

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 345, Page 1, Lines 4 and 5 of the Title by
2 deleting all of said lines and inserting in lieu thereof the following: "financial transactions, with an
3 existing penalty provision."; and
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5 Further amend said bill, Page 8, Section 408.500, Line 67, by inserting after all of said section and
6 line the following:
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8 "534.350. The judge rendering judgment in any such cause may issue execution at any time
9 after judgment, but such execution shall not be levied until after the expiration of the time allowed
10 for the taking of an appeal, except [as in the next succeeding section is provided]:

11 (1) Execution for the purpose of restoring possession shall be issued no sooner than ten days
12 after the judgment. However, the execution for purposes of restoring possession shall be stayed
13 pending an appeal if the losing party posts an appeal bond; and

14 (2) If it shall appear to the officer having charge of the execution that the defendant therein is
15 about to remove, conceal, or dispose of his or her property, so as to hinder or delay the levy, the rents
16 and profits, damages and costs may be levied before the expiration of the time allowed for taking an
17 appeal.

18 535.030. 1. Such summons shall be served as in other civil cases at least four days before
19 the court date in the summons. The summons shall include a court date which shall not be more than
20 twenty-one business days from the date the summons is issued unless at the time of filing the
21 affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

22 2. In addition to attempted personal service, the plaintiff may request, and thereupon the
23 clerk of the court shall make an order directing that the officer, or other person empowered to
24 execute the summons, shall also serve the same by securely affixing a copy of such summons and the
25 complaint in a conspicuous place on the dwelling of the premises in question at least ten days before
26 the court date in such summons, and by also mailing a copy of the summons and complaint to the
27 defendant at the defendant's last known address by ordinary mail at least ten days before the court
28 date. If the officer, or other person empowered to execute the summons, shall return that the
29 defendant is not found, or that the defendant has absconded or vacated his or her usual place of
30 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of
31 the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as

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1 if there had been personal service, and judgment shall be rendered and proceedings had as in other
2 cases, except that no money judgment shall be granted the plaintiff where the defendant is in default
3 and service is by the posting and mailing procedure set forth in this section.

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

17 4. [On the date judgment is rendered as provided in this section where the defendant is in
18 default, the clerk of the court shall mail to the defendant at the defendant's last known address by
19 ordinary mail a notice informing the defendant of the judgment and the date it was entered, and
20 stating that] The defendant has ten days from the date of the judgment to file a motion to set aside the
21 judgment [in the circuit court, as the case may be,] and [that] unless the judgment is set aside within
22 ten days, the judgment for possession will become final and the defendant will be subject to eviction
23 from the premises without further notice. On the date judgment is rendered if the defendant is in
24 default, the clerk of the court shall mail to the defendant at the defendant's last known address by
25 ordinary mail a notice informing the defendant of the foregoing.

26 535.110. Applications for appeals shall be allowed and conducted in the manner provided as
27 in other civil cases; but no application for an appeal shall stay execution unless the defendant [give]
28 gives bond, with security sufficient to secure the payment of all damages, costs and rent then due,
29 and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within
30 ten days [after it becomes due,] after an entry of the judgment by the trial court, all other provisions
31 of law to the contrary notwithstanding, pending determination of the appeal. Execution for the
32 purpose of restoring possession shall be stayed pending an appeal if the losing party posts a sufficient
33 appeal bond.

34 535.160. If the defendant, on the date any money judgment is given in any action pursuant to
35 this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the
36 rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If
37 on any date after the date of any original trial, but before the judgment becomes final, the defendant
38 shall satisfy such money judgment and pay all costs, any execution for possession of the subject
39 premises shall cease and be stayed; except that the landlord shall not thereby be precluded from
40 making application for appeal from such money judgment. If for any reason no money judgment is
41 entered against the defendant and judgment for the plaintiff is limited only to possession of the

1 subject premises, no stay of execution shall be had, except as provided by the provisions of section
2 535.110 or the rules of civil procedure or by agreement of the parties.

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4 535.300. 1. A landlord may not demand or receive a security deposit in excess of two
5 months' rent.

6 2. Within thirty days after the date of termination of the tenancy, the landlord shall:

7 (1) Return the full amount of the security deposit; or

8 (2) Furnish to the tenant a written itemized list of the damages for which the security deposit
9 or any portion thereof is withheld, along with the balance of the security deposit. The landlord shall
10 have complied with this subsection by mailing such statement and any payment to the last known
11 address of the tenant.

12 3. The landlord may withhold from the security deposit only such amounts as are reasonably
13 necessary for the following reasons:

14 (1) To remedy a tenant's default in the payment of rent due to the landlord, pursuant to the
15 rental agreement;

16 (2) To restore the dwelling unit to its condition at the commencement of the tenancy,
17 ordinary wear and tear excepted; provided, however, that this term does not preclude a landlord and
18 tenant from agreeing, in the rental agreement between them, upon amounts or fees to be charged for
19 specific services that may be required to return the premises to its condition at the commencement of
20 the tenancy including, but not limited to, cleaning of the carpet, flooring, walls, or windows; or

21 (3) To compensate the landlord for actual damages sustained as a result of the tenant's failure
22 to give adequate notice to terminate the tenancy pursuant to law or the rental agreement; provided
23 that the landlord makes reasonable efforts to mitigate damages.

24 4. The landlord shall give the tenant or his representative reasonable notice in writing at his
25 last known address or in person of the date and time when the landlord will inspect the dwelling unit
26 following the termination of the rental agreement to determine the amount of the security deposit to
27 be withheld, and the inspection shall be held at a reasonable time. The tenant shall have the right to
28 be present at the inspection of the dwelling unit at the time and date scheduled by the landlord.

29 5. If the landlord wrongfully withholds all or any portion of the security deposit in violation
30 of this section, the tenant shall recover as damages not more than twice the amount wrongfully
31 withheld.

32 6. Nothing in this section shall be construed to limit the right of the landlord to recover
33 actual damages in excess of the security deposit, or to permit a tenant to apply or deduct any portion
34 of the security deposit at any time in lieu of payment of rent.

35 7. As used in this section, the term "security deposit" means any deposit of money or
36 property, however denominated, which is furnished by a tenant to a landlord to secure the
37 performance of any part of the rental agreement, including damages to the dwelling unit. This term
38 does not include any money or property denominated as a deposit for a pet on the premises."; and
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40 Further amend said bill, Page 21, Section 1, by inserting immediately before all of said section the

1 following:

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3 "[534.360. If it shall appear to the officer having charge of the execution that the
4 defendant therein is about to remove, conceal or dispose of his property, so as to
5 hinder or delay the levy, the rents and profits, damages and costs may be levied before
6 the expiration of the time allowed for taking an appeal.]" ; and

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