

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 2112, Page 11, Section 221.407, Line 66,  
2 by inserting the following after all of said section:

3  
4 "441.060. 1. A tenancy at will or by sufferance, or for less than one year, may be terminated  
5 by the person entitled to the possession by giving one month's notice, in writing, to the person in  
6 possession, requiring the person in possession to vacate the premises.

7 2. An occupancy limitation of two persons per bedroom residing in a dwelling unit shall be  
8 presumed reasonable for this state. The two-person limitation shall not apply to a child or children  
9 born to the tenants during the course of the lease.

10 3. Except as otherwise provided by law, all contracts or agreements for the leasing, renting  
11 or occupation of stores, shops, houses, tenements or other buildings in cities, towns or villages, and  
12 of stores, shops, houses, tenements or other buildings except when such leasing, renting or  
13 occupation is as tenant of real estate used or rented for agricultural purposes, other than garden  
14 purposes, not made in writing, signed by the parties thereto, or their agents, shall be held and taken  
15 to be tenancies from month to month, and all such tenancies may be terminated by either party  
16 thereto, or the party's agent, giving to the other party, or the party's agent, one month's notice, in  
17 writing, of the party's intention to terminate such tenancy.

18 4. (1) Except as provided in subdivision (2), the landlord or the tenant may terminate a  
19 month-to-month tenancy by a written notice given to the other party stating that the tenancy shall  
20 terminate upon a periodic rent-paying date not less than one month after the receipt of the notice.

21 (2) When a person occupies and has an ownership interest in a mobile home and is leasing  
22 the land or the lot upon which the mobile home is located, a tenancy for less than one year may be  
23 terminated by the landlord by giving written notice to the tenant that the tenancy shall terminate not  
24 sooner than sixty days from the date the rent payment next becomes due, notwithstanding any  
25 written lease provision regarding earlier lease termination to the contrary.

26 5. If after the rendition of a judgment and a request for an execution on any judgment  
27 rendered in an action pursuant to chapter 524, chapter 534, chapter 535, or this chapter and there is  
28 no stay of execution, the service officer fails to deliver possession of the premises to the landlord  
29 within seven days of the delivery of the writ to such officer, the landlord may, within [sixty] thirty  
30 days of the date of the judgment, in the presence of a municipal or county law enforcement officer of  
31 the jurisdiction in which the premises are located, without breach of the peace, break and remove

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1 locks, enter and take possession of the premises and remove any household goods, furnishings,  
2 fixtures or any other personal property left in or at the premises, provided the law enforcement  
3 officer is first presented a true copy of the judgment and order of execution, and the law enforcement  
4 officer acknowledges in writing such presentation, and such acknowledgment is filed in court by the  
5 plaintiff within five days following taking possession of the premises.

6 6. Except for negligent, willful or wanton acts or omissions of the landlord, or failure to both  
7 timely obtain and file the law enforcement officer acknowledgment described in the preceding  
8 subsection, the landlord shall have no liability for loss or damage to any household goods,  
9 furnishings, fixtures or any other personal property left in or at the dwelling unit, by reason of the  
10 landlord's removal of the property in accordance with the provisions of this section.

11 441.065. Any property of a tenant remaining in or at the premises, after the tenant abandons  
12 the premises, may be removed or disposed of by the landlord without liability to the tenant for such  
13 removal or disposition. The premises shall be deemed abandoned if:

14 (1) The landlord has a reasonable belief that the tenant has vacated the premises and intends  
15 not to return;

16 (2) The rent is due and has been unpaid for thirty days; and

17 (3) The landlord posts written notice on the premises and mails to the last known address of  
18 the tenant by both first class mail and certified mail, return receipt requested, a notice of the  
19 landlord's belief of abandonment. The notice shall include the following, where appropriate:  
20

21 "The rent on this property has been due and unpaid for thirty consecutive days and the landlord  
22 believes that you have moved out and abandoned the property. The landlord may declare this  
23 property abandoned and remove your possessions from this unit and dispose of them unless you  
24 write to the landlord stating that you have not abandoned this unit within ten days of the landlord  
25 having both posted this notice on your door and mailing this notice to you. You should mail your  
26 statement by regular first class mail and, if you so choose, by certified mail, return receipt requested,  
27 to this address . . . . . (here insert landlord's name and street address)"; and

28 (4) The tenant fails to either pay rent or respond in writing to the landlord's notice within ten  
29 days after both the date of the posting and deposit of such notice by either first class mail or certified  
30 mail, return receipt requested, stating the tenant's intention not to abandon the premises.

31  
32 Further amend said bill and said page, Section 448.2240, Line 10, by inserting immediately after said  
33 line the following:

34 "534.070. 1. When complaint to the circuit court of the proper county shall be made in  
35 writing, signed by the party aggrieved, his agent or attorney, and sworn to, specifying the lands,  
36 tenements or other possessions so forcibly entered and detained, or unlawfully detained, and by  
37 whom and when done, it shall be the duty of the clerk of the court to issue a summons directed to the  
38 sheriff or proper officer of the county, commanding him to summon the person against whom the  
39 complaint shall have been made to appear, at a day in such summons to be specified.

40 2. A court date shall be assigned at the time the summons is issued. The court date shall be  
41 for a day certain which is not more than [twenty-one] fourteen business days from the date the

1 summons is issued unless, at the time the case is filed, the plaintiff or plaintiff's attorney consents in  
2 writing to a later date.

3 534.090. 1. Such summons shall be served as in other civil cases at least four days before  
4 the court date specified in such summons.

5 2. If the summons in such action cannot be served in the ordinary manner as provided by  
6 law, it shall be the duty of the judge before whom the proceeding is commenced, at the request of the  
7 plaintiff, to make an order directing that notices shall be set up for ten days on the premises in  
8 question and in one public place in the county where the defendant was believed to dwell, informing  
9 the defendant of the commencement of the proceedings against the defendant and to make an order  
10 directing that a copy of the summons be delivered to the defendant at the defendant's last known  
11 address by ordinary mail. If the officer, or other person empowered to execute the summons, shall  
12 return that the defendant is not found, or that the defendant has absconded or vacated his or her usual  
13 place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a  
14 copy of the summons and complaint, the judge shall proceed to hear the case as if there had been  
15 personal service, and judgment shall be rendered and proceedings had as in other cases, except that  
16 where the defendant is in default no money judgment shall be granted the plaintiff under the order of  
17 publication and ordinary mail procedure set forth in this section. If such summons is returned  
18 executed, then the judge shall set the case on the next available court date.

19 535.030. 1. Such summons shall be served as in other civil cases at least four days before  
20 the court date in the summons. The summons shall include a court date which shall not be more than  
21 twenty-one business days from the date the summons is issued unless at the time of filing the  
22 affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

23 2. In addition to attempted personal service, the plaintiff may request, and thereupon the  
24 clerk of the court shall make an order directing that the officer, or other person empowered to  
25 execute the summons, shall also serve the same by securely affixing a copy of such summons and the  
26 complaint in a conspicuous place on the dwelling of the premises in question at least ten days before  
27 the court date in such summons, and by also mailing a copy of the summons and complaint to the  
28 defendant at the defendant's last known address by ordinary mail at least ten days before the court  
29 date. If the officer, or other person empowered to execute the summons, shall return that the  
30 defendant is not found, or that the defendant has absconded or vacated his or her usual place of  
31 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of  
32 the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as  
33 if there had been personal service, and judgment shall be rendered and proceedings had as in other  
34 cases, except that no money judgment shall be granted the plaintiff where the defendant is in default  
35 and service is by the posting and mailing procedure set forth in this section.

36 3. If the plaintiff does not request service of the original summons by posting and mailing as  
37 provided in subsection 2 of this section, and if the officer, or other person empowered to execute the  
38 summons, makes return that the defendant is not found, or that the defendant has absconded or  
39 vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an  
40 alias summons and service of the same by posting and mailing in the time and manner provided in  
41 subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least

1 eight years of age may serve the summons by posting and mailing a copy of the summons in the  
 2 time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and  
 3 of the mailing of a copy of the summons or alias summons and the complaint, the judge shall  
 4 proceed to hear the case as if there had been personal service, and judgment shall be rendered and  
 5 proceedings had as in other cases, except that no money judgment shall be granted the plaintiff  
 6 where the defendant is in default and service is by the posting and mailing procedure provided in  
 7 subsection 2 of this section.

8 4. On the date judgment is rendered as provided in this section where the defendant is in  
 9 default, the clerk of the court shall mail to the defendant at the defendant's last known address by  
 10 ordinary mail a notice informing the defendant of the judgment and the date it was entered, and  
 11 stating that the defendant has ten days from the date of the judgment to file a motion to set aside the  
 12 judgment [or to file an application for a trial de novo in the circuit court, as the case may be], and  
 13 that unless the judgment is set aside [or an application for a trial de novo is filed within ten days], the  
 14 judgment will become final and the defendant will be subject to eviction from the premises without  
 15 further notice.

16 535.110. Applications for [trials de novo and] appeals shall be allowed and conducted in the  
 17 manner provided in chapter 512; but no application for [a trial de novo or] an appeal shall stay  
 18 execution unless the defendant give bond, with security sufficient to secure the payment of all  
 19 damages, costs and rent then due, and with condition to stay waste and to pay all subsequently  
 20 accruing rent, if any, into court within [ten] three days after it becomes due, pending determination  
 21 of the [trial de novo or] appeal.

22 535.160. 1. After a money judgment has been entered in favor of the plaintiff, the defendant  
 23 shall pay such moneys within five days of such judgment with certified funds. If the defendant, on  
 24 the date any money judgment is given in any action pursuant to this chapter, either tenders to the  
 25 landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the  
 26 costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any  
 27 original trial [but before any trial de novo] the defendant shall satisfy such money judgment and pay  
 28 all costs, any execution for possession of the subject premises shall cease and be stayed; except that  
 29 the landlord shall not thereby be precluded from making application for appeal from such money  
 30 judgment. If for any reason no money judgment is entered against the defendant and judgment for  
 31 the plaintiff is limited only to possession of the subject premises, no stay of execution shall be had,  
 32 except as provided by the provisions of section 535.110 or the rules of civil procedure or by  
 33 agreement of the parties.

34 2. If the landlord prevails in such action:

35 (1) The tenant shall pay attorney fees approved by the court that were incurred by the  
 36 landlord for proceedings against the tenant; and

37 (2) The landlord may be compensated, in an amount determined by the court, for loss of  
 38 income during the time of the eviction."; and

39  
 40 Further amend said bill by amending the title, enacting clause, and intersectional references  
 41 accordingly.