

FIRST REGULAR SESSION

# HOUSE BILL NO. 836

95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CURLS.

2038L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 443.310 and 443.320, RSMo, and to enact in lieu thereof two new sections relating to notice of foreclosures.

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

Section A. Sections 443.310 and 443.320, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 443.310 and 443.320, to read as follows:

443.310. All sales of real estate under a power of sale contained in any mortgage or deed  
2 of trust executed after August 28, 1989, shall be made in the county where the land to be sold  
3 is situated, and not less than [twenty] **ninety** days' notice of such sale shall be given, whether so  
4 provided in such mortgage or deed of trust or not. Where the property to be sold is located in  
5 more than one county, the property may be sold in any county where a part of the property is  
6 located.

443.320. The notice required by section 443.310 shall set forth the date and book and  
2 page of the record of such mortgages or deeds of trust, the grantors, the time, terms and place of  
3 sale, and a description of the property to be sold, and shall **be posted at the place of residence,**  
4 **if any, and in addition shall** be given by advertisement, inserted for at least twenty times, and  
5 continued to the day of the sale, in some daily newspaper, in counties having cities of fifty  
6 thousand inhabitants or more, and in all other counties such notice shall be given by  
7 advertisement in some weekly newspaper published in such county for four successive issues,  
8 the last insertion to be not more than one week prior to the day of sale, or in some daily,  
9 triweekly or semiweekly paper published in such county at least once a week for four successive  
10 weeks. Such notice shall appear on the same day of each week, the last insertion to be not more  
11 than one week prior to the day of sale, and if there be no newspaper published in such county or

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.

12 city, such notice shall be published in the nearest newspaper thereto in this state. Nothing in this  
13 section shall be construed to authorize the giving of any shorter notice than that required by such  
14 mortgage or deed of trust. Where the property to be sold lies wholly or in part within the  
15 corporate limits of any city having or that may hereafter have a population of fifty thousand  
16 inhabitants or more, then the notice provided for in this section shall be published in a daily  
17 newspaper in such city and where the property to be sold lies wholly or in part within the  
18 corporate limits of a city extending into two or more counties, then the notice provided for in this  
19 section shall be published in some newspaper published in the county in which the property lies,  
20 in the manner provided in this section for publication in such county, even though such property  
21 may lie in a city having a population of fifty thousand inhabitants or more. Where the property  
22 to be sold is located in more than one county, the notices required in this section shall be  
23 published in each county in which a part of the property is located. Other provisions of this  
24 section to the contrary notwithstanding, in any county of the first class not having a charter form  
25 of government and containing a portion of a city with a population over three hundred fifty  
26 thousand and in any county of the second class containing a portion of a city with a population  
27 over three hundred fifty thousand, the notice requirements of section 443.310 and this section  
28 may be met by advertisement in some weekly newspaper published in such counties for four  
29 successive issues, the last insertion to be not more than one week prior to the date of the sale.

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