The cash sale price may include the cost of taxes, official fees, if any,  
8 and charges for accessories and their installation and delivery, and for the servicing, repairing  
9 or improving of goods. If a retail time transaction involves the repair, modernization, alteration  
10 or rehabilitation of real property, the cash sale price may include reasonable fees and costs  
11 actually to be paid for construction permits and similar fees, the services of an attorney and any  
12 title search and title insurance relating to any mortgage, lien or other security interest taken,  
13 granted or reserved pursuant to contract;

14 (2) "Credit" means the right granted by a creditor to a debtor to defer payment of a debt  
15 or to incur debt and defer its payment. It includes the right to incur debt and defer its payment  
16 pursuant to the use of a card, plate, coupon book, or other credit confirmation or identification  
17 device or number or other identifying description;

18 (3) The term "creditor" refers only to creditors who regularly extend, or arrange for the  
19 extension of, credit whether in connection with loans, sales of property or services, or otherwise;

20 (4) "Goods" means all tangible chattels personal and merchandise certificates or coupons  
21 issued by a retail seller exchangeable for tangible chattels personal of such seller, but the term  
22 does not include motor vehicles, nonprocessed farm products, livestock, money, things in action,  
23 or intangible personal property. The term includes tangible chattels personal which, at the time  
24 of the sale or subsequently, are to be so affixed to realty as to become a part thereof whether or  
25 not severable therefrom;

26 (5) "Holder" of a retail time contract means the retail seller of the goods or services  
27 under the contract or, if the contract is purchased or otherwise acquired, the person purchasing  
28 or otherwise acquiring the contract;

29 (6) "Insurance company" means any form of lawfully authorized insurer in this state;

30 (7) "Motor vehicle" means any new or used automobile, motor home, **manufactured**  
31 **home as defined in section 700.010, RSMo, excluding a manufactured home with respect**  
32 **to which the requirements of subsections 1 to 3 of section 700.111, RSMo, as applicable,**  
33 **have been satisfied,** motorcycle, truck, trailer, semitrailer, truck tractor, or bus, primarily  
34 designed or used to transport persons or property on a public highway, road or street, or a mobile  
35 or modular home or farm machinery or implements;

36 (8) "Official fees" means the fees prescribed by law for filing, recording or otherwise  
37 perfecting and releasing or satisfying any title or lien retained or taken by a seller in connection  
38 with a retail time transaction;

39 (9) "Person" means an individual, partnership, corporation, association, and any other  
40 group however organized;

41 (10) "Principal balance" means the cash sale price of the goods or services which are the  
42 subject matter of a retail time transaction plus the amount, if any, included in a retail time

43 contract, if a separate identified charge is made therefor and stated in the contract, for insurance  
44 and other benefits and official fees, minus the amount of the buyer's down payment in money or  
45 goods;

46 (11) "Retail buyer" or "buyer" means a person who buys goods or obtains services to be  
47 used primarily for personal, family, or household purposes and not primarily for business,  
48 commercial, or agricultural purposes from a retail seller in a retail time transaction;

49 (12) "Retail charge agreement" means an agreement entered into in this state between  
50 a retail seller and a retail buyer prescribing the terms of retail time transactions to be made from  
51 time to time pursuant to such agreement, and which provides for a time charge to be computed  
52 on the buyer's total unpaid balance from time to time;

53 (13) "Retail seller" or "seller" means a person who regularly sells or offers to sell goods  
54 or services to a buyer primarily for the latter's personal, family, or household use and not  
55 primarily for business, commercial, or agricultural use. The term also includes a person who  
56 regularly grants credit to retail buyers for the purpose of purchasing goods or services from any  
57 person, pursuant to a retail charge agreement, but shall not apply to any person licensed or  
58 chartered and regulated to engage regularly in the business of making loans from or in this state;

59 (14) "Retail time contract" means an agreement evidencing one or more retail time  
60 transactions entered into in this state pursuant to which a buyer engages to pay in one or more  
61 deferred payments the time sale price of goods or services. The term includes a chattel  
62 mortgage; conditional sales contract; and a contract for the bailment or leasing of goods by which  
63 the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent  
64 to or in excess of their cash sale price and by which it is agreed that the bailee or lessee is bound  
65 to become, or, for no further or a merely nominal consideration has the option of becoming, the  
66 owner of the goods upon full compliance with the provisions of the contract;

67 (15) "Retail time transaction" means a contract to sell or furnish or the sale of or  
68 furnishing of goods or services by a retail seller to a retail buyer for which payment is to be made  
69 in one or more deferred payments under and pursuant to a retail time contract or a retail charge  
70 agreement;

71 (16) "Services" means work, labor and services of any kind furnished or agreed to be  
72 furnished by a retail seller but does not include professional services including, but not limited  
73 to, services performed by an accountant, physician, lawyer or the like, unless the furnishing of  
74 such professional services is the subject of a signed retail time transaction;

75 (17) "Time charge" means the amount, however denominated or expressed, in excess of  
76 the cash sale price under a retail charge agreement or the principal balance under a retail time  
77 contract which a retail buyer contracts to pay or pays for goods or services. It includes the  
78 extension to the buyer of the privilege of paying therefor in one or more deferred payments;

79 (18) "Time sale price" means the total of the cash sale price of the goods or services and  
80 the amount, if any, included for insurance and other benefits if a separate identified charge is  
81 made therefor, and the amounts of the official fees, and the time charge.

408.300. 1. Notwithstanding the provisions of any other law, the seller or other holder  
2 under a retail time contract may charge, receive and collect a time charge, which shall be in lieu  
3 of any interest charges, except such as may arise under the terms of sections 408.250 to 408.370  
4 after maturity of the time contract and which charge shall not exceed the amount agreed to by  
5 the parties to the retail time contract. The time charge under this subsection shall be computed  
6 on the principal balance of each transaction, as determined under subsection 5 of section  
7 408.260, on contracts payable in successive monthly payments substantially equal in amount  
8 from the date of the contract to the maturity of the final payment, notwithstanding that the total  
9 time balance thereof is required to be paid in one or more deferred payments, or if goods are  
10 delivered or services performed more than ten days after that date, with the date of  
11 commencement of delivery of goods or performance of services to the maturity of the final  
12 payment. When a retail time contract provides for payment other than in substantially equal  
13 successive monthly payments, the time charge shall not exceed the amount which will provide  
14 the same return as is permitted on substantially equal monthly payment contracts. Each day may  
15 be counted as one-thirtieth of a month. In lieu of any other charge, a minimum time charge of  
16 twelve dollars may be charged, received, and collected on each such contract.

17 2. Notwithstanding the provisions of any other law, the seller and assignee under a retail  
18 charge agreement may charge, receive and collect a time charge which shall not exceed the  
19 amount agreed to by the parties to the retail charge agreement. The time charge under this  
20 subsection shall be computed on an amount not exceeding the greater of either:

21 (1) The average daily balance of the account in the billing cycle for which the charge is  
22 made, which is the sum of the amount unpaid each day during that cycle divided by the number  
23 of days in that cycle; amount unpaid on a day is determined by adding to any balance unpaid as  
24 of the beginning of that day all purchases and other debits and deducting all payments and other  
25 credits made or received as of that day; or

26 (2) The unpaid balance of the account on the last day of the billing cycle after first  
27 deducting all payments, credits and refunds during the billing cycle; or for all unpaid balances  
28 within a range of not in excess of ten dollars on the basis of the median amount within such  
29 range, if as so computed such time charge is applied to all unpaid balances within such range.  
30 A minimum time charge not in excess of seventy cents per month may be charged, received and  
31 collected.

32 3. The time charge shall include all charges incident to investigating and making any  
33 retail time transaction. No fee, expense, delinquency charge, collection charge, or other charge

34 whatsoever, shall be charged, received, or collected except as provided in sections 408.250 to  
35 408.370.

36 **4. No provision of this section shall be construed to prohibit the sale of a deficiency**  
37 **waiver addendum, guaranteed asset protection, or a similar product purchased as part of**  
38 **a loan transaction with collateral and at the borrower's option, provided the cost of the**  
39 **product is disclosed in the loan contract.**

436.350. As used in sections 436.350 to 436.365, unless the context clearly requires  
2 otherwise, the following terms shall mean:

3 (1) "Action", any civil lawsuit, action, or proceeding, in contract or tort, or otherwise,  
4 for damages or indemnity, brought to assert a claim, whether by petition, complaint,  
5 counterclaim, or cross-claim, for damage to, diminution in the value of, or the loss of use of real  
6 or personal property caused by an alleged construction defect. Action does not include any claim  
7 originating in small claims court, or any civil action in tort alleging personal injury or wrongful  
8 death to a person or persons resulting from an alleged construction defect;

9 (2) "Association":

10 (a) An association or unit owners' association as defined and provided for in subdivision  
11 (3) of section 448.1-103, RSMo;

12 (b) A homeowners' association, including but not limited to a nonprofit corporation or  
13 unincorporated association of homeowners created pursuant to a declaration to own and operate  
14 portions of a planned community or other residential subdivision and which has the power under  
15 the declaration to assess association members to pay the costs and expenses incurred in the  
16 performance of the association's obligations under the declaration, or tenants-in-common with  
17 respect to the ownership of common areas or amenities of a planned community or other  
18 residential subdivision; or

19 (c) Any cooperative form of ownership of multiunit housing;

20 (3) "Claimant", a homeowner or association which asserts a claim against a contractor  
21 concerning an alleged construction defect;

22 (4) "Construction defect", for the purposes of sections 436.350 to 436.365, a deficiency  
23 in, or a deficiency arising from, any of the following:

24 (a) Defective material, products, or components used in new residential construction or  
25 from a substantial remodel;

26 (b) Violation of the applicable codes and ordinances, including those ordinances which  
27 regulate zoning and the subdivision of land, in effect at the time of the commencement of  
28 construction of residential improvements, or as to a substantive remodel, at the commencement  
29 of such substantial remodel; provided however, that any matter that is in compliance with  
30 applicable codes and ordinances, including without limitation those ordinances which regulate

31 zoning and the subdivision of land, in effect at the commencement of construction of residential  
32 improvements, or to a substantial remodel as the case may be, shall conclusively establish that  
33 such matter is not, nor shall it be deemed or construed to be a construction defect, unless a  
34 construction defect as to such matter is established because of defective material, products, or  
35 components used in new residential construction or in a substantial remodel;

36 (c) Failure to construct residential improvements in accordance with accepted trade  
37 standards for good and workmanlike construction at the time of construction. Compliance with  
38 the applicable codes and ordinances, including without limitation those ordinances which  
39 regulate zoning and the subdivision of land, in effect at the commencement of construction, or  
40 of a substantial remodeling as the case may be, shall conclusively establish construction in  
41 accordance with accepted trade standards for good and workmanlike construction, with respect  
42 to all matters specified in those codes;

43 (d) Failure to construct residential improvements in accordance with the agreement  
44 between the contractor and the claimant, notwithstanding anything to the contrary in this  
45 subdivision;

46 (5) "Contractor", any person, company, firm, partnership, corporation, association, or  
47 other entity that is engaged in the business of designing, developing, constructing, or  
48 substantially remodeling residences;

49 (6) "Homeowner", any person, company, firm, partnership, corporation, association, or  
50 other entity who contracts with a contractor for the construction, substantial remodel of a  
51 residence, or the sale of a residence constructed by such contractor. Homeowner also includes  
52 a subsequent purchaser of a residence from any homeowner;

53 (7) "Residence", a single-family house, duplex, triplex, quadraplex, or a unit in a  
54 multiunit residential structure in which title to each individual unit is transferred to the owner  
55 under a condominium or cooperative system, and shall include common areas and common  
56 elements as defined in subdivision (4) of section 448.1-103, RSMo. Residence shall include the  
57 land and improvements to land under and around the house, unit, or structure. Residence shall  
58 not include a manufactured home as defined in section 700.010, RSMo;

59 (8) "Serve" or "service", personal service to the person intended to be notified or mailing  
60 to the last known address of such person;

61 (9) "Substantial remodel", a remodel of a residence, for which the total cost exceeds  
62 one-half of the assessed value of the residence for property tax purposes at the time the contract  
63 for the remodel work was made.

441.005. Except as otherwise provided, when used in chapter 534, RSMo, chapter 535,  
2 RSMo, or this chapter, the following terms mean:

3 (1) "Lease", a written or oral agreement for the use or possession of premises;

4 (2) "Lessee", any person who leases premises from another, and any person residing on  
5 the premises with the lessee's permission;

6 (3) "Premises", land, tenements, condominium or cooperative units, air rights and all  
7 other types of real property leased under the terms of a rental agreement, including any facilities  
8 and appurtenances, to such premises, and any grounds, areas and facilities held out for the use  
9 of tenants generally or the use of which is promised to the tenant. "Premises" include structures,  
10 fixed or mobile, temporary or permanent, vessels, **manufactured home as defined in section**  
11 **700.010, RSMo**, mobile trailer homes and vehicles which are used or intended for use primarily  
12 as a dwelling or as a place for commercial or industrial operations or storage;

13 (4) "Rent", a stated payment for the temporary possession or use of a house, land or other  
14 real property, made at fixed intervals by a tenant to a landlord.

442.010. When used in this chapter unless otherwise apparent from the context:

2 (1) The term "adult" shall be construed as meaning any person who is eighteen years of  
3 age or older;

4 (2) The term "minor" shall be construed as meaning any person who is less than eighteen  
5 years of age;

6 (3) The term "real estate" shall be construed as coextensive in meaning with lands,  
7 tenements and hereditaments, and as embracing all chattels real **and as including a**  
8 **manufactured home as defined in section 700.010, RSMo, which is real estate as defined**  
9 **in subsection 7 of section 442.015.**

**442.015. 1. For the purposes of this section, "manufactured home" means a**  
2 **manufactured home as defined in section 700.010, RSMo. Notwithstanding the foregoing,**  
3 **for the purposes of 11 U.S.C. Section 1322(b)(2), a manufactured home shall be deemed to**  
4 **be real property. For the purposes of this section, a manufactured home is permanently**  
5 **affixed if it is anchored to real estate by attachment to a permanent foundation,**  
6 **constructed in accordance with applicable state and local building codes and**  
7 **manufacturer's specifications as provided in 24 CFR Part 3285, and connected to**  
8 **residential utilities, such as, water, gas, electricity, or sewer or septic service.**

9 **2. To convey or voluntarily encumber a manufactured home as real estate, the**  
10 **following conditions shall be met:**

11 **(1) The manufactured home shall be permanently affixed to real estate;**

12 **(2) The ownership interests in the manufactured home and the real estate to which**  
13 **the manufactured home is or shall be permanently affixed shall be identical, provided,**  
14 **however, that the owner of the manufactured home, if not the owner of the real estate, is**  
15 **in possession of the real estate under the terms of a lease in recordable form that has a term**

16 that continues for at least twenty years after the date of execution, and the consent of the  
17 lessor of the real estate;

18 (3) The person or persons having an ownership interest in such manufactured  
19 home shall execute and record with the recorder of deeds of the county in which the real  
20 estate is located an affidavit of affixation as provided in subsection 3 of this section, and  
21 satisfy the other applicable requirements of this section; and

22 (4) Upon receipt of a certified copy of the affidavit of affixation, any person  
23 designated for filing the affidavit of affixation with the director of revenue under  
24 paragraph (h) of subdivision (1) of subsection 3 of this section shall file the certified copy  
25 of affidavit of affixation with the director of revenue as follows:

26 (a) In a case described in item (i) of subparagraph a. of paragraph (d) of  
27 subdivision (1) of subsection 3 of this section, the certified copy of the affidavit of affixation  
28 and the original manufacturer's certificate of origin, each as recorded in the county in  
29 which the real estate is located, shall be filed with the director of revenue under subsection  
30 1 of section 700.111, RSMo;

31 (b) In a case described in item (i) of subparagraph b. of paragraph (d) of  
32 subdivision (1) of subsection 3 of this section, the certified copy of the affidavit of  
33 affixation, as recorded in the county in which the real estate is located, and the original  
34 certificate of title shall be filed with the director of revenue under subsection 2 of section  
35 700.111, RSMo; and

36 (c) In a circumstance described in item (i) of subparagraph a. of paragraph (d) of  
37 subdivision (1), item (i) of subparagraph b. of paragraph (d), or paragraph (f) of subsection  
38 3 of this section, the certified copy of the affidavit of affixation, as recorded in the county  
39 in which the real estate is located and an application for confirmation of conversion shall  
40 be filed with the director of revenue under subsection 3 of section 700.111, RSMo.

41 3. (1) An affidavit of affixation shall contain or be accompanied by:

42 (a) The name of the manufacturer, the make, the model name, the model year, the  
43 dimensions, and the manufacturer's serial number of the manufactured home, and whether  
44 the manufactured home is new or used;

45 (b) a. A statement that the party executing the affidavit is the owner of the real  
46 estate described therein or:

47 b. If not the owner of the real estate:

48 (i) A statement that the party executing the affidavit is in possession of the real  
49 estate under the terms of a lease in recordable form that has a term that continues for at  
50 least twenty years after the date of execution of the affidavit; and

51           (ii) The consent of the lessor of the real estate endorsed upon or attached to the  
52 affidavit and acknowledged or proved in the manner as to entitle a conveyance to be  
53 recorded;

54           (c) The street address and the legal description of the real estate to which the  
55 manufactured home is or shall be permanently affixed;

56           (d) a. If the manufactured home is not covered by a certificate of title, a statement  
57 by the owner to that effect, and either:

58           (i) A statement by the owner of the manufactured home that the manufactured  
59 home is covered by a manufacturer's certificate of origin, the date the manufacturer's  
60 certificate of origin was issued, the manufacturer's serial number, and a statement that  
61 annexed to the affidavit of affixation is the original manufacturer's certificate of origin for  
62 the manufactured home, duly endorsed to the owner of the manufactured home, and that  
63 the owner of the manufactured home shall surrender the manufacturer's certificate of  
64 origin to the director of revenue; or

65           (ii) A statement that the owner of the manufactured home, after diligent search and  
66 inquiry, is unable to produce the original manufacturer's certificate of origin for the  
67 manufactured home and that the owner of the manufactured home shall apply to the  
68 director of revenue for a confirmation of conversion of the manufactured home; or

69           b. If the manufactured home is covered by a certificate of title, either:

70           (i) A statement by the owner of the manufactured home that the manufactured  
71 home is covered by a certificate of title, the date the title was issued, the title number, and  
72 that the owner of the manufactured home shall surrender the title; or

73           (ii) A statement that the owner of the manufactured home, after diligent search and  
74 inquiry, is unable to produce the certificate of title for the manufactured home and that the  
75 owner of the manufactured home shall apply to the director of revenue for a confirmation  
76 of conversion of the manufactured home;

77           (e) A statement whether or not the manufactured home is subject to one or more  
78 security interests or liens and:

79           a. If the manufactured home is subject to one or more security interests or liens, the  
80 name and address of each party holding a security interest in or lien on the manufactured  
81 home, including but not limited to, each holder shown on any certificate of title issued by  
82 the director of revenue, if any, the original principal amount secured by each security  
83 interest or lien, and a statement that the security interest or lien shall be released; or

84           b. A statement that each security interest in or lien on the manufactured home, if  
85 any, has been released, together with due proof of each such release;

86 (f) If the manufactured home is covered by neither a manufacturer's certificate of  
87 origin nor a certificate of title, a statement by the owner of the manufactured home to that  
88 effect and that the owner of the manufactured home shall apply to the director of revenue  
89 for a confirmation of conversion of the manufactured home;

90 (g) A statement that the manufactured home is or shall be permanently affixed to  
91 the real estate; and

92 (h) The name and address of a person designated for filing the certified copy of the  
93 affidavit of affixation with the director of revenue, after it has been duly recorded in the  
94 real estate records, as provided in subsection 5 of this section.

95 (2) An affidavit of affixation shall be duly acknowledged or proved in like manner  
96 as to entitle a conveyance to be recorded, and when so acknowledged or proved and upon  
97 payment of the lawful fees therefor, the recorder of deeds shall immediately cause the  
98 affidavit of affixation and any attachments to be duly recorded and indexed in the same  
99 manner as other instruments affecting real property.

100 (3) The affidavit of affixation shall be accompanied by an applicable fee for  
101 recording and issuing a certified copy of such affidavit.

102 4. Neither the act of permanently affixing a manufactured home to real estate nor  
103 the recording of the affidavit of affixation shall impair the rights of any holder of a security  
104 interest in or lien on a manufactured home perfected as provided in section 700.350, RSMo,  
105 unless and until the due filing with and acceptance by the director of revenue of an  
106 application to surrender the title as provided in subsection 1 of section 700.111, RSMo, and  
107 the release of such security interest or lien as provided in section 700.370, RSMo. Upon the  
108 filing of such a release, the security interest or lien perfected under section 700.350, RSMo,  
109 is terminated.

110 5. The recorder of deeds shall deliver a certified copy of the affidavit of affixation  
111 and all attachments thereto to the person or party delivering the documents to the recorder  
112 for record. Upon receipt of a certified copy of the affidavit of affixation by the person  
113 designated therein, such person shall deliver for filing to the director of revenue such  
114 certified copy of the affidavit of affixation and the other documents as provided in  
115 subdivision (4) of subsection 2 of this section.

116 6. A manufactured home shall be deemed to be real estate when all of the following  
117 events have occurred:

118 (1) The home is permanently affixed to land as provided in subsection 1 of this  
119 section;

120           **(2) An affidavit of affixation conforming to the requirements of subsection 3 of this**  
121 **section has been recorded in the conveyance records in the office of the county recorder in**  
122 **the county where the manufactured home is permanently affixed;**

123           **(3) A certified copy of the affidavit of affixation has been delivered for filing to the**  
124 **director of revenue as provided in subsection 5 of this section; and**

125           **(4) The requirements of subsections 1 to 3 of section 700.111, RSMo, as applicable,**  
126 **have been satisfied.**

127           **7. Upon the satisfaction of the requirements of subsection 6 of this section, such**  
128 **manufactured home shall be deemed to be real estate; any mortgage, deed of trust, lien, or**  
129 **security interest which can attach to land, buildings erected thereon or fixtures affixed**  
130 **thereto shall attach as of the date of its recording in the same manner as if the**  
131 **manufactured home were built from ordinary building materials on site. Title to such**  
132 **manufactured home shall be transferred by deed or other form of conveyance that is**  
133 **effective to transfer an interest in real estate, together with the land to which such**  
134 **structure has been affixed. The manufactured home shall be deemed to be real estate and**  
135 **shall be governed by the laws applicable to real estate.**

136           **8. Except as provided in subsections 3, 5, 6, and 7 of this section, an affidavit of**  
137 **affixation is not necessary or effective to convey or encumber a manufactured home or to**  
138 **change the character of the manufactured home to real estate. No conveyance of land upon**  
139 **which is located a manufactured home for which no affidavit of affixation has been**  
140 **recorded or for which an affidavit of severance has been recorded shall effect a conveyance**  
141 **or transfer of any interest in said manufactured home. Any such transfer or encumbrance**  
142 **of such manufactured home may only be made under the provisions of chapter 700, RSMo,**  
143 **and any agreement by any party to the transaction whereby the requirements of this**  
144 **subsection are waived shall be void as contrary to public policy.**

145           **9. Nothing in this section shall impair any rights existing under law prior to August**  
146 **28, 2009, of anyone claiming an interest in the manufactured home.**

147           **10. (1) If and when a manufactured home for which an affidavit of affixation has**  
148 **been recorded is detached or severed from the real estate to which it is affixed, the person**  
149 **or persons having an interest in the real estate shall record an affidavit of severance in the**  
150 **records of real property conveyances of the county in which the affidavit of affixation with**  
151 **respect to the manufactured home is recorded. The affidavit of severance shall contain or**  
152 **be accompanied by:**

153           **(a) The name, residence, and mailing address of the owner of the manufactured**  
154 **home;**

- 155           (b) A description of the manufactured home including the name of the  
156 manufacturer, the make, the model name, the model year, the dimensions, and the  
157 manufacturer's serial number of the manufactured home and whether it is new or used;
- 158           (c) The book number, page number, and date of recordation of the affidavit of  
159 affixation;
- 160           (d) A statement:
- 161           a. Of any facts or information known to the party executing the affidavit that could  
162 affect the validity of the title of the manufactured home or the existence or nonexistence  
163 of a security interest in or lien on it; or
- 164           b. That no such facts or information are known to such party;
- 165           (e) A declaration by an attorney-at-law duly admitted to practice in the courts of  
166 the state of Missouri or an agent of a title insurance company duly licensed to issue policies  
167 of title insurance in the state of Missouri that:
- 168           a. The manufactured home is free and clear of, or has been released from, all  
169 recorded security interests, liens, and encumbrances; and
- 170           b. Any facts or information known to him or her that could affect the validity of  
171 the title of the manufactured home or the existence or nonexistence of a security interest  
172 in or lien on it; or
- 173           c. That no such facts or information are known to him or her; and
- 174           (f) The name and address of the person designated for filing the certified copy of  
175 the affidavit of severance with the director of revenue, after it has been duly recorded in  
176 the real estate records, as provided in subsection 11 of this section.
- 177           (2) The affidavit of severance shall be duly acknowledged or proved in like manner  
178 as to entitle a conveyance to be recorded, and when so acknowledged or proved and upon  
179 payment of the lawful fees therefor, such recorder of deeds shall immediately cause the  
180 affidavit of severance and any attachments thereto to be duly recorded and indexed in the  
181 same manner as other instruments affecting real property.
- 182           (3) The affidavit of severance shall also be accompanied by an applicable fee for  
183 recording and issuing a certified copy of such affidavit.
- 184           (4) Upon written request, the director of revenue shall provide written  
185 acknowledgment of compliance with the provisions of this subsection.
- 186           11. The recorder of deeds shall deliver a certified copy of the affidavit of severance  
187 to the person or party delivering the documents to the recorder for record. Upon receipt  
188 of a certified copy of the affidavit of severance, the person designated therein shall deliver  
189 such certified copy of the affidavit of severance and the other documents, as provided in  
190 subdivision (1) of subsection 10 of this section, to the director of revenue.

513.010. 1. The word "levy", as used in this chapter, shall be construed to mean the actual seizure of property by the officer charged with the execution of the writ.

2. The term "real estate", as used in this chapter shall be construed to include all estate and interest in lands, tenements and hereditaments, **including a manufactured home as defined in section 700.010, RSMo, which is real estate as defined in subsection 7 of section 442.015, RSMo.**

700.010. As used in sections 700.010 to 700.500, for the purpose of sections 700.010 to 700.500, the following terms mean:

(1) "Authorized representative", any person, firm or corporation, or employee thereof, approved or hired by the commission to perform inspection services;

(2) "Code", the standards relating to manufactured homes, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the American National Standards Institute, the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(3) "Commission", the public service commission;

(4) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or more used homes or one or more new manufactured homes, or one or more new modular units in any consecutive twelve-month period;

(5) "Installer", an individual who is licensed by the commission to install manufactured homes under sections 700.650 to 700.692;

(6) "Manufactured home", a [factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner] **structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United**

30 **States Secretary of Housing and Urban Development and complies with the standards**  
31 **established under Title 42 of the United States Code;**

32 (7) "Manufacturer", any person who manufactures manufactured homes, or modular  
33 units, including persons who engage in importing manufactured homes, or modular units for  
34 resale;

35 (8) "Modular unit", a transportable building unit designed to be used by itself or to be  
36 incorporated with similar units at a point-of-use into a modular structure to be used for  
37 residential, commercial, educational or industrial purposes. This definition shall not apply to  
38 structures under six hundred fifty square feet used temporarily and exclusively for construction  
39 site office purposes;

40 (9) "New", being sold or offered for sale to the first purchaser for purposes other than  
41 resale;

42 (10) "Person", an individual, partnership, corporation or other legal entity;

43 (11) "Premises", a lot, plot, or parcel of land including the buildings, structures, and  
44 manufactured homes thereon;

45 (12) "Recreational park trailer", a recreational park trailer as defined in the American  
46 National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers. A  
47 recreational park trailer is not a recreational vehicle;

48 (13) "Recreational vehicle", a recreational vehicle as defined in the American National  
49 Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;

50 (14) "Seal", a device, label or insignia issued by the public service commission, U.S.  
51 Department of Housing and Urban Development, or its agent, to be displayed on the exterior of  
52 the manufactured home, or modular unit to evidence compliance with the code;

53 (15) "Setup", the operations performed at the occupancy site which renders a  
54 manufactured home or modular unit fit for habitation, which operations include, but are not  
55 limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

700.100. 1. The commission may refuse to register or refuse to renew the registration  
2 of any person who fails to comply with the provisions of sections 700.010 to 700.115.  
3 Notification of unfavorable action by the commission on any application for registration or  
4 renewal of registration must be delivered to the applicant within thirty days from date it is  
5 received by the commission. Notification of unfavorable action by the commission on any  
6 application for registration or renewal of registration must be accompanied by a notice informing  
7 the recipient that the decision of the commission may be appealed as provided in chapter 386,  
8 RSMo.

9 2. The commission may consider a complaint filed with it charging a registered  
10 manufacturer or dealer with a violation of the provisions of this section, which charges, if

11 proven, shall constitute grounds for revocation or suspension of his **or her** registration, or the  
12 placing of the registered manufacturer or dealer on probation.

13 3. The following specifications shall constitute grounds for the suspension, revocation  
14 or placing on probation of a manufacturer's or dealer's registration:

15 (1) If required, failure to comply with the provisions of section 301.280, RSMo;

16 (2) Failing to be in compliance with the provisions of section 700.090;

17 (3) If a corporation, failing to file all franchise or sales tax forms required by Missouri  
18 law;

19 (4) Engaging in any conduct which constitutes a violation of the provisions of section  
20 407.020, RSMo;

21 (5) Failing to comply with the provisions of Sections 2301-2312 of Title 15 of the United  
22 States Code (Magnuson-Moss Warranty Act);

23 (6) As a dealer, failing to arrange for the proper initial setup of any new manufactured  
24 home or modular unit sold from or in the state of Missouri, except as allowed under subsection  
25 5 of section 700.656; the dealer shall receive a written waiver of that service from the purchaser  
26 or his or her authorized agent;

27 (7) **As a dealer, failing to obtain for each used manufactured home or used modular**  
28 **unit sold a written notice, signed, and dated by the purchaser or the purchaser's agent that**  
29 **states: "The Missouri Public Service Commission does not regulate setup of used**  
30 **manufactured homes and used modular units sold by the dealer.";**

31 (8) Requiring any person to purchase any type of insurance from that manufacturer or  
32 dealer as a condition to his **or her** being sold any manufactured home or modular unit;

33 [(8)] (9) Requiring any person to arrange financing or utilize the services of any  
34 particular financing service as a condition to his **or her** being sold any manufactured home or  
35 modular unit; provided, however, the registered manufacturer or dealer may reserve the right to  
36 establish reasonable conditions for the approval of any financing source;

37 [(9)] (10) Engaging in conduct in violation of section 700.045;

38 [(10)] (11) Failing to comply with the provisions of section 301.210, RSMo;

39 [(11)] (12) Failing to pay all necessary fees and assessments authorized pursuant to  
40 sections 700.010 to 700.115.

41 4. The commission may order that any suspension, revocation, or probation ordered  
42 under subsection 3 of this section shall apply to all manufacturer's or dealer's registrations that  
43 are held by the same manufacturer or dealer or that are owned or controlled by the same person  
44 or persons if a continued and consistent pattern of the violations have been identified by the  
45 commission to be present with each [licensee] **registrant** under the same control or ownership.

700.111. 1. [The owner of a manufactured home may convert the manufactured home  
2 to real property by:

3 (1) Attaching the manufactured home to a permanent foundation situated on real estate  
4 owned by the manufactured home owner; and

5 (2) The removal or modification of the transporting apparatus including but not limited  
6 to wheels, axles and hitches rendering it impractical to reconvert the real property thus created  
7 to a manufactured home.] **(1) The owner or owners of a manufactured home that is covered  
8 by a manufacturer's certificate of origin and that is permanently affixed to real estate as  
9 defined in subsection 1 of section 442.015, RSMo, or which the owner intends to  
10 permanently affix to real estate as defined in subsection 1 of section 442.015, RSMo, may  
11 surrender the manufacturer's certificate of origin to the manufactured home to the  
12 director of revenue by filing with the director of revenue, in the form prescribed by the  
13 director, an application for surrender of manufacturer's certificate of origin containing or  
14 accompanied by:**

15 (a) **The name, residence, and mailing address of the owner;**

16 (b) **A description of the manufactured home including the name of the  
17 manufacturer, the make, the model name, the model year, the dimensions, and the  
18 manufacturer's serial number of the manufactured home and whether it is new or used  
19 and any other information the director of revenue requires;**

20 (c) **The date of purchase by the owner of the manufactured home, the name and  
21 address of the person from whom the home was acquired and the names and addresses of  
22 any security interest holders and lienholders in the order of their apparent priority;**

23 (d) **A statement signed by the owner, stating either:**

24 a. **Any facts or information known to the owner that could affect the validity of the  
25 title to the manufactured home or the existence or nonexistence of a security interest in or  
26 lien on it; or**

27 b. **That no such facts or information are known to the owner;**

28 (e) **A certified copy of the affidavit of affixation as provided in accordance with  
29 subsection 5 of section 442.015, RSMo;**

30 (f) **The original manufacturer's certificate of origin;**

31 (g) **The name and mailing address of each person wishing written acknowledgment  
32 of surrender from the director of revenue;**

33 (h) **The applicable fee for filing the application for surrender; and**

34 (i) **Any other information and documents the director of revenue reasonably  
35 requires to identify the owner of the manufactured home and to enable it to determine  
36 whether the owner satisfied the requirements of subsection 6 of section 442.015, RSMo, and**

37 is entitled to surrender the manufacturer's certificate of origin, and the existence or  
38 nonexistence of security interests in or liens on the manufactured home.

39 (2) When satisfied of the genuineness and regularity of the surrender of a  
40 manufacturer's certificate of origin to a manufactured home and upon satisfaction of the  
41 requirements of subdivision (1) of this subsection, the director of revenue shall:

42 (a) Cancel the manufacturer's certificate of origin and update its records in  
43 accordance with the provisions of section 700.320; and

44 (b) Provide written acknowledgment of compliance with the provisions of this  
45 section to each person identified on the application for surrender of a manufacturer's  
46 certificate of origin under paragraph (g) of subdivision (1) of this subsection.

47 (3) Upon satisfaction of the requirements of this subsection a manufactured home  
48 shall be conveyed and encumbered as provided in chapter 442, RSMo. If the application  
49 to surrender a manufacturer's certificate of origin is delivered to the director of revenue  
50 within sixty days of recording the related affidavit of affixation with the recorder of deeds  
51 in the county in which the real estate to which the manufactured home is or shall be affixed  
52 and the application is thereafter accepted by the director of revenue, the requirements of  
53 this subsection shall be deemed satisfied as of the date the affidavit of affixation was  
54 recorded.

55 (4) Upon written request, the director of revenue shall provide written  
56 acknowledgment of compliance with the provisions of this subsection.

57 2. [The conversion of a manufactured home to real property by the method provided in  
58 subsection 1 of this section shall prohibit any political subdivision of this state from declaring  
59 or treating that manufactured home as other than real property.] (1) **The owner or owners of**  
60 **a manufactured home that is covered by a certificate of title and that is permanently**  
61 **affixed to real estate in accordance with subsection 1 of section 442.015, RSMo, or which**  
62 **the owner intends to permanently affix to real estate in accordance with subsection 1 of**  
63 **section 442.015, RSMo, may surrender the certificate of title to the manufactured home to**  
64 **the director of revenue by filing with the director of revenue an application for surrender**  
65 **of title containing or accompanied by:**

66 (a) The name, residence, and mailing address of the owner;

67 (b) A description of the manufactured home including the name of the  
68 manufacturer, the make, the model name, the model year, the dimensions, and the  
69 manufacturer's serial number of the manufactured home and whether it is new or used  
70 and any other information the director of revenue requires;

71 (c) The date of purchase by the owner of the manufactured home, the name and  
72 address of the person from whom the home was acquired and the names and addresses of  
73 any security interest holders and lienholders in the order of their apparent priority;

74 (d) A statement signed by the owner, stating either:

75 a. Any facts or information known to the owner that could affect the validity of the  
76 title to the manufactured home or the existence or nonexistence of a security interest in or  
77 lien on it; or

78 b. That no such facts or information are known to the owner;

79 (e) A certified copy of the affidavit of affixation provided in accordance with  
80 subsection 5 of section 442.015, RSMo;

81 (f) The original certificate of title;

82 (g) The name and mailing address of each person wishing written acknowledgment  
83 of surrender from the director of revenue;

84 (h) The applicable fee for filing the application for surrender; and

85 (i) Any other information and documents the director of revenue reasonably  
86 requires to identify the owner of the manufactured home and to enable it to determine  
87 whether the owner satisfied the requirements of subsection 6 of section 442.015, RSMo, and  
88 is entitled to surrender the certificate of title and the existence or nonexistence of security  
89 interests in or liens on the manufactured home.

90 (2) The director of revenue shall not accept for surrender a certificate of title to a  
91 manufactured home unless and until all security interests or liens perfected under section  
92 700.350 have been released.

93 (3) When satisfied of the genuineness and regularity of the surrender of a certificate  
94 of title to a manufactured home and upon satisfaction of the requirements of subdivisions  
95 (1) and (2) of this subsection, the director of revenue shall:

96 (a) Cancel the certificate of title and update its records in accordance with the  
97 provisions of section 700.320; and

98 (b) Provide written acknowledgment of compliance with the provisions of this  
99 section to each person identified on the application for surrender of title under paragraph  
100 (g) of subdivision (1) of this subsection.

101 (4) Upon satisfaction of the requirements of this subsection a manufactured home  
102 shall be conveyed and encumbered as provided in chapter 442, RSMo. If the application  
103 to surrender a certificate of title is delivered to the director of revenue within sixty days of  
104 recording the related affidavit of affixation with the recorder of deeds in the county in  
105 which the real estate to which the manufactured home is or shall be affixed, and the

106 application is thereafter accepted by the director of revenue, the requirements of this  
107 subsection shall be deemed satisfied as of the date the affidavit of affixation was recorded.

108 (5) Upon written request, the director of revenue shall provide written  
109 acknowledgment of compliance with the provisions of this subsection.

110 3. (1) The owner or owners of a manufactured home that is not covered by a  
111 manufacturer's certificate of origin or a certificate of title, or that is covered by a  
112 manufacturer's certificate of origin which the owner of the manufactured home, after  
113 diligent search and inquiry, is unable to produce, and that is permanently affixed to real  
114 estate in accordance with subsection 1 of section 442.015, RSMo, or which the owner  
115 intends to permanently affix to real estate as defined in subsection 1 of section 442.015,  
116 RSMo, may apply to the director of revenue by filing with the director of revenue an  
117 application for confirmation of conversion containing or accompanied by:

118 (a) The name, residence, and mailing address of the owner;

119 (b) A description of the manufactured home including the name of the  
120 manufacturer, the make, the model name, the model year, the dimensions, and the  
121 manufacturer's serial number of the manufactured home and whether it is new or used  
122 and any other information the director of revenue requires;

123 (c) The date of purchase by the owner of the manufactured home, the name and  
124 address of the person from whom the home was acquired and the names and addresses of  
125 any security interest holders and lienholders in the order of their apparent priority;

126 (d) A statement signed by the owner, stating either:

127 a. Any facts or information known to the owner that could affect the validity of the  
128 title to the manufactured home or the existence or nonexistence of a security interest in or  
129 lien on it; or

130 b. That no such facts or information are known to the owner;

131 (e) A certified copy of the affidavit of affixation as provided in accordance with  
132 subsection 5 of section 442.015, RSMo;

133 (f) A declaration by an attorney-at-law, duly admitted to practice in the courts of  
134 the state of Missouri, or an agent of a title insurance company duly licensed to issue policies  
135 of title insurance in the state of Missouri, that the manufactured home is free and clear of,  
136 or has been released from, all recorded security interests, liens and encumbrances; and

137 a. Any facts or information known to him or her that could affect the validity of the  
138 title of the manufactured home or the existence or nonexistence of any security interest in  
139 or lien on it; or

140 b. That no such facts or information are known to him or her;

141 (g) The name and mailing address of each person wishing written acknowledgment  
142 of surrender from the director of revenue;

143 (h) The applicable fee for filing the application for surrender; and

144 (i) Any other information and documents the director of revenue reasonably  
145 requires to identify the owner of the manufactured home and to enable it to determine  
146 whether the owner satisfied the requirements of subsection 6 of section 442.015, RSMo, and  
147 the existence or nonexistence of security interests in or liens on the manufactured home.

148 (2) When satisfied of the genuineness and regularity of the application for  
149 confirmation of conversion of a manufactured home and upon satisfaction of the  
150 requirements of subdivision (1) of this subsection, the director of revenue shall:

151 (a) Update its records in accordance with the provisions of section 700.320; and

152 (b) Provide written acknowledgment of compliance with the provisions of this  
153 subsection to each person identified on the application for confirmation of conversion  
154 under paragraph (g) of subdivision (1) of this subsection.

155 (3) Upon satisfaction of the requirements of this subsection, a manufactured home  
156 shall be conveyed and encumbered as provided in chapter 442, RSMo. If the application  
157 for confirmation of conversion of a manufactured home is delivered to the director of  
158 revenue within sixty days of recording the related affidavit of affixation with the recorder  
159 of deeds in the county in which the real estate to which the manufactured home is or shall  
160 be affixed and the application is thereafter accepted by the director of revenue, the  
161 requirements of this subsection shall be deemed satisfied as of the date the affidavit of  
162 affixation was recorded.

163 (4) Upon written request, the director of revenue shall provide written  
164 acknowledgment of compliance with the provisions of this subsection.

165 4. (1) Notwithstanding any other provision of law, where a manufactured home has  
166 been permanently affixed to real estate and an affidavit of affixation has been recorded in  
167 the real estate records in the county in which the manufactured home is located in  
168 accordance with section 442.015, RSMo, and where the manufactured home subsequently  
169 is detached or severed from the real estate, the owner or owners of the manufactured home  
170 may apply for a new certificate of title by filing with the director of revenue an application  
171 for a certificate of title to a manufactured home, containing or accompanied by:

172 (a) The name, residence, and mailing address of the owner;

173 (b) A description of the manufactured home including the name of the  
174 manufacturer, the make, the model name, the model year, the dimensions, and the  
175 manufacturer's serial number of the manufactured home and whether it is new or used  
176 and any other information the director of revenue requires;

- 177           (c) A statement signed by the applicant, stating either:
- 178           a. Any facts or information known to the applicant that could affect the validity of
- 179 the title of the manufactured home or the existence or nonexistence of any security interest
- 180 in or lien on it; or
- 181           b. That no such facts or information are known to the applicant;
- 182           (d) A certified copy of the affidavit of severance provided in accordance with
- 183 section 442.015, RSMo;
- 184           (e) A declaration by an attorney-at-law, duly admitted to practice in the courts of
- 185 the state of Missouri, or an agent of a title insurance company duly licensed to issue policies
- 186 of title insurance in the state of Missouri, that the manufactured home is free and clear of,
- 187 or has been released from, all recorded security interests, liens and encumbrances; and
- 188           a. Any facts or information known to him or her that could affect the validity of the
- 189 title of the manufactured home or the existence or nonexistence of any security interest in
- 190 or lien on it; or
- 191           b. That no such facts or information are known to him or her;
- 192           (f) The applicable fee for filing the application; and
- 193           (g) Any other information and documents the director of revenue reasonably
- 194 requires to identify the manufactured home and to enable it to determine whether the
- 195 owner is entitled to a certificate of title and the existence or nonexistence of security
- 196 interests in or liens on the manufactured home.
- 197           (2) When satisfied of the genuineness and regularity of the application for a
- 198 certificate of title to a manufactured home and upon satisfaction of the requirements of
- 199 subdivision (1) of this subsection, the department of revenue shall issue a new certificate
- 200 of title and update its records in accordance with the provisions of section 700.320.
- 201           (3) Immediately upon satisfaction of the requirements of this subsection, a
- 202 manufactured home shall be conveyed and encumbered as personal property.
- 203           (4) Upon written request, the director of revenue shall provide written
- 204 acknowledgment of compliance with the provisions of this subsection.
- 205           5. The department of revenue shall promulgate rules to implement the provisions
- 206 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
- 207 RSMo, that is created under the authority delegated in this section shall become effective
- 208 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
- 209 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
- 210 nonseverable and if any of the powers vested with the general assembly under chapter 536,
- 211 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are

212 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
213 **proposed or adopted after August 28, 2009, shall be invalid and void.**

700.320. 1. **Except as provided in section 700.111**, the owner of any new or used  
2 manufactured home, as defined in section 700.010, shall make application to the director of  
3 revenue for an official certificate of title to such manufactured home in the manner prescribed  
4 by law for the acquisition of certificates of title to motor vehicles, and the rules promulgated  
5 pursuant thereto. All fees required by section 301.190, RSMo, for the titling of motor vehicles  
6 and all penalties provided by law for the failure to title motor vehicles shall apply to persons  
7 required to make application for an official certificate of title by this subsection. In case there  
8 is any duplication in serial numbers assigned any manufactured homes, or no serial number has  
9 been assigned by the manufacturer, the director shall assign the serial numbers for the  
10 manufactured homes involved.

11 2. At the time the owner of any new manufactured home, as defined in section 700.010,  
12 which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes  
13 application to the director of revenue for an official certificate of title for such manufactured  
14 home, he shall present to the director of revenue evidence satisfactory to the director of revenue  
15 showing the purchase price exclusive of any charge incident to the extension of credit paid by  
16 or charged to the applicant in the acquisition of the manufactured home, or that no sales tax was  
17 incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay  
18 or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law  
19 in addition to the registration fees now or hereafter required according to law, and the director  
20 of revenue shall not issue a certificate of title for any new manufactured home subject to sales  
21 tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under  
22 sections 144.010 to 144.510, RSMo, has been paid as provided in this section, **but except as**  
23 **provided in subsection 2 of section 700.111, the director of revenue shall not suspend or**  
24 **revoke a certificate of title to a manufactured home by reason of the fact that at any time**  
25 **it shall become affixed in any manner to real estate.** As used in this subsection, the term  
26 "purchase price" shall mean the total amount of the contract price agreed upon between the seller  
27 and the applicant in the acquisition of the new manufactured home regardless of the medium of  
28 payment therefor. In the event that the purchase price is unknown or undisclosed, or that the  
29 evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by  
30 appraisalment by the director. The director of the department of revenue shall endorse upon the  
31 official certificate of title issued by him upon such application an entry showing that such sales  
32 tax has been paid or that the manufactured home represented by the certificate is exempt from  
33 sales tax and state the ground for such exemption.

34           3. A certificate of title for a manufactured home issued in the names of two or more  
35 persons that does not show on the face of the certificate that the persons hold their interest in the  
36 manufactured home as tenants in common, on death of one of the named persons, may be  
37 transferred to the surviving owner or owners. **Except as provided in subsection 5 of this**  
38 **section**, on proof of death of one of the persons in whose names the certificate was issued,  
39 surrender of the outstanding certificate of title, and on application and payment of the fee for an  
40 original certificate of title, the director of revenue shall issue a new certificate of title for the  
41 manufactured home to the surviving owner or owners; and the current valid certificate of number  
42 shall be so transferred.

43           4. A certificate of title for a manufactured home issued in the names of two or more  
44 persons that shows on its face that the persons hold their interest in the manufactured home as  
45 tenants in common, on death of one of the named persons, may be transferred by the director of  
46 revenue on application by the surviving owners and the personal representative or successors of  
47 the deceased owner. **Except as provided in subsection 5 of this section**, upon being presented  
48 proof of death of one of the persons in whose names the certificate of title was issued, surrender  
49 of the outstanding certificate of title, and on application and payment of the fee for an original  
50 certificate of title, the director of revenue shall issue a new certificate of title for the  
51 manufactured home to the surviving owners and personal representative or successors of the  
52 deceased owner; and the current valid certificate of number shall be so transferred.

53           **5. The director of revenue shall not issue a certificate of title to a manufactured**  
54 **home with respect to which there has been recorded an affidavit of affixation under section**  
55 **442.015, RSMo, unless with respect to the same manufactured home there has been**  
56 **recorded an affidavit of severance under section 442.015, RSMo.**

57           **6. The director of revenue shall file, upon receipt, each affidavit of affixation and**  
58 **affidavit of severance relating to a manufactured home that is delivered in accordance with**  
59 **section 442.015, RSMo, when satisfied of its genuineness and regularity.**

60           **7. The director of revenue shall maintain a record of each affidavit of affixation**  
61 **and each affidavit of severance filed in accordance with subsection 6 of this section. The**  
62 **record shall state the name of each owner of the related manufactured home, the county**  
63 **of recordation, the date of recordation, and the book and page number of each book of**  
64 **records in which there has been recorded an affidavit of affixation or affidavit of severance**  
65 **under section 442.015, RSMo, and any other information the director of revenue**  
66 **prescribes.**

67           **8. The director of revenue shall file, upon receipt, each application for surrender**  
68 **of the manufacturer's certificate of origin relating to a manufactured home that is**

69 delivered in accordance with subsection 1 of section 700.111, when satisfied of its  
70 genuineness and regularity.

71 **9. The director of revenue shall file, upon receipt, each application for surrender**  
72 **of the certificate of title relating to a manufactured home that is delivered in accordance**  
73 **with subsection 2 of section 700.111, when satisfied of its genuineness and regularity.**

74 **10. The director of revenue shall file, upon receipt, each application for**  
75 **confirmation of conversion relating to a manufactured home that is delivered in**  
76 **accordance with subsection 3 of section 700.111, when satisfied of its genuineness and**  
77 **regularity.**

78 **11. The director of revenue shall maintain a record of each manufacturer's**  
79 **certificate of origin accepted for surrender as provided in subsection 1 of section 700.111.**  
80 **The record shall state the name of each owner of the manufactured home, the date the**  
81 **manufacturer's certificate of origin was accepted for surrender, the county of recordation,**  
82 **the date of recordation, and the book and page number of each book of records in which**  
83 **there has been recorded an affidavit of affixation under section 442.015, RSMo, and any**  
84 **other information the director of revenue prescribes.**

85 **12. The director of revenue shall maintain a record of each manufactured home**  
86 **certificate of title accepted for surrender as provided in subsection 2 of section 700.111.**  
87 **The record shall state the name of each owner of the manufactured home, the date the**  
88 **certificate of title was accepted for surrender, the county of recordation, the date of**  
89 **recordation, and the book and page number of each book of records in which there has**  
90 **been recorded an affidavit of affixation under section 442.015, RSMo, and any other**  
91 **information the director of revenue prescribes.**

92 **13. The director of revenue shall maintain a record of each application for**  
93 **confirmation of conversion accepted as provided in subsection 3 of section 700.111. The**  
94 **record shall state the name of each owner of the manufactured home, the county of**  
95 **recordation, the date of recordation, and the book and page number of each book of**  
96 **records in which there has been recorded an affidavit of affixation under section 442.015,**  
97 **RSMo, and any other information the director of revenue prescribes.**

98 **14. The holder of a manufacturer's certificate of origin to a manufactured home**  
99 **may deliver it to any person to facilitate conveying or encumbering the manufactured**  
100 **home. Any person receiving any such manufacturer's certificate of origin so delivered**  
101 **holds it in trust for the person delivering it.**

102 **15. Notwithstanding any other provision of law, a certificate of title issued by the**  
103 **director of revenue to a manufactured home is prima facie evidence of the facts appearing**

104 on it, notwithstanding the fact that such manufactured home, at any time, shall have  
105 become affixed in any manner to real estate.

700.330. 1. A sole owner of a manufactured home, and multiple owners of a  
2 manufactured home who hold their interest as joint tenants with right of survivorship or  
3 as tenants by the entirety, on application and payment of the fee required for an original  
4 certificate of ownership, may request the director of revenue to issue a certificate of  
5 ownership for the manufactured home in beneficiary form which includes a directive to  
6 the director of revenue to transfer the certificate of ownership on death of the sole owner  
7 or on death of all multiple owners to one beneficiary or to two or more beneficiaries as  
8 joint tenants with right of survivorship or as tenants by the entirety named on the face of  
9 the certificate.

10 2. A certificate of ownership in beneficiary form shall not be issued to persons who  
11 hold their interest in a manufactured home as tenants in common.

12 3. A certificate of ownership issued in beneficiary form shall include after the name  
13 of the owner, or after the names of multiple owners, the words "transfer on death to" or  
14 the abbreviation "TOD" followed by the name of the beneficiary or beneficiaries.

15 4. (1) During the lifetime of a sole owner and during the lifetime of all multiple  
16 owners, the signature or consent of the beneficiary or beneficiaries shall not be required  
17 for any transaction relating to the manufactured home for which a certificate of ownership  
18 in beneficiary form has been issued.

19 (2) A certificate of ownership in beneficiary form may be revoked or the  
20 beneficiary or beneficiaries changed at any time before the death of a sole owner or  
21 surviving multiple owner only by the following methods:

22 (a) By a sale of the manufactured home with proper assignment and delivery of the  
23 certificate of ownership to another person; or

24 (b) By filing an application to reissue the certificate of ownership with no  
25 designation of a beneficiary or with the designation of a different beneficiary or  
26 beneficiaries with the director of revenue in proper form and accompanied by the payment  
27 of the fee for an original certificate of ownership.

28 (3) The beneficiary's or beneficiaries' interest in the manufactured home at death  
29 of the owner or surviving owner shall be subject to any contract of sale, assignment of  
30 ownership or security interest to which the owner or owners of the manufactured home  
31 were subject during their lifetime.

32 (4) The designation of a beneficiary or beneficiaries in a certificate of ownership  
33 issued in beneficiary form may not be changed or revoked by a will, any other instrument,

34 or a change in circumstances, or otherwise be changed or revoked except as provided by  
35 subdivision (2) of this subsection.

36 **5. (1) On proof of death of one of the owners of two or more multiple owners, or**  
37 **of a sole owner, surrender of the outstanding certificate of ownership, and on application**  
38 **and payment of the fee for an original certificate of ownership, the director of revenue shall**  
39 **issue a new certificate of ownership for the manufactured home to the surviving owner or**  
40 **owners or, if none, to the surviving beneficiary or beneficiaries, subject to any outstanding**  
41 **security interest; and the current valid certificate of number shall be so transferred.**

42 **(2) The director of revenue may rely on a death certificate or record or report that**  
43 **constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section**  
44 **472.290, RSMo.**

45 **(3) The transfer of a manufactured home at death under this section is effective by**  
46 **reason of sections 301.675 to 301.682, RSMo, and sections 306.455 to 306.465, RSMo, and**  
47 **is not to be considered as testamentary, or to be subject to the requirements of section**  
48 **473.087 or section 474.320, RSMo.**

700.350. 1. As used in sections 700.350 to 700.390, the term "manufactured home" shall  
2 have the same [meanings] **meaning** given it in [section 700.010 or] section 400.9-102(a)(53),  
3 RSMo.

4 2. Unless excepted by section 700.375, a lien or encumbrance, **including a security**  
5 **interest under article 9 of chapter 400, RSMo**, on a manufactured home shall not be valid  
6 against subsequent transferees or lienholders of the manufactured home who took without  
7 knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided  
8 in sections 700.350 to 700.380.

9 3. A lien or encumbrance on a manufactured home is perfected by the delivery to the  
10 director of revenue of a notice of lien in a format as prescribed by the director of revenue. Such  
11 lien or encumbrance shall be perfected as of the time of its creation if the delivery of the notice  
12 of lien required in this subsection to the director of revenue is completed within thirty days  
13 thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery;  
14 **provided, however, that a purchase money security interest in a manufactured home under**  
15 **article 9 of chapter 400, RSMo, is perfected against the rights of judicial lien creditors and**  
16 **execution creditors on and after the date such purchase money security interest attaches;**  
17 **and further provided that the holder of a security interest in or a lien on a manufactured**  
18 **home may deliver lien release documents to any person to facilitate conveying or**  
19 **encumbering the manufactured home. Any person receiving any such documents so**  
20 **delivered holds the documents in trust for the security interest holder or the lienholder.**  
21 A notice of lien shall contain the name and address of the owner of the manufactured home and

22 the secured party, a description of the manufactured home **and the secured party, a description**  
23 **of the manufactured home**, including any identification number and such other information as  
24 the department of revenue shall prescribe. A notice of lien substantially complying with the  
25 requirements of this section is effective even though it contains minor errors which are not  
26 seriously misleading. Liens may secure future advances. The future advances may be evidenced  
27 by one or more notes or other documents evidencing indebtedness and shall not be required to  
28 be executed or delivered prior to the date of the future advance lien securing them. The fact that  
29 a lien may secure future advances shall be clearly stated on the security agreement and noted as  
30 "subject to future advances" in the notice of lien and noted on the certificate of ownership if the  
31 motor vehicle or trailer is subject to only one lien. To secure future advances when an existing  
32 lien on a manufactured home does not secure future advances, the lienholder shall file a notice  
33 of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected  
34 in the same time and manner as any other lien, except as follows: proof of the lien for future  
35 advances is maintained by the department of revenue; however, there shall be additional proof  
36 of such lien when the notice of lien reflects such lien for future advances, is received by the  
37 department of revenue, and returned to the lienholder.

38 4. Whether a manufactured home is subject to a lien or encumbrance shall be determined  
39 by the laws of the jurisdiction where the manufactured home was when the lien or encumbrance  
40 attached, subject to the following:

41 (1) If the parties understood at the time the lien or encumbrances attached that the  
42 manufactured home would be kept in this state and it is brought into this state within thirty days  
43 thereafter for purposes other than transportation through this state, the validity and effect of the  
44 lien or encumbrance in this state shall be determined by the laws of this state;

45 (2) If the lien or encumbrance was perfected under the laws of the jurisdiction where the  
46 manufactured home was when the lien or encumbrance attached, the following rules apply:

47 (a) If the name of the lienholder is shown on an existing certificate of title or ownership  
48 issued by that jurisdiction, his lien or encumbrance continues perfected in this state;

49 (b) If the name of the lienholder is not shown on an existing certificate of title or  
50 ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state  
51 for three months after the first certificate of title of the manufactured home is issued in this state,  
52 and also thereafter if, within the three-month period, it is perfected in this state. The lien or  
53 encumbrance may also be perfected in this state after the expiration of the three-month period,  
54 in which case perfection dates from the time of perfection in this state;

55 (3) If the lien or encumbrance was not perfected under the laws of the jurisdiction where  
56 the manufactured home was when the lien or encumbrance attached, it may be perfected in this  
57 state, in which case perfection dates from the time of perfection in this state;

58 (4) A lien or encumbrance may be perfected under paragraph (b) of subdivision (2) or  
59 subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section  
60 or by the lienholder delivering to the director of revenue a notice of lien or encumbrance in the  
61 form the director prescribes and the required fee.

62 5. By rules and regulations, the director of revenue shall establish a security procedure  
63 for the purpose of verifying that an electronic notice of lien or notice of satisfaction of lien on  
64 a manufactured home given as permitted in this chapter is that of the lienholder, verifying that  
65 an electronic notice of confirmation of ownership and perfection of a lien given as required in  
66 this chapter is that of the director of revenue, and detecting error in the transmission or the  
67 content of such notice. A security procedure may require the use of algorithms or other codes,  
68 identifying words or numbers, encryption, callback procedures or similar security devices.  
69 Comparison of a signature on a communication with an authorized specimen signature shall not  
70 by itself be a security procedure.

71 6. All transactions involving liens or encumbrances on manufactured homes perfected  
72 pursuant to sections 700.350 to 700.390 after June 30, 2001, and before August 28, 2002, and  
73 the rights, duties, and interests flowing from them are and shall remain valid thereafter and may  
74 be terminated, completed, consummated, or enforced as required or permitted by section  
75 400.9-303, RSMo, or this section. Section 400.9-303, RSMo, and this section are remedial in  
76 nature and shall be given that construction.

77 7. [The repeal and reenactment of subsections 3 and 4 of this section shall become  
78 effective July 1, 2003] **Except as otherwise provided in section 442.015, RSMo, subsections**  
79 **1 and 2 of section 700.111, subsection 2 of section 700.360, and subsection 2 of section**  
80 **700.375, after a certificate of title has been issued to a manufactured home and as long as**  
81 **the manufactured home is subject to any security interest perfected under this section, the**  
82 **department shall not file an affidavit of affixation, nor cancel the manufacturer's**  
83 **certificate of origin, nor revoke the certificate of title, and, in any event, the validity and**  
84 **priority of any security interest perfected under this section shall continue,**  
85 **notwithstanding the provision of any other law.**

700.360. 1. **Except as provided in subsection 2 of this section,** if an owner creates a  
2 lien or encumbrance on a manufactured home:

3 (1) The owner shall immediately execute the application, either in the space provided  
4 therefor on the certificate of title or on a separate form the director of revenue prescribes, to  
5 name the lienholder on the certificate of title, showing the name and address of the lienholder  
6 and the date of his security agreement, and shall cause the certificate of title, the application and  
7 the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do  
8 so, including naming the lienholder in such application, is a class A misdemeanor;

9 (2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to  
10 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the  
11 director of revenue accompanied by all other necessary documentation to perfect a lien as  
12 provided in this section;

13 (3) To perfect a lien for a subordinate lienholder when a transfer of ownership occurs,  
14 the subordinate lienholder shall either mail or deliver, or cause to be mailed or delivered, a  
15 completed notice of lien to the department of revenue, accompanied by authorization from the  
16 first lienholder. The owner shall ensure the subordinate lienholder is recorded on the application  
17 for title at the time the application is made to the department of revenue. To perfect a lien for  
18 a subordinate lienholder when there is no transfer of ownership, the owner or lienholder in  
19 possession of the certificate shall either mail or deliver, or cause to be mailed or delivered, the  
20 owner's application for title, certificate, notice of lien, authorization from the first lienholder and  
21 title fee to the department of revenue. The delivery of the certificate and executing a notice of  
22 authorization to add a subordinate lien does not affect the rights of the first lienholder under the  
23 security agreement;

24 (4) Upon receipt of the documents and fee required in subdivision (3) of this section, the  
25 director of revenue shall issue a new certificate of ownership containing the name and address  
26 of the new lienholder, and shall mail the certificate as prescribed in section 700.355, or if a  
27 lienholder who has elected for the director of revenue to retain possession of an electronic  
28 certificate of ownership, the lienholder shall either mail or deliver to the director a notice of  
29 authorization for the director to add a subordinate lienholder to the existing certificate. Upon  
30 receipt of such authorization, a notice of lien and required documents and title fee, if applicable,  
31 from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate  
32 of ownership being electronically retained by the director and provide confirmation of the  
33 addition to both lienholders.

34 **2. With respect to a manufactured home that is or will be permanently affixed to**  
35 **real estate, upon recordation of an affidavit of affixation under section 442.015, RSMo, and**  
36 **satisfaction of the requirements of subsections 1 to 3 of section 700.111, as applicable, any**  
37 **perfection or termination of a security interest with respect to such permanently affixed**  
38 **property shall be governed by chapter 442, RSMo.**

700.370. 1. Upon the satisfaction of a lien or encumbrance on a manufactured home,  
2 the lienholder shall, within ten days after demand, release the lien or encumbrance on the  
3 certificate or a separate document, and mail or deliver the certificate or separate document to the  
4 owner or any person who delivers to the lienholder an authorization from the owner to receive  
5 the certificate or separate document. Each perfected subordinate lienholder, if any, shall release  
6 such lien or encumbrance as provided in this section for the first lienholder. The release on the

7 certificate or separate document shall be notarized. The owner may cause the certificate of title,  
8 the release, and the required fee to be mailed or delivered to the director of revenue, who shall  
9 release the lienholder's rights on the certificate and issue a new certificate of title.

10 **2. If the electronic certificate of ownership is in the possession of the director of**  
11 **revenue, the lienholder shall notify the director within ten business days of any release of**  
12 **a lien and provide the director with the most current address of the owner. The director**  
13 **shall note such release on the electronic certificate and if no other lien exists the director**  
14 **shall mail or deliver the certificate free of any lien to the owner.**

700.375. 1. Sections 700.350 to 700.380 shall not apply to or affect:

2 (1) A lien given by statute or rule of law to a supplier of services or materials for the  
3 manufactured home;

4 (2) A lien given by statute to the United States, this state or any political subdivision of  
5 this state;

6 (3) A lien or encumbrance on a manufactured home created by a manufacturer or dealer  
7 who holds the manufactured home for sale.

8 2. The method provided in sections 700.350 to 700.380 of perfecting and giving notice  
9 of liens or encumbrances subject to sections 700.350 to 700.380 is exclusive; **provided,**  
10 **however, that with respect to a manufactured home that is or will be permanently affixed**  
11 **to real estate, upon recordation of an affidavit of affixation under section 442.015, RSMo,**  
12 **and satisfaction of the requirements of subsections 1 to 3 of section 700.111, as applicable,**  
13 **any perfection or termination of a security interest with respect to such permanently**  
14 **affixed property shall be governed by chapter 442, RSMo.**

700.385. 1. When the holder of any indebtedness secured by a security agreement or  
2 other contract for security covering a manufactured home, who has a notice of lien on file with  
3 the director of revenue, repossesses the manufactured home either by legal process or in  
4 accordance with the terms of a contract authorizing the repossession of the manufactured home  
5 without legal process, the holder may obtain a certificate of ownership from the director of  
6 revenue upon presentation of:

7 (1) An application form furnished by the director of revenue which shall contain a full  
8 description of the manufactured home and the manufacturer's or other identifying number;

9 (2) A notice of lien receipt or the original certificate of ownership reflecting the holder's  
10 lien; and

11 (3) An affidavit of the holder, certified under penalties of perjury for making a false  
12 statement to a public official, that the debtor defaulted in payment of the debt, and that the holder  
13 repossessed the manufactured home either by legal process or in accordance with the terms of  
14 the contract, **and the name and address of the owner of the real estate, other than the**

15 **debtor, from whom the home was repossessed, and that the holder has paid to the real**  
16 **property owner all rent that has accrued in the real property owner's favor that the holder**  
17 **is obligated to pay under the provisions of section 700.529,** and the specific address where  
18 the manufactured home is held. Such affidavit shall also state that the lienholder has the written  
19 consent from all owners or lienholders of record to repossess the manufactured home or has  
20 provided all the owners or lienholders with written notice of the repossession.

21 2. On a manufactured home, the lienholder shall first give:

22 (1) Ten days' written notice by first class United States mail, postage prepaid, to each of  
23 the owners and other lienholders, if any, of the manufactured home at each of their last mailing  
24 addresses as shown by the last prior certificate of ownership, if any issued, or the most recent  
25 address on the lienholder's records, that an application for a repossessed title will be made; or

26 (2) The lienholder may, ten days prior to applying for a repossession title, include the  
27 information in the above notice in the appropriate uniform commercial code notice under  
28 sections 400.9-613 or 400.9-614, RSMo. Such alternative notice to all owners and lienholders  
29 shall be valid and enforceable under both the uniform commercial code and this section,  
30 provided it otherwise complies with the provisions of the uniform commercial code.

31 3. Upon the holder's presentation of the papers required by subsection 1 of this section  
32 and the payment of a fee of ten dollars, the director of revenue, if he **or she** is satisfied with the  
33 genuineness of the papers, shall issue and deliver to the holder a certificate of ownership which  
34 shall be in its usual form except it shall be clearly captioned "Repossessed Title". Each  
35 repossessed title so issued shall, for all purposes, be treated as an original certificate of  
36 ownership and shall supersede the outstanding certificate of ownership, if any, and duplicates  
37 thereof, if any, on the manufactured home, all of which shall become null and void.

38 4. In any case where there is no certificate of ownership, or duplicate thereof, outstanding  
39 in the name of the debtor on the repossessed manufactured home, the director of revenue shall  
40 issue a repossessed title to the holder and shall proceed to collect all unpaid fees, taxes, charges  
41 and penalties owed by the debtor, in addition to the fee specified in subsection 3 of this section.

42 5. The director of revenue may prescribe rules and regulations for the effective  
43 administration of this section. Any rule or portion of a rule, as that term is defined in section  
44 536.010, RSMo, that is created under the authority delegated in this section shall become  
45 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,  
46 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
47 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,  
48 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
49 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
50 after August 28, 2006, shall be invalid and void.

700.525. As used in sections 700.525 to 700.541, the following terms mean:

- 2 (1) ["Abandoned", a physical absence from the property, and either:  
 3 (a) Failure by a renter of real property to pay any required rent for fifteen consecutive  
 4 days, along with the discontinuation of utility service to the rented property for such period; or  
 5 (b) Indication of or notice of abandonment of real property rented from a landlord;  
 6 (2)] "Manufactured home", a [factory-built structure] **manufactured home** as defined  
 7 in [subdivision (6) or] **section 700.010, RSMo, excluding a manufactured home with respect**  
 8 **to which the requirements of subsections 1 to 3 of section 700.111, or a modular unit as**  
 9 **defined in subdivision (8) of section 700.010.**

**700.526. A manufactured home as defined in section 700.010 which is placed on the**  
 2 **real estate of another under a rental agreement shall be deemed abandoned if:**

- 3 (1) **The real property owner has a reasonable belief that the homeowner has**  
 4 **vacated the premises and intends not to return; and**  
 5 (2) **That rent is due and the homeowner has not paid such rent for thirty days; and**  
 6 (3) **The homeowner has failed to respond to the real property owner's notice of lien**  
 7 **and abandonment set out in subsection 3 of section 700.527 by either failing to pay the rent**  
 8 **or file a petition in the associate circuit court to contest the issue of abandonment and the**  
 9 **lien.**

700.527. 1. If a person abandons a manufactured home on any real property owned by  
 2 another who is renting such real property to the owner of the manufactured home, and such  
 3 abandonment is without the consent of the owner of the real property, **and the abandoned**  
 4 **manufactured home is not subject to any lien perfected according to sections 700.350 to**  
 5 **700.380,** the owner of the real property [may seek possession of and title to the manufactured  
 6 home in accordance with the provisions of sections 700.525 to 700.541 subject to the interest of  
 7 any party with a security interest in the manufactured home] **shall have a lien for unpaid rent**  
 8 **against the manufactured home. The lien for unpaid rent shall be enforced as provided**  
 9 **in this section and may be contested as provided in section 700.528.**

10 2. [The landlord seeking possession of the manufactured home shall submit a report to  
 11 the director of revenue. Such report shall include the following:

- 12 (1) An application, which shall be upon a blank form furnished by the director of  
 13 revenue and shall contain the full description of the manufactured home and the manufacturer's  
 14 or other identifying number;  
 15 (2) An affidavit of the landlord seeking possession of the manufactured home, stating  
 16 that the manufactured home is abandoned as defined by section 700.525 and applicable rule of  
 17 the department, the duration of such abandonment, that the manufactured home is located upon  
 18 real property owned by the landlord, and that the manufactured home is the subject of a valid

19 rental agreement signed by the renter, along with the original, or a photostatic or conformed copy  
20 of the original contract for rental of real property; and

21 (3) Any other information that the director of revenue may require by rule.] **The lien for**  
22 **unpaid rent shall be enforced as provided in this section and may be contested as provided**  
23 **in section 700.528.**

24 **3. The real property owner claiming a lien on an abandoned manufactured home**  
25 **shall give written notice to the owner of the manufactured home, by certified mail, return**  
26 **receipt requested. The notice shall contain the following:**

27 (1) **The name, address, and telephone number of the real property owner;**

28 (2) **The name of the owner of the manufactured home and the make, year, and**  
29 **serial number of the manufactured home;**

30 (3) **That the manufactured home is abandoned as provided in section 700.526 and**  
31 **applicable rule of the director of revenue;**

32 (4) **The duration of such abandonment;**

33 (5) **That the manufactured home is located on real estate owned by the real**  
34 **property owner;**

35 (6) **That the home is located on such real estate by reason of a valid rental**  
36 **agreement;**

37 (7) **That the homeowner is in default of the rental agreement;**

38 (8) **The amount of rent accrued to the date of the notice and the monthly rate at**  
39 **which future rent will accrue until the abandoned home is redeemed;**

40 (9) **That the homeowner has not paid or made arrangements for the payment of the**  
41 **accrued rent;**

42 (10) **That the real property owner claims a lien for all such rent;**

43 (11) **That the owner of the manufactured home may redeem the abandoned**  
44 **manufactured home at any time during business hours by paying all rent accrued under**  
45 **the terms of the rental agreement;**

46 (12) **That the manufactured homeowner has a right to contest the real property**  
47 **owner's lien by filing, within ten days of receipt of the notice required by this section, a**  
48 **petition in the associate circuit division of circuit court of the county in which the**  
49 **manufactured home is located;**

50 (13) **That if the manufactured home remains unredeemed thirty days from the date**  
51 **of mailing of the notice and within ten days of mailing of the notice a petition is not filed**  
52 **to contest the lien, the real property owner may apply to the director of revenue for a lien**  
53 **title. Upon receipt of a lien title, the real property owner shall have the right to sell the**

54 **manufactured home to recover unpaid rent, actual and necessary expenses incurred in**  
55 **obtaining a lien title, and conducting and advertising the sale.**

56 **4. The real property owner's lien and the sum of which the homeowner shall be**  
57 **obligated to pay to satisfy the lien shall be the unpaid rent accrued under the terms of the**  
58 **rental agreement to the date the homeowner satisfied the lien or if not so satisfied to the**  
59 **date the home is sold under this section.**

60 **5. The owner of the manufactured home shall not have the right to remove the**  
61 **home from the real property owner's property until such time as all rent provided for the**  
62 **rental agreement is paid.**

63 **6. If the homeowner has not paid or made arrangements for the payment of the**  
64 **accrued rent with the real property owner within thirty days from the date of mailing of**  
65 **the notice and no petition as provided in section 700.528 has been filed in the associate**  
66 **circuit division of the circuit court in the county in which the abandoned manufactured**  
67 **home is located to contest the lien or if filed has been dismissed or judgment has been**  
68 **entered on the petition establishing the real property owner's lien, the real property owner**  
69 **may apply to the director of revenue for a certificate of title in order to enforce the lien.**

70 **7. The application for a lien title shall be in the form furnished by the director of**  
71 **revenue and shall contain and be accompanied by:**

72 **(1) The make, year, and serial number of the manufactured home;**

73 **(2) An affidavit of the owner of real property seeking possession of the**  
74 **manufactured home that states:**

75 **(a) The manufactured home is abandoned as provided in section 700.526 and by**  
76 **applicable rule of the director of revenue;**

77 **(b) The duration of such abandonment;**

78 **(c) The manufactured home is located upon real property owned by the real**  
79 **property owner;**

80 **(d) The manufactured home is located on the real estate by reason of a valid rental**  
81 **agreement;**

82 **(e) The homeowner is in default of the rental agreement;**

83 **(f) The amount of past-due rent and the monthly rate at which future rent will**  
84 **accrue under the rental agreement;**

85 **(g) The homeowner has not paid or made arrangements for the payment of the**  
86 **rent;**

87 **(h) The owner of real property claims a lien for all such rent;**

88 **(i) The real property owner mailed the notice required by subsection 3 of this**  
89 **section to the owner of the manufactured home by certified mail, return receipt requested;**

90 (j) The manufactured homeowner has not filed a petition in the associate circuit  
91 division of circuit court contesting the real property owner's lien, or if a petition was filed,  
92 that either the homeowner's petition was dismissed or that a judgment in the real property  
93 owner's favor establishing the lien was entered;

94 (3) A copy of the thirty-day notice given by certified mail to the owner of the  
95 manufactured home;

96 (4) A copy of the certified mail receipt indicating that the owner was sent the notice  
97 as required in subsection 3 of this section;

98 (5) A copy of the envelope or mailing container showing the address and postal  
99 marking that indicate the notice was not forwardable or address unknown;

100 (6) An original, photostatic or conformed copy of the original contract for the  
101 rental of the real property;

102 (7) A copy of any judgment of dismissal of the homeowner's petition to contest the  
103 lien or a judgment awarding the real property owner a lien against the manufactured  
104 home; and

105 (8) Any other information that the director of revenue may require by rule.

106 8. If the director is satisfied with the genuineness of the application and supporting  
107 documents submitted under this section, the director shall issue, in the manner a  
108 repossessed title is issued, a certificate of ownership or certificate of title to the real  
109 property owner which shall be captioned "lien title".

110 9. Upon receipt of a lien title, the holder shall within thirty days begin proceedings  
111 to sell the manufactured home as prescribed in this section. The real property owner shall  
112 be entitled to any actual and necessary expenses incurred in obtaining the lien title,  
113 including, but not limited to reasonable attorney's fees and cost of advertising.

114 10. The sale of the manufactured home shall be held only after giving the owner not  
115 less than twenty days' notice, by one of the following means:

116 (1) By personal delivery to the owner of a copy of the notice set out below;

117 (2) By mailing a copy of the notice set out in subsection 11 of this section, by  
118 registered mail addressed to the owner of the manufactured home in which case a return  
119 receipt shall be evidence of due notice;

120 (3) By publishing the notice not less than twice in a newspaper of general  
121 circulation in the county in which the manufactured home is to be sold, the last publication  
122 to be not less than twenty days prior to the date of sale; or

123 (4) If no newspaper is published within the county in which said manufactured  
124 home is to be sold, then by posting the notice, not less than twenty days prior to the date  
125 of sale, on five handbills placed in five different places in the county in which the

126 manufactured home is to be sold and with one of such handbills posted where the  
127 manufactured home is located.

128 **11. The form of the notice shall be substantially as follows:**

129 **"NOTICE**

130 **Notice is hereby given that on (insert date), sale will be held at (insert place), to sell the**  
131 **following manufactured home to enforce a lien existing under the laws of the state of**  
132 **Missouri for real estate rental, unless the manufactured home is redeemed prior to the date**  
133 **of sale:**

134 **Name of Owner: Description of Manufacturer's Amount of Lien:**

135 **Manufactured Serial Number:**

136 **Home:**

137 **Name of Lienor:".**

138 **12. The owner of the manufactured home may redeem the home prior to the sale**  
139 **by payment of all rents due and owing to the real property owner under the rental**  
140 **agreement to the date of sale or payment, whichever is sooner, and payment of actual and**  
141 **necessary expenses incurred in obtaining the lien, including but not limited to reasonable**  
142 **attorney's fees, and necessary expenses of advertising the sale.**

143 **13. If the manufactured home is not redeemed prior to the date of sale provided in**  
144 **the notice set forth in this section, the real property owner may sell the manufactured home**  
145 **on the day and at the place specified in the notice. The proceeds of sale shall be distributed**  
146 **in the following order:**

147 **(1) To the satisfaction of real property owner's past-due rent and reimbursement**  
148 **of its actual and necessary expenses incurred in obtaining the lien and lien title, including**  
149 **attorney's fees and the necessary expenses of advertising the sale provided for in this**  
150 **section;**

151 **(2) The excess, if any, shall be paid to the manufactured homeowner.**

152

153 **If the manufactured homeowner cannot be located within thirty days of the date of sale,**  
154 **the excess, if any, shall be deposited with the county treasurer of the county in which the**  
155 **home was sold and in the case of a sale within a city not within a county with its treasurer,**  
156 **together with a sworn statement containing the name of the owner, description of the**  
157 **manufactured home by manufacturer's serial number, amount of lien, sale price, name of**  
158 **purchaser, and costs and manner of advertising.**

159 **14. Such treasurer shall credit such excess to the general revenue fund of the county**  
160 **or a city not within a county, subject to the right of the owner to reclaim the same at any**  
161 **time within three years of the date of such deposit with the treasurer, after presentation**

162 of proper evidence of ownership and obtaining an order of the county commission, or  
163 comptroller of a city not within a county, directed to said treasurer for the return of such  
164 excess deposit.

165 **15. Any lienor failing to or refusing to deliver to such treasurer the excess proceeds**  
166 **of sale together with a sworn statement as required in this section within thirty days after**  
167 **such sale, shall be liable for double the excess of proceeds of such sale, to be recovered in**  
168 **any court of competent jurisdiction by civil action.**

169 **16. The real property owner's compliance with the requirements of this section**  
170 **shall be a perpetual bar to any action against such owner of real property by any person**  
171 **for the recovery of the manufactured home or its value or of any damages growing out of**  
172 **the taking of possession and sale of such manufactured home.**

173 **17. The real property owner may be a purchaser at the public sale conducted under**  
174 **this section.**

**700.528. 1. The owner of the abandoned manufactured home, within ten days of**  
2 **the mailing of the real property owner's notification provided for in subsection 3 of section**  
3 **700.527, may file a petition in the associate circuit division of circuit court in the county in**  
4 **which the abandoned manufactured home is located to contest the real property owner's**  
5 **lien. The petition shall name the real property owner as a defendant. The director of**  
6 **revenue shall not be a party to such petition, but a copy of the petition shall be served on**  
7 **the director who shall not issue a lien title to such abandoned manufactured home until the**  
8 **court by judgment upholds the lien or until the homeowner's petition is dismissed.**

9 **2. Upon the filing of the petition in the associate circuit division of circuit court, the**  
10 **owner may have the manufactured home released from the lien upon posting with the**  
11 **court, for the benefit of the real property owner, a cash or surety bond or other adequate**  
12 **security equal to the amount of the rental charges due and those which will accrue during**  
13 **the term of the proceedings to ensure payment of such rent in the event the manufactured**  
14 **homeowner does not prevail. Upon posting of the bond, the court shall issue an order**  
15 **notifying the real property owner of the posting of the bond and directing the real property**  
16 **owner to release the manufactured home to its owner. The court shall then proceed to**  
17 **determine the parties' rights to the proceeds of the bond.**

18 **3. If the court determines the homeowner owes unpaid rent under the rent**  
19 **agreement, the court shall give judgment to the real property owner in the sum of the**  
20 **unpaid rent, declare a lien in the real property owner's favor against the manufactured**  
21 **home, or if bond has been posted, order that so much of the bond proceeds as are necessary**  
22 **to satisfy the judgment to be immediately paid to the real property owner. The real**  
23 **property owner shall enforce the lien for the unpaid rent by submitting an application for**

24 **lien title in the form and containing the information required by section 700.527. The real**  
25 **property owner shall attach to the application for lien title a copy of the judgment rendered**  
26 **by the associate circuit court. The homeowner may satisfy the lien by paying the amount**  
27 **set out in the judgment together with statutory judgment interest.**

700.529. [Upon proof of all the foregoing in section 700.527 by proper affidavit and  
2 upon compliance with the provisions of sections 700.525 to 700.541, the director of revenue  
3 shall, if requested, issue a new certificate of title to the landlord.] **1. If a person abandons a**  
4 **manufactured home on any real property owned by another who is renting such real**  
5 **property to the owner of the manufactured home, and such abandonment is without the**  
6 **consent of the owner of the real property, and there exists a lien perfected according to**  
7 **sections 700.350 to 700.380 on the manufactured home which is in default, the owner of the**  
8 **real property shall have a lien for unpaid rental against the manufactured home upon**  
9 **compliance with the provisions of this section by giving notice to the manufactured**  
10 **homeowner and any party with a perfected lien in the abandoned home by certified mail,**  
11 **postage prepaid and return receipt requested. The notice shall contain the following:**

- 12 (1) **The name, address, and telephone number of the real property owner;**
- 13 (2) **The name and last known address of the owner of the manufactured home;**
- 14 (3) **The make, year, and serial number of the manufactured home;**
- 15 (4) **That the manufactured home is abandoned as provided in section 700.526 and**  
16 **by applicable rule of the director;**
- 17 (5) **That the manufactured home is located on real estate owned by the real**  
18 **property owner;**
- 19 (6) **That the home is located on the real estate by reason of a valid rental**  
20 **agreement;**
- 21 (7) **That the homeowner is in default of the rental agreement;**
- 22 (8) **The amount of past-due rent and the monthly rate at which future rent will**  
23 **accrue under the rental agreement;**
- 24 (9) **That the homeowner has not paid or made arrangements for the payment of the**  
25 **rent;**
- 26 (10) **That the real property owner claims a lien for such rental;**
- 27 (11) **That the owner of the manufactured home may redeem the home at any time**  
28 **during business hours by paying all unpaid rent accrued under the terms of the rental**  
29 **agreement through the date of removal of the home from the real property owner's**  
30 **premises and the perfected lienholder may redeem the abandoned manufactured home at**  
31 **any time during business hours by paying all rent specified in the rental agreement which**  
32 **accrues during the period beginning thirty days after this notice has been mailed to the**

33 perfected lienholder and continuing to the date the home is removed from real property  
34 owner's premises;

35 (12) That the manufactured homeowner and the perfected lienholder shall each  
36 have the right to contest the real property owner's lien by filing, within ten days of the date  
37 of mailing the notice required by this section, a petition in the associate circuit division of  
38 the circuit court of the county in which the manufactured home is located;

39 (13) That if the rent due remains unpaid thirty days from the date mailing of the  
40 notice and within ten days of mailing of the notice the petition referred to in subdivision  
41 (12) of this subsection is not filed to contest the lien, the real property owner shall have a  
42 lien against the manufactured home which shall be superior to the perfected lienholder's  
43 lien and the amount of the lien shall continue to accrue monthly until the home is removed  
44 from real property owner's premises.

45 2. The real property owner's lien and the sum which the homeowner shall be  
46 obligated to pay to satisfy the lien shall be the unpaid rent accrued under the terms of the  
47 rental agreement through the date the home is removed from real property owner's  
48 premises and the real property owner's lien and the sum which the perfected lienholder  
49 shall be obligated to pay to satisfy the lien shall be the unpaid rental specified in the rental  
50 agreement which accrues during the period beginning thirty days after the notice specified  
51 in this section has been mailed to the lienholder and continuing to the date the home is  
52 removed from real property owner's premises. If an injunction or stay order issued by any  
53 court of competent jurisdiction prohibits the lienholder from removing the home, the  
54 lienholder's obligation to pay the rent shall abate until the date the injunction or stay order  
55 is lifted.

56 3. The owner of the manufactured home shall not have the right to remove the  
57 home from the real property owner's property until such time as all rent provided for in  
58 the rental agreement is paid and the perfected lienholder shall not have the right to remove  
59 the home until such time as the lienholder has paid all rent it is obligated to pay to the real  
60 property owner under the provisions of this section.

61 4. Until a perfected lienholder has paid all rent it is obligated to pay to the real  
62 property owner accrued in the real property owner's favor under the provisions of this  
63 section, the director shall not issue a certificate of title or repossession title to the  
64 manufactured home to the perfected lienholder.

65 5. The owner of the abandoned manufactured home or the perfected lienholder,  
66 within ten days of mailing of the notice specified in subsection 1 of this section, may file a  
67 petition in the associate circuit division of the circuit court of the county in which the  
68 abandoned manufactured home is located to contest the real property owner's lien. If the

69 **court determines the homeowner or the perfected lienholder owe unpaid rent, the court**  
70 **shall declare a lien in real property owner's favor and shall separately state the amount of**  
71 **the homeowner or the perfected lienholder's obligation to the date of the judgment. The**  
72 **homeowner and the perfected lienholder may satisfy the lien by paying the amount set out**  
73 **in the judgment of the court.**

700.630. 1. A sole owner of a manufactured home, and multiple owners of a  
2 manufactured home who hold their interest as joint tenants with right of survivorship or as  
3 tenants by the entirety, on application and payment of the fee required for an original certificate  
4 of ownership, may request the director of revenue to issue a certificate of ownership for the  
5 manufactured home in beneficiary form which includes a directive to the director of revenue to  
6 transfer the certificate of ownership on death of the sole owner or on death of all multiple owners  
7 to one beneficiary or to two or more beneficiaries as joint tenants with right of survivorship or  
8 as tenants by the entirety named on the face of the certificate. The directive to the director of  
9 revenue shall also permit the beneficiary or beneficiaries to make one reassignment of the  
10 original certificate of ownership upon the death of the owner to another owner without  
11 transferring the certificate to the beneficiary or beneficiaries' name.

12 2. A certificate of ownership in beneficiary form may not be issued to persons who hold  
13 their interest in a manufactured home as tenants in common.

14 3. A certificate of ownership issued in beneficiary form shall include after the name of  
15 the owner, or after the names of multiple owners, the words "transfer on death to" or the  
16 abbreviation "TOD" followed by the name of the beneficiary or beneficiaries.

17 4. (1) During the lifetime of a sole owner and during the lifetime of all multiple owners,  
18 or prior to the death of the last surviving multiple owner, the signature or consent of the  
19 beneficiary or beneficiaries shall not be required for any transaction relating to the manufactured  
20 home for which a certificate of ownership in beneficiary form has been issued.

21 (2) A certificate of ownership in beneficiary form may be revoked or the beneficiary or  
22 beneficiaries changed at any time before the death of a sole owner or the last surviving multiple  
23 owner only by the following methods:

24 (a) By a sale of the manufactured home with proper assignment and delivery of the  
25 certificate of ownership to another person; or

26 (b) By filing an application to reissue the certificate of ownership with no designation  
27 of a beneficiary or with the designation of a different beneficiary or beneficiaries with the  
28 director of revenue in proper form and accompanied by the payment of the fee for an original  
29 certificate of ownership.

30 (3) The beneficiary's or beneficiaries' interest in the manufactured home at death of the  
31 owner or surviving owner shall be subject to any contract of sale, assignment of ownership or

32 security interest to which the owner or owners of the manufactured home were subject during  
33 their lifetime.

34 (4) The designation of a beneficiary or beneficiaries in a certificate of ownership issued  
35 in beneficiary form may not be changed or revoked by a will, any other instrument, or a change  
36 in circumstances, or otherwise be changed or revoked except as provided by subdivision (2) of  
37 this subsection.

38 5. (1) On proof of death of one of the owners of two or more multiple owners, or of a  
39 sole owner, surrender of the outstanding certificate of ownership, and on application and  
40 payment of the fee for an original certificate of ownership, the director of revenue shall issue a  
41 new certificate of ownership for the manufactured home to the surviving owner or owners or,  
42 if none, to the surviving beneficiary or beneficiaries, subject to any outstanding security interest;  
43 and the current valid certificate of number shall be so transferred. If the surviving beneficiary  
44 or beneficiaries makes a request of the director of revenue, the director may allow the beneficiary  
45 or beneficiaries to make one assignment of title.

46 (2) The director of revenue may rely on a death certificate or record or report that  
47 constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section  
48 472.290, RSMo.

49 (3) The transfer of a manufactured home at death pursuant to this section is not to be  
50 considered as testamentary, or to be subject to the requirements of section 473.087, RSMo, or  
51 section 474.320, RSMo.

52 **6. For the purposes of this section, a "manufactured home" is a manufactured**  
53 **home as defined in section 700.010 excluding a manufactured home with respect to which**  
54 **the applicable requirements of subsections 1 to 3 of section 700.111 have been satisfied.**

2 [700.530. The provisions of sections 700.525 to 700.539 shall not affect  
3 the right of a secured party to take possession of, and title to, a manufactured  
4 home pursuant to section 400.9-503, RSMo, section 700.386 or otherwise as  
5 allowed by contract or law.]

2 [700.531. The director of revenue shall notify the owner of record of the  
3 manufactured home and any holder of a security interest in the manufactured  
4 home of its status of abandonment, the name and business address of the landlord  
5 seeking possession of the manufactured home, and the right of the landlord to  
6 seek title to the manufactured home pursuant to sections 700.525 to 700.541 if  
7 such manufactured home remains abandoned or if the owner of record of the  
8 manufactured home and any holder of a security interest in the manufactured  
9 home does not respond to the notice. The notice shall be given within fifteen  
10 working days of the receipt of the application of the landlord pursuant to  
11 subsection 2 of section 700.527.]

2 [700.533. The owner of such manufactured home or the holder of a valid  
3 security interest therein which is in default may claim title to it from the landlord  
4 seeking possession of the manufactured home upon proof of ownership or valid  
5 security interest which is in default and payment of all reasonable rents due and  
6 owing to the landlord.]

2 [700.535. If the manufactured home is titled in Missouri, the valid owner  
3 of the manufactured home or the holder of a valid security interest therein may  
4 voluntarily relinquish any claim to the manufactured home by affirmatively  
5 declaring such relinquishment or by failing to respond to the notice required by  
6 section 700.531 within thirty days of the mailing or delivery of such notice by the  
7 director of revenue.]

2 [700.537. The lienholder of an abandoned manufactured home may  
3 repossess an abandoned manufactured home by notifying by registered mail,  
4 postage prepaid, the owner if known, and any lienholders of record, at their last  
5 known addresses, that application for a certificate of title will be made unless the  
6 owner or lienholder of record makes satisfactory arrangements with the owner of  
7 real property upon which such abandoned manufactured home is situated within  
8 thirty days of the mailing of the notice. This notice shall be supplied by the use  
9 of a form designed and provided by the director of revenue.]

2 [700.539. 1. Within thirty days after the notification form required by  
3 section 700.537 has been mailed, and the owner or lienholder has made  
4 satisfactory arrangements with the owner of real property, the lienholder who sent  
5 notification pursuant to sections 700.525 to 700.541 may apply to the director of  
6 revenue for a certificate of title. The application shall be accompanied by:

7 (1) An affidavit of the lienholder that he is in compliance with all  
8 requirements of sections 700.525 to 700.541;

9 (2) A copy of the receipt indicating that the owner or lienholder of record  
10 has received the notice required by sections 700.525 to 700.541;

11 (3) A fee as required by the director of revenue by rule.

12 2. Upon proof of the foregoing by proper affidavit and upon compliance  
13 with all requirements of sections 700.525 to 700.541, the director of revenue  
14 shall, if requested, issue a new certificate of title to the lienholder in possession  
within fifteen working days after request.]

✓