

SECOND REGULAR SESSION

HOUSE BILL NO. 1584

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (117) (Sponsor), NANCE, ATKINS, SATER, JONES (89),
YAEGER, BIVINS, GRISAMORE, DOUGHERTY AND WILSON (119) (Co-sponsors).

3840L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 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 new sections relating to manufactured homes, with penalty provisions.

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

Section A. Sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 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700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 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:

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory

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.

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] **is real [property in compliance with section 700.111, RSMo] estate as described in**
102 **subsection 7 of section 442.015** and assessed as a realty improvement to the existing real estate
103 parcel.

104 8. Any amount of tax due and owing based on the assessment of a manufactured home
105 shall be included on the personal property tax statement of the manufactured home owner unless
106 the manufactured home [has been converted to] **is real [property in compliance with section**
107 **700.111, RSMo] estate as described in subsection 7 of section 442.015**, in which case the
108 amount of tax due and owing on the assessment of the manufactured home as a realty
109 improvement to the existing real estate parcel shall be included on the real property tax statement
110 of the real estate owner.

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

116 or publications which in the assessor's judgment will fairly estimate the true value in money of
117 the motor vehicle.

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

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

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

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

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

144 15. Any county or city not within a county in this state may, by an affirmative vote of
145 the governing body of such county, opt out of the provisions of this section and sections 137.073,
146 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general
147 assembly, second regular session and section 137.073 as modified by house committee substitute
148 for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general
149 assembly, second regular session, for the next year of the general reassessment, prior to January
150 first of any year. No county or city not within a county shall exercise this opt-out provision after
151 implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo,

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

167 16. The governing body of any city of the third classification with more than twenty-six
168 thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located
169 in any county that has exercised its authority to opt out under subsection 15 of this section may
170 levy separate and differing tax rates for real and personal property only if such city bills and
171 collects its own property taxes or satisfies the entire cost of the billing and collection of such
172 separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax
173 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**, and handle escrows,
121 settlements and closings on real estate for the benefit of the bank's customers, as a core part of
122 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 depository, 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, excluding a manufactured home with respect to which the**
17 **requirements of subsections 1 to 3 of section 700.111, as applicable, have been satisfied,**
18 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, excluding a manufactured home with respect to which the requirements**
14 **of subsections 1 to 3 of section 700.111, as applicable, have been satisfied,** motorcycle, truck,
15 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,** or a leasehold interest therein and having an unexpired term of at least five years or
8 some term in excess of five years as may be fixed by regulation of the director of the division of
9 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**;

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**;

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**, used as security for a loan, credit
7 investigations, credit life insurance, and filing and recording fees by governmental agencies.

8 3. The board may at the close of a dividend period allocate a portion of receipts from
9 interest on loans for the purpose of making an interest refund to members. The refund when
10 made shall be made in proportion to the interest paid by members during the dividend period.
11 The board may deny a refund to a member whose loans have been delinquent during the period.
12 The board may limit the refund to interest from specific classes of loans and make the interest
13 refund to members whose loans are included in such classes.

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

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

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

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

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

(f) **Article 9 of this chapter does not apply to a security interest in a manufactured**
36 **home which is real estate as described in subsection 7 of section 442.015. Article 9 of this**

37 **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, and**
39 **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, have been satisfied with respect to such**
42 **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.**

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**, and section 400.2A-304; or

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

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

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

22 (d) During any period in which collateral is inventory held for sale or lease by a person
23 or leased by that person as lessor and that person is in the business of selling or leasing goods
24 of that kind, this section does not apply to a security interest in that collateral created by that
25 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, which is real estate as described in**
19 **subsection 7 of section 442.015;**

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.

408.250. 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, excluding a manufactured home with respect to which**
32 **the requirements of subsections 1 to 3 of section 700.111, as applicable, have been satisfied,**
33 motorcycle, truck, trailer, semitrailer, truck tractor, or bus, primarily designed or used to
34 transport persons or property on a public highway, road or street, or a mobile or modular home
35 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.

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 homes as defined in section**
11 **700.010**, mobile trailer homes and vehicles which are used or intended for use primarily as a
12 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, which is real estate as described in**
9 **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. Notwithstanding the foregoing, for the**
3 **purposes of 11 U.S.C. Section 1322(b)(2), a manufactured home shall be deemed to be real**
4 **property. For the purposes of this section, a manufactured home is permanently affixed**
5 **if it is anchored to real estate by attachment to a permanent foundation, constructed in**
6 **accordance with applicable state and local building codes and manufacturer's**
7 **specifications as provided in 24 CFR Part 3285, and connected to residential utilities, such**
8 **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;

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; and

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

42 3. (1) An affidavit of affixation shall contain or be accompanied by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103 4. Neither the act of permanently affixing a manufactured home to real estate nor
104 the recording of the affidavit of affixation shall impair the rights of any holder of a security
105 interest in or lien on a manufactured home perfected as provided in section 700.350, unless
106 and until the due filing with and acceptance by the director of revenue of an application
107 to surrender the title as provided in subsection 2 of section 700.111, and the release of such
108 security interest or lien as provided in section 700.370. Upon the filing of such a release,
109 the security interest or lien perfected under section 700.350, 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 manufactured home is permanently affixed to land as provided in
119 subsection 1 of this 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, as applicable, have**
126 **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 conveyance or transfer**
142 **of such manufactured home may only be made under the provisions of chapter 700, and**
143 **any agreement by any party to the transaction whereby the requirements of this subsection**
144 **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, 2010, 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 11. The recorder of deeds shall deliver a certified copy of the affidavit of severance
185 to the person or party delivering the documents to the recorder for record. Upon receipt
186 of a certified copy of the affidavit of severance, the person designated therein shall deliver
187 such certified copy of the affidavit of severance and the other documents, as provided in
188 subdivision (1) of subsection 10 of this section, to the director of revenue.

2 513.010. 1. The word "levy", as used in this chapter, shall be construed to mean the
2 actual seizure of property by the officer charged with the execution of the writ.

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

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

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

(8) "Modular unit", a transportable building unit designed to be used by itself or to be 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 described in subsection 1 of section 442.015, or which the owner intends to permanently
10 affix to real estate as described in subsection 1 of section 442.015, may surrender the
11 manufacturer's certificate of origin to the manufactured home to the director of revenue
12 by filing with the director of revenue, in the form prescribed by the director, an application
13 for surrender of manufacturer's certificate of origin containing or accompanied by:

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

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

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

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

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

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

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

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

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

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

33 (i) Any other information and documents the director of revenue reasonably
34 requires to identify the owner of the manufactured home and to enable him or her to
35 determine whether the owner satisfied the requirements of subsection 6 of section 442.015,
36 and is entitled to surrender the manufacturer's certificate of origin, and the existence or
37 nonexistence of security interests in or liens on the manufactured home.

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

41 (a) Cancel the manufacturer's certificate of origin and update his or her records
42 in accordance with the provisions of section 700.320; and

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

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

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

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

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

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

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

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

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

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

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

80 (f) The original certificate of title;

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

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

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

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

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

95 (a) Cancel the certificate of title and update his or her records in accordance with
96 the provisions of section 700.320; and

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

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

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

109 3. (1) The owner or owners of a manufactured home that is not covered by a
110 manufacturer's certificate of origin or a certificate of title, or that is covered by a
111 manufacturer's certificate of origin or a certificate of title which the owner of the
112 manufactured home, after diligent search and inquiry, is unable to produce, and that is
113 permanently affixed to real estate in accordance with subsection 1 of section 442.015, or

114 which the owner intends to permanently affix to real estate as described in subsection 1 of
115 section 442.015, may apply to the director of revenue by filing with the director of revenue
116 an application for confirmation of conversion containing or accompanied by:

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

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

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

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

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

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

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

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

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

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

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

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

143 (i) Any other information and documents the director of revenue reasonably
144 requires to identify the owner of the manufactured home and to enable him or her to
145 determine whether the owner satisfied the requirements of subsection 6 of section 442.015,
146 and the existence or nonexistence of security interests in or liens on the manufactured
147 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 his or her records in accordance with the provisions of section 700.320;
152 and

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

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

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

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

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

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

178 (c) A statement signed by the applicant, stating either:

179 a. Any facts or information known to the applicant that could affect the validity of
180 the title of the manufactured home or the existence or nonexistence of any security interest
181 in or lien on it; or

182 b. That no such facts or information are known to the applicant;

183 (d) A certified copy of the affidavit of severance provided in accordance with
184 section 442.015;

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

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

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

193 (f) The applicable fee for filing the application; and

194 (g) Any other information and documents the director of revenue reasonably
195 requires to identify the manufactured home and to enable him or her to determine whether
196 the owner is entitled to a certificate of title and the existence or nonexistence of security
197 interests in or liens on the manufactured home.

198 (2) When satisfied of the genuineness and regularity of the application for a
199 certificate of title to a manufactured home and upon satisfaction of the requirements of
200 subdivision (1) of this subsection, the director of revenue shall issue a new certificate of title
201 and update his or her records in accordance with the provisions of section 700.320.

202 (3) Immediately upon satisfaction of the requirements of this subsection, a
203 manufactured home shall be conveyed and encumbered as personal property.

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

206 5. The department of revenue shall promulgate rules to implement the provisions
207 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
208 is created under the authority delegated in this section shall become effective only if it
209 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
210 section 536.028. This section and chapter 536, are nonseverable and if any of the powers
211 vested with the general assembly under chapter 536, to review, to delay the effective date,
212 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
213 of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be
214 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 appraisal 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 unless with respect to the same manufactured home there has been recorded an**
56 **affidavit of severance under section 442.015.**

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 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, and any other information the director of revenue prescribes.**

66 8. **The director of revenue shall file, upon receipt, each application for surrender**
67 **of the manufacturer's certificate of origin relating to a manufactured home that is**
68 **delivered in accordance with subsection 1 of section 700.111, when satisfied of its**
69 **genuineness and regularity.**

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

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

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

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

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

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

101 **15. Notwithstanding any other provision of law, a certificate of title issued by the**
102 **director of revenue to a manufactured home is prima facie evidence of the facts appearing**
103 **on it, notwithstanding the fact that such manufactured home, at any time, shall have**
104 **become affixed in any manner to real estate.**

105 **16. When an owner wants to add or delete a name or names on an application for**
106 **certificate of title to a manufactured home that would cause it to be inconsistent with the name**
107 **or names listed on the notice of lien, the owner shall provide the director with documentation**
108 **evidencing the lienholder's authorization to add or delete a name or names on an application for**
109 **certificate of title.**

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.

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 and sections 306.455 to 306.465, and is not to be
47 considered as testamentary, or to be subject to the requirements of section 473.087 or
48 section 474.320.

49 6. Notwithstanding subsections 1 to 5 of this section, the director of revenue shall
50 not issue a certificate of ownership to a manufactured home with respect to which there
51 has been recorded an affidavit of affixation under section 442.015 unless with respect to
52 the same manufactured home there has been recorded an affidavit of severance under
53 section 442.015.

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**, on a manufactured home shall not be valid against
6 subsequent transferees or lienholders of the manufactured home who took without knowledge
7 of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections
8 700.350 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, 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, subsections 1 and**
79 **2 of section 700.111, subsection 2 of section 700.360, and subsection 2 of section 700.375,**
80 **after a certificate of title has been issued to a manufactured home and as long as the**
81 **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, 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.**

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. Except as otherwise provided in section 400.9-303(e), with respect to security**
9 **interests in manufactured homes perfected by filing under article 9 of chapter 400 after**
10 **June 30, 2001, and before August 28, 2002, the method provided in sections 700.350 to**
11 **700.380 of perfecting and giving notice of liens or encumbrances subject to sections 700.350 to**
12 **700.380 is exclusive; provided, however, that with respect to a manufactured home that is**
13 **or will be permanently affixed to real estate, upon recordation of an affidavit of affixation**
14 **under section 442.015, and satisfaction of the requirements of subsections 1 to 3 of section**
15 **700.111, as applicable, any perfection or termination of a security interest with respect to**
16 **such permanently affixed property shall be governed by chapter 442.**

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] **shall mean: a manufactured**
7 **home as defined in [subdivision (6) or] section 700.010, excluding a manufactured home with**
8 **respect to which the requirements of subsections 1 to 3 of section 700.111, as applicable,**
9 **have been satisfied, or a modular unit as 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
133 date 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
144 in the notice set forth in this section, the real property owner may sell the manufactured
145 home on the day and at the place specified in the notice. The proceeds of sale shall be
146 distributed 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 If the manufactured homeowner cannot be located within thirty days of the date of sale,
153 the excess, if any, shall be deposited with the county treasurer of the county in which the
154 home was sold and in the case of a sale within a city not within a county with its treasurer,
155 together with a sworn statement containing the name of the owner, description of the
156 manufactured home by manufacturer's serial number, amount of lien, sale price, name
157 of purchaser, and costs and manner of advertising.

158 **14. Such treasurer shall credit such excess to the general revenue fund of the**
159 **county or a city not within a county, subject to the right of the owner to reclaim the same**
160 **at any time within three years of the date of such deposit with the treasurer, after**
161 **presentation of proper evidence of ownership and obtaining an order of the county**
162 **commission, or comptroller of a city not within a county, directed to said treasurer for the**
163 **return of such excess deposit.**

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

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

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

174

175 **This section shall not apply to a manufactured home which is real estate as described in**
176 **subsection 7 of section 442.015.**

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

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

17 property owner to release the manufactured home to its owner. The court shall then
18 proceed to determine the parties' rights to the proceeds of the bond.

19 **3. If the court determines the homeowner owes unpaid rent under the rent**
20 **agreement, the court shall give judgment to the real property owner in the sum of the**
21 **unpaid rent, declare a lien in the real property owner's favor against the manufactured**
22 **home, or if bond has been posted, order that so much of the bond proceeds as are**
23 **necessary to satisfy the judgment to be immediately paid to the real property owner. The**
24 **real property owner shall enforce the lien for the unpaid rent by submitting an**
25 **application for lien title in the form and containing the information required by section**
26 **700.527. The real property owner shall attach to the application for lien title a copy of the**
27 **judgment rendered by the associate circuit court. The homeowner may satisfy the lien by**
28 **paying the amount 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**
8 **the 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**
25 **the 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**
31 **at any time during business hours by paying all rent specified in the rental agreement**
32 **which accrues during the period beginning thirty days after this notice has been mailed**
33 **to the perfected lienholder and continuing to the date the home is removed from real**
34 **property 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**
37 **date of mailing the notice required by this section, a petition in the associate circuit**
38 **division of 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**
53 **any 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**
55 **order 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**

59 **remove the home until such time as the lienholder has paid all rent it is obligated to pay**
60 **to the real 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**
67 **a 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**
71 **of the homeowner or the perfected lienholder's obligation to the date of the judgment.**
72 **The homeowner and the perfected lienholder may satisfy the lien by paying the amount**
73 **set out 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
6 to transfer the certificate of ownership on death of the sole owner or on death of all multiple
7 owners to one beneficiary or to two or more beneficiaries as joint tenants with right of
8 survivorship or as tenants by the entirety named on the face of the certificate. The directive to
9 the director of revenue shall also permit the beneficiary or beneficiaries to make one
10 reassignment of the original certificate of ownership upon the death of the owner to another
11 owner without 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
18 owners, or prior to the death of the last surviving multiple owner, the signature or consent of
19 the beneficiary or beneficiaries shall not be required for any transaction relating to the
20 manufactured home for which a certificate of ownership in beneficiary form has been issued.

21

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

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

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

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

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

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

47 (2) The director of revenue may rely on a death certificate or record or report that
48 constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section
49 472.290, RSMo.

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

53 **6. For the purposes of this section, a "manufactured home" is a manufactured**
54 **home as defined in section 700.010 excluding a manufactured home with respect to which**
55 **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
the right of a secured party to take possession of, and title to, a manufactured

3 home pursuant to section 400.9-503, RSMo, section 700.386 or otherwise as
4 allowed by contract or law.]

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

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

2 [700.535. If the manufactured home is titled in Missouri, the valid
3 owner of the manufactured home or the holder of a valid security interest therein
4 may 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
7 the 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
7 of real property upon which such abandoned manufactured home is situated
8 within thirty days of the mailing of the notice. This notice shall be supplied by
9 the use 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
5 sent notification pursuant to sections 700.525 to 700.541 may apply to the
6 director of 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
10 record 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
15 within fifteen working days after request.]
16

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

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

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

21 4. (1) During the lifetime of a sole owner and during the lifetime of all
22 multiple owners, or prior to the death of the last surviving multiple owner, the
23 signature or consent of the beneficiary or beneficiaries shall not be required for
24 any transaction relating to the manufactured home for which a certificate of
25 ownership in beneficiary form has been issued.

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

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

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

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

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

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

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

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

