

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 836 & 753

95TH GENERAL ASSEMBLY

2038L.04P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to notice that a foreclosure sale has occurred.

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

Section A. Section 534.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 534.030, to read as follows:

534.030. **1. Except as provided in subsection 2 of this section,** when any person willfully and without force holds over any lands, tenements or other possessions, after the termination of the time for which they were demised or let to the person, or the person under whom such person claims; or after a mortgage or deed of trust has been foreclosed and the person has received written notice [of] **that a foreclosure sale has occurred and either such person is in violation of the provisions of section 441.020, RSMo, or at least ten days have elapsed after the date of the foreclosure sale;** or when premises are occupied incident to the terms of employment and the employee holds over after the termination of such employment; or when any person wrongfully and without force, by disseisin, shall obtain and continue in possession of any lands, tenements or other possessions, and after demand made, in writing, for the delivery of such possession of the premises by the person having the legal right to such possession, or the person's agent or attorney, shall refuse or neglect to vacate such possession, such person is guilty of an "unlawful detainer".

**2. In any case where a foreclosed property is occupied by a residential tenant not in violation of the provisions of section 441.020, RSMo, after the foreclosure sale, the new owner of the property shall give the tenant notice, as described in subsection 3 of this section, that the sale has occurred, that they are the new owner, and that the tenant has ten**

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.

18 days from the date of this notice to vacate the premises. The notice shall also notify the  
19 tenant that rent in an amount equal to the rent that the tenant had been paying, or a lesser  
20 amount of rent to be specified by the new owner in the notice shall be paid to the new  
21 owner. No unlawful detainer action or any other action seeking possession may be  
22 commenced against the tenant within ten days following the date of notice by the new  
23 owner that the foreclosure sale has occurred.

24 3. The notice required in subsection 2 of this section shall be sent by certified or  
25 registered mail if the name of the tenant is known to the new owner. If the name of the  
26 tenant is not known to the new owner the notice shall be sent by regular mail. A notice  
27 shall also be posted on the door of the premises where the tenant resides. The notices  
28 required in this subsection shall be sufficient if addressed to tenant bearing on the outside  
29 of the notice the words "Notice of Foreclosure Sale" and shall include the following text:  
30 "Attention Tenant: (name of the new owner of the foreclosed property) is now the owner  
31 of the property which you have been renting or leasing and which was sold at the  
32 foreclosure sale on (date of foreclosure sale). This is to notify you that your rental or lease  
33 agreement has been terminated and that you have ten days from the date of this notice to  
34 vacate the premises. During this ten day time period your rent of (the amount of the  
35 current rent) (the amount of rent which is less than the current rent) shall be paid to (name  
36 of the new owner) at the following address: (address of the new owner). If you do not  
37 vacate the premises within the ten days the new owner, (name of the new owner), may  
38 proceed with an unlawful detainer action."

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