

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 755, Page 16, Section 527.290, Line 14, by inserting after all of said section and
3 line the following:
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5 “535.030. 1. Such summons shall be served as in other civil cases at least four days
6 before the court date in the summons. The summons shall include a court date which shall not be
7 more than twenty-one business days from the date the summons is issued unless at the time of
8 filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

9 2. In addition to attempted personal service, the plaintiff may request, and thereupon the
10 clerk of the court shall make an order directing that the officer, or other person empowered to
11 execute the summons, shall also serve the same by securely affixing a copy of such summons and
12 the complaint in a conspicuous place on the dwelling of the premises in question at least ten days
13 before the court date in such summons, and by also mailing a copy of the summons and complaint
14 to the defendant at the defendant's last known address by ordinary mail at least ten days before the
15 court date. If the officer, or other person empowered to execute the summons, shall return that the
16 defendant is not found, or that the defendant has absconded or vacated his or her usual place of
17 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of
18 the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case
19 as if there had been personal service, and judgment shall be rendered and proceedings had as in

1 other cases, except that no money judgment shall be granted the plaintiff where the defendant is in
2 default and service is by the posting and mailing procedure set forth in this section.

3 3. If the plaintiff does not request service of the original summons by posting and mailing
4 as provided in subsection 2 of this section, and if the officer, or other person empowered to
5 execute the summons, makes return that the defendant is not found, or that the defendant has
6 absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request
7 the issuance of an alias summons and service of the same by posting and mailing in the time and
8 manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the
9 plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a
10 copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof
11 by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the
12 complaint, the judge shall proceed to hear the case as if there had been personal service, and
13 judgment shall be rendered and proceedings had as in other cases, except that no money judgment
14 shall be granted the plaintiff where the defendant is in default and service is by the posting and
15 mailing procedure provided in subsection 2 of this section.

16 4. On the date judgment is rendered as provided in this section where the defendant is in
17 default, the clerk of the court shall mail to the defendant at the defendant's last known address by
18 ordinary mail a notice informing the defendant of the judgment and the date it was entered, and
19 stating that the defendant has ten days from the date of the judgment to file a motion to set aside
20 the judgment or to file an application for a trial de novo in the circuit court, as the case may be,
21 and that unless the judgment is set aside or an application for a trial de novo is filed within ten
22 days, the judgment will become final and the defendant will be subject to eviction from the

1 premises without further notice.

2 5. If, after ten days from the date of the judgment the judgment is not set aside or an
3 application for a trial de novo has not been filed, the defendant shall willfully refuse to vacate and
4 surrender the possession of the premises to the plaintiff or the plaintiff's agent, the defendant shall
5 be guilty of a class B misdemeanor.”; and

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7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.