

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1659 & 1116
96TH GENERAL ASSEMBLY

5709H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.430, 141.440, 141.480, 141.500, 141.540, 141.550, 141.560, 141.570, 141.580, 141.720, 141.770, and 141.790 RSMo, 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, and to enact in lieu thereof thirty-seven new sections relating to land tax collection, with penalty provisions.

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

Section A. Sections 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 2 141.430, 141.440, 141.480, 141.500, 141.540, 141.550, 141.560, 141.570, 141.580, 141.720, 3 141.770, and 141.790, RSMo, section 141.530 as enacted by senate committee substitute for 4 house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth 5 general assembly, second regular session, and section 141.530 as enacted by conference 6 committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth 7 general assembly, second regular session, are repealed and thirty-seven new sections enacted in 8 lieu thereof, to be known as sections 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 9 141.410, 141.430, 141.440, 141.480, 141.500, 141.530, 141.540, 141.550, 141.560, 141.570, 10 141.580, 141.720, 141.770, 141.785, 141.790, 141.980, 141.981, 141.982, 141.983, 141.984, 11 141.985, 141.988, 141.991, 141.994, 141.997, 141.1000, 141.1003, 141.1006, 141.1009, 12 141.1012, and 141.1015 to read as follows:

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.

141.210. Sections 141.210 to 141.810 **and sections 141.980 to 141.1015** shall be known
2 by the short title of "Land Tax Collection Law".

141.220. The following words, terms and definitions, when used in sections 141.210 to
2 141.810 **and sections 141.980 to 141.1015**, shall have the meanings ascribed to them in this
3 section, except where the text clearly indicates a different meaning:

4 (1) **"Ancillary parcel" shall mean a parcel of real estate acquired by a land bank**
5 **agency other than:**

6 (a) **Pursuant to a deemed sale under subsection 3 of section 141.560;**

7 (b) **By deed from land trust under subsection 1 of section 141.984; or**

8 (c) **Pursuant to a sale under subdivision (2) of subsection 2 of section 141.550;**

9 (2) "Appraiser" shall mean a state licensed or certified appraiser licensed or certified
10 pursuant to chapter 339 who is not an employee of the collector or collection authority;

11 (3) **"Board" or "board of commissioners" shall mean the board of commissioners**
12 **of a land bank agency;**

13 [(2)] (4) "Collector" shall mean the collector of the revenue in any county affected by
14 sections 141.210 to 141.810 **and sections 141.980 to 141.1015;**

15 [(3)] (5) "County" shall mean any county [of the first class] in this state having a charter
16 form of government, any county of the first class [not having a charter form of government] with
17 a population of at least one hundred fifty thousand but less than one hundred sixty thousand and
18 any county of the first class [not having a charter form of government] with a population of at
19 least eighty-two thousand but less than eighty-five thousand;

20 [(4)] (6) "Court" shall mean the circuit court of any county affected by sections 141.210
21 to 141.810 **and sections 141.980 to 141.982;**

22 [(5)] (7) "Delinquent land tax attorney" shall mean a licensed attorney-at-law, employed
23 or designated by the collector as hereinafter provided;

24 [(6)] (8) **"Land bank agency", an agency created under section 141.980;**

25 (9) "Land taxes" shall mean taxes on real property or real estate and shall include the
26 taxes both on land and the improvements thereon;

27 [(7)] (10) "Land trustees" and "land trust" shall mean the land trustees and land trust as
28 the same are created by and described in section 141.700;

29 [(8)] (11) "Municipality" shall include any incorporated city or town, or a part thereof,
30 located in whole or in part within a county of class one **or located in whole or in part within**
31 **a county with a charter form of government**, which municipality now has or which may
32 hereafter contain a population of two thousand five hundred inhabitants or more, according to
33 the last preceding federal decennial census;

34 [(9)] (12) "Person" shall mean any individual, male or female, firm, copartnership, joint
35 adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by
36 any state or federal court, trustee otherwise created, syndicate, or any other group or combination
37 acting as a unit, and the plural as well as the singular number;

38 (13) "Political subdivision" shall mean any county, city, town, village, school
39 district, library district, or any other public subdivision or public corporation having the
40 power to tax;

41 (14) "Reserve period taxes" shall mean land taxes assessed against any parcel of real
42 estate sold or otherwise disposed of by a land bank agency for the first three tax years
43 following such sale or disposition;

44 [(10)] (15) "School district", "road district", "water district", "sewer district", "levee
45 district", "drainage district", "special benefit district", "special assessment district", or "park
46 district" shall include those located within a county as such county is described in subdivision
47 (3) of this section;

48 [(11)] (16) "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk,
49 respectively, of any county affected by sections 141.210 to 141.810 and sections 141.980 to
50 141.1015;

51 [(12)] (17) "Tax bill" as used in sections 141.210 to 141.810 and sections 141.980 to
52 141.1015 shall represent real estate taxes and the lien thereof, whether general or special, levied
53 and assessed by any taxing authority;

54 [(13)] (18) "Tax district" shall mean the state of Missouri and any county, municipality,
55 school district, road district, water district, sewer district, levee district, drainage district, special
56 benefit district, special assessment district, or park district, located in any municipality or county
57 as herein described;

58 [(14)] (19) "Tax lien" shall mean the lien of any tax bill as defined in [subdivision (12)
59 of] this section;

60 [(15)] (20) "Taxing authority" shall include any governmental, managing, administering
61 or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of
62 Missouri or any county, municipality, school district, road district, water district, sewer district,
63 levee district, drainage district, special benefit district, special assessment district, or park
64 district, affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015.

141.250. 1. The respective liens of the tax bills for general taxes of the state of Missouri,
2 the county, any municipality and any school district, for the same tax year, shall be equal and
3 first liens upon the real estate described in the respective tax bills thereof; provided, however,
4 that the liens of such tax bills for the latest year for which tax bills are unpaid shall take priority
5 over the liens of tax bills levied and assessed for less recent years, and the lien of such tax bills

6 shall rate in priority in the order of the years for which they are delinquent, the lien of the tax bill
7 longest delinquent being junior in priority to the lien of the tax bill for the next most recent tax
8 year.

9 2. All tax bills for other than general taxes shall constitute liens junior to the liens for
10 general taxes upon the real estate described therein; provided, however, that a tax bill for other
11 than general taxes, of the more recent issue shall likewise be senior to any such tax bill of less
12 recent date.

13 3. The proceeds derived from the sale of any lands encumbered with a tax lien or liens,
14 or held by the land trustees, **pursuant to a sale under subdivision (2) of subsection 2 of**
15 **section 141.550, acquired by a land bank agency pursuant to a deemed sale under**
16 **subsection 3 of section 141.560, or by deed from land trust under subsection 1 of section**
17 **141.984** shall be distributed to the owners of such liens in the order of the seniority of the liens,
18 or their respective interests as shown by the records of the land trust **or such land bank agency**.
19 Those holding liens of equal rank shall share in direct proportion to the amounts of their
20 respective liens.

141.290. 1. The collector shall compile lists of all state, county, school, and other tax
2 bills collectible by him which are delinquent according to his records and he shall combine such
3 lists with the list filed by any taxing authority or tax bill owner.

4 2. The collector shall assign a serial number to each parcel of real estate in each list and
5 if suit has been filed in the circuit court of the county on any delinquent tax bill included in any
6 list, the collector shall give the court docket number of such suit and some appropriate
7 designation of the place where such suit is pending, and such pending suit so listed in any
8 petition filed pursuant to the provisions of sections 141.210 to 141.810 **and sections 141.980**
9 **to 141.1015** shall, without further procedure or court order, be deemed to be consolidated with
10 the suit brought under sections 141.210 to 141.810 **and sections 141.980 to 141.1015**, and such
11 pending suit shall thereupon be abated.

12 3. The collector shall deliver such combined lists to the delinquent land tax attorney from
13 time to time but not later than April the first of each year.

14 4. The delinquent land tax attorney shall incorporate such lists in petitions in the form
15 prescribed in section 141.410, and shall file such petitions with the circuit clerk not later than
16 June first of each year.

141.300. 1. The collector shall receipt for the aggregate amount of such delinquent tax
2 bills appearing on the list or lists filed with him under the provisions of section 141.290, which
3 receipt shall be held by the owner or holder of the tax bills or by the treasurer or other
4 corresponding financial officer of the taxing authority so filing such list with the collector.

5 2. The collector shall, on or before the fifth day of each month, file with the owner or
6 holder of any tax bill or with the treasurer or other corresponding financial officer of any taxing
7 authority, a detailed statement, verified by affidavit, of all taxes collected by him during the
8 preceding month which appear on the list or lists received by him, and shall, on or before the
9 fifteenth day of the month, pay the same, less his commissions and costs payable to the county,
10 to the tax bill owner or holder or to the treasurer or other corresponding financial officer of any
11 taxing authority; provided, however, that the collector shall be given credit for the full amount
12 of any tax bill which is bid in by the land trustees and where title to the real estate described in
13 such tax bill is taken by the land trust, **which is bid in by a land bank agency and where title**
14 **to the real estate described in such tax bill is taken by such land bank agency pursuant to**
15 **a deemed sale under subsection 3 of section 141.560, or which is included in the bid of a**
16 **land bank agency and where title to the real estate described in such tax bill is taken by**
17 **such land bank agency pursuant to a sale under subdivision (2) of sections 2 of section**
18 **141.550.**

 141.320. 1. The collector shall at his option appoint a delinquent land tax attorney at a
2 compensation of ten thousand dollars per year, or in counties having a county counselor, the
3 collector shall at his option designate the county counselor and such of his assistants as shall
4 appear necessary to act as the delinquent land tax attorney.

5 2. A delinquent land tax attorney who is not the county counselor, with the approval of
6 the collector, may appoint one or more assistant delinquent land tax attorneys at salaries of not
7 less than two hundred dollars and not more than four hundred dollars per month, and such
8 clerical employees as may be necessary, at salaries to be fixed by the collector at not less than
9 three hundred dollars and not more than four hundred dollars per month; and the appointed
10 delinquent tax attorney may incur such reasonable expenses as are necessary for the performance
11 of his duties.

12 3. The delinquent land tax attorney and his assistants shall perform legal services for the
13 collector and shall act as attorney for him in the prosecution of all suits brought for the collection
14 of land taxes; but they shall not perform legal services for the land trust **or any land bank**
15 **agency.**

16 4. Salaries and expenses of a delinquent land tax attorney who is not also the county
17 counselor, his assistants and his employees shall be paid monthly out of the treasury of the
18 county from the same funds as employees of the collector whenever the funds provided for by
19 sections 141.150, 141.270, and 141.620 are not sufficient for such purpose.

20 5. The compensation herein provided shall be the total compensation for a delinquent
21 land tax attorney who is not also a county counselor, his assistants and employees, and when the
22 compensation received by him or owing to him by the collector exceeds ten thousand dollars in

23 any one calendar year by virtue of the sums charged and collected pursuant to the provisions of
24 section 141.150, the surplus shall be credited and applied by the collector to the expense of the
25 delinquent land tax attorney and to the compensation of his assistants and employees, and any
26 sum then remaining shall be paid into the county treasury on or before the first day of March of
27 each year and credited to the general revenue fund of the county.

28 6. A delinquent land tax attorney who is not also the county counselor shall make a
29 return quarterly to the county commission of such county of all compensation received by him,
30 and of all amounts owing to him by the collector, and of all salaries and expenses of any
31 assistants and employees, stating the same in detail, and verifying such amounts by his affidavit.

141.410. 1. A suit for the foreclosure of the tax liens herein provided for shall be
2 instituted by filing in the appropriate office of the circuit clerk a petition, which petition shall
3 contain a caption, a copy of the list so furnished to the delinquent land tax attorney by the
4 collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

5 2. The caption shall be in the following form:

6 In the Circuit Court of County, Missouri,

7 In the Matter of

8 Foreclosure of Liens for Delinquent Land Taxes

9 By Action in Rem.

10 Collector of Revenue of County, Missouri,

11 Plaintiff

12 -vs.-

13 Parcels of Land Encumbered with Delinquent Tax Liens

14 Defendants.

15 3. The petition shall conclude with a prayer that all tax liens upon such real estate be
16 foreclosed; that the court determine the amounts and priorities of all tax bills, together with
17 interest, penalties, costs, and attorney's fees; that the court order such real estate to **either** be sold
18 by the sheriff at public sale as provided by sections 141.210 to 141.810 **and sections 141.980**
19 **to 141.1015** and that thereafter a report of such sale be made by the sheriff to the court for further
20 proceedings under sections 141.210 to 141.810 **and sections 141.980 to 141.1015**.

21 4. The delinquent land tax attorney within ten days after the filing of any such petition,
22 shall forward by United States registered mail to each person or taxing authority having filed a
23 list of delinquent tax bills with the collector as provided by sections 141.210 to 141.810 **and**
24 **sections 141.980 to 141.1015** a notice of the time and place of the filing of such petition and of
25 the newspaper in which the notice of publication has been or will be published.

26 5. The petition when so filed shall have the same force and effect with respect to each
27 parcel of real estate therein described, as a separate suit instituted to foreclose the tax lien or liens
28 against any one of said parcels of real estate.

 141.430. 1. Upon the filing of such suits with the circuit clerk, the delinquent land tax
2 attorney shall forthwith cause a notice of foreclosure to be published four times, once a week,
3 during successive weeks, and on the same day of each week, in a daily newspaper of general
4 circulation regularly published in such county, qualified according to law for the publication of
5 public notices and advertisements.

6 2. Such notice shall be in substantially the following form:

7 NOTICE OF FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES,
8 BY ACTION IN REM

9 Public notice is hereby given that on the day of, 20.., the Collector of Revenue
10 of County, Missouri, filed a petition, being suit No., in the Circuit Court of County,
11 Missouri, at (stating the city), for the foreclosure of liens for delinquent land taxes (except
12 liens in favor of the United States of America, if any) against the real estate situated in such
13 county, all as described in said petition.

14 The object of said suit is to obtain from the Court a judgment foreclosing the tax liens
15 against such real estate and ordering the sale of such real estate for the satisfaction of said tax
16 liens thereon (except liens in favor of the United States of America, if any), including principal,
17 interest, penalties, attorneys' fees and costs. Such action is brought against the real estate only
18 and no personal judgment shall be entered therein.

19 The serial number assigned by the Collector to each parcel of real estate, a description
20 of each such parcel, a statement of the total principal amount of all delinquent tax bills against
21 each such parcel of real estate, all of which, as to each parcel, is more fully set out and itemized
22 in the aforesaid petition, and the name of the last known person appearing on the records of the
23 collector in whose name said tax bills were listed or charged for the year preceding the calendar
24 year in which the list described in said petition was filed with the collector, are, respectively, as
25 follows: (Here set out the respective serial numbers, descriptions, names, and statements of total
26 principal amounts of tax bills, next above referred to.)

27 The total principal amounts of delinquent taxes set out in this notice do not include the
28 lawful interest, penalties, attorneys' fees and costs which have accrued against the respective
29 parcels of real estate, all of which in each case is set out and itemized in the aforesaid petition.

30 Any person or taxing authority owning or holding any tax bill or claiming any right, title
31 or interest in or to or lien upon any such parcel of real estate, must file an answer to such suit in
32 the office of the Circuit Clerk of the aforesaid County, and a copy of such answer with the
33 Delinquent Land Tax Attorney at the office of the Collector of Revenue of said County, on or
34 before the day of, 20.., and in such answer shall set forth in detail the nature and amount

35 of such interest and any defense or objection to the foreclosure of the tax liens, or any affirmative
36 relief he or it may be entitled to assert with respect thereto.

37 Any person having any right, title or interest in or to, or lien upon, any parcel of such real
38 estate, may redeem such parcel of real estate by paying all of the sums mentioned therein, to the
39 undersigned Collector of Revenue, including principal, interest, penalties, attorneys' fees and
40 costs then due, at any time prior to the time of the **public foreclosure sale or the private**
41 foreclosure sale of such real estate by the sheriff.

42 In the event of failure to answer or redeem on or before the date herein fixed as the last
43 day for filing answer in the suit, by any person having the right to answer or redeem, such person
44 shall be forever barred and foreclosed as to any defense or objection he might have to the
45 foreclosure of such liens for delinquent taxes and a judgment of foreclosure may be taken by
46 default. Redemption may be made, however, up to the time fixed for the holding of sheriff's
47 **public foreclosure sale or the private** foreclosure sale **of any such real estate**, and thereafter
48 there shall be no equity of redemption and each such person having any right, title or interest in
49 or to, or any lien upon, any such parcel of real estate described in the petition so failing to answer
50 or redeem as aforesaid, shall be forever barred and foreclosed of any right, title or interest in or
51 lien upon or any equity of redemption in said real estate.

52
53 Collector of Revenue
54 County, Missouri
55
56 Address

57
58 Delinquent Land Tax Attorney
59
60 Address

61
62 First Publication:
63

141.440. The collector shall also cause to be prepared and sent by restricted, registered,
2 [or] certified **or first class** mail with postage prepaid, within thirty days after the filing of such
3 petition, a brief notice of the filing of the suit, to the persons named in the petition as being the
4 last known persons in whose names tax bills affecting the respective parcels of real estate
5 described in said petition were last billed or charged on the books of the collector, or the last
6 known owner of record, if different, and to the addresses of said persons upon said records of the
7 collector. [The terms "restricted", "registered" or "certified mail" as used in this section mean

8 mail which carries on the face thereof in a conspicuous place, where it will not be obliterated,
9 the endorsement "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt
10 or a statement by the postal authorities that the addressee refused to receive and receipt for such
11 mail.] If the notice is returned to the collector by the postal authorities as undeliverable for
12 reasons other than the refusal by the addressee to receive [and receipt for] the notice [as shown
13 by the return receipt], then the collector shall make a search of the records maintained by the
14 county, including those kept by the recorder of deeds, to discern the name and address of any
15 person who, from such records, appears as a successor to the person to whom the original notice
16 was addressed, and to cause another notice to be mailed to such person. The collector shall
17 prepare and file with the circuit clerk at least thirty days before judgment is entered by the court
18 on the petition an affidavit reciting to the court any name, address and serial number of the tract
19 of real estate affected by any such notices of suit that are undeliverable because of an addressee's
20 refusal to receive [and receipt for] the same, or of any notice otherwise nondeliverable by mail,
21 or in the event that any name or address does not appear on the records of the collector, then of
22 that fact. The affidavit in addition to the recitals set forth above shall also state reason for the
23 nondelivery of such notice.

141.480. 1. Upon the trial of the cause upon the question of foreclosure, the tax bill,
2 whether general or special, issued by any taxing authority shall be prima facie proof that the tax
3 described in the tax bill has been validly assessed at the time indicated by the tax bill and that
4 the tax is unpaid. Absent any answer the court shall take the allegations of the petition as
5 confessed. Any person alleging any jurisdictional defect or invalidity in the tax bill or in the sale
6 thereof must particularly specify in his answer the defect or basis of invalidity, and must, upon
7 trial, affirmatively establish such defense.

8 2. Prior to formal hearing, the court may conduct an informal hearing for the purpose of
9 clarifying issues, and shall attempt to reach an agreement with the parties upon a stipulated
10 statement of facts. The court shall hear the evidence offered by the collector or relator as the
11 case may be, and by all answering parties, and shall determine the amount of each and every tax
12 bill proved by the collector or any answering party, together with the amount of interest,
13 penalties, attorney's fees and costs accruing upon each tax bill and the date from which interest
14 began to accrue upon each tax bill and the rate thereof. The court shall hear evidence and
15 determine every issue of law and of fact necessary to a complete adjudication of all tax liens
16 asserted by any and every pleading, and may also hear evidence and determine any other issue
17 of law or fact affecting any other right, title, or interest in or to, or lien upon, such real estate,
18 sought to be enforced by any party to the proceeding against any other party to the proceeding
19 who has been served by process or publication as authorized by law, or who has voluntarily

20 appeared, and shall determine the order and priority of the liens and of any other rights or interest
21 put in issue by the pleadings.

22 3. After the court has first determined the validity of the tax liens of all tax bills affecting
23 parcels of real estate described in the petition, the priorities of the respective tax bills and the
24 amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court
25 shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the
26 foreclosure sale. The petition shall be dismissed as to any parcel of real estate redeemed prior
27 to the time fixed for the sheriff's foreclosure sale as provided in sections 141.210 to 141.810 **and**
28 **sections 141.980 to 141.1015**. If the parcel of real estate auctioned off at sheriff's is sold for a
29 sum sufficient to fully pay the principal amount of all tax bills included in the judgment, together
30 with interest, penalties, attorney's fees and costs, and for no more, and such sale is confirmed by
31 the court, then all other proceedings as to such parcels of real estate shall be finally dismissed
32 as to all parties and interests other than tax bill owners or holders; provided, however, that any
33 parties seeking relief other than an interest in or lien upon the real estate may continue with said
34 suit to a final adjudication of such other issues; provided, further, an appeal may be had as to any
35 claim attacking the validity of the tax bill or bills or the priorities as to payment of proceeds of
36 foreclosure sale. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for
37 a sum greater than the total amount necessary to pay the principal amount of all tax bills included
38 in the judgment, together with interest, penalties, attorney's fees and costs, and such sale is
39 confirmed by the court, and no appeal is taken by any person claiming any right, title or interest
40 in or to or lien upon said parcel of real estate or by any person or taxing authority owning or
41 holding or claiming any right, title or interest in or to any tax bills within the time fixed by law
42 for the filing of notice of appeal, the court shall thereupon order the sheriff to make distribution
43 to the owners or holders of the respective tax bills included in the judgment of the amounts found
44 to be due and in the order of priorities. Thereafter all proceedings in the suit shall be ordered by
45 the court to be dismissed as to such persons or taxing authorities owning, holding or claiming
46 any right, title, or interest in any such tax bill or bills so paid, and the case shall proceed as to any
47 parties claiming any right, title, or interest in or lien upon the parcel of real estate affected by
48 such tax bill or bills as to their respective claims to such surplus funds then remaining in the
49 hands of the sheriff.

50 4. Whenever an answer is filed to the petition, as herein provided, a severance of the
51 action as to all parcels of real estate affected by such answer shall be granted, and the issues
52 raised by the petition and such answer shall be tried separate and apart from the other issues in
53 the suit, but the granting of such severance shall not delay the trial or other disposition of any
54 other issue in the case. A separate appeal may be taken from any action of the court affecting
55 any right, title, or interest in or to, or lien upon, such real estate, other than issues of law and fact
56 affecting the amount or validity of the lien of tax bills, but the proceeding to foreclose the lien

57 of any tax bills shall not be stayed by such appeal. The trial shall be conducted by the court
58 without the aid of a jury and the suit shall be in equity. This action shall take precedence over
59 and shall be triable before any other action in equity affecting the title to such real estate, upon
60 motion of any interested party.

141.500. 1. After the trial of the issues, the court shall, as promptly as circumstances
2 permit, render judgment. If the court finds that no tax bill upon the land collectible by the
3 collector or the relator was delinquent when the suit was instituted or tried, then the judgment
4 of the court shall be that the cause be dismissed as to the parcels of real estate described in the
5 tax bill; or, if the evidence warrant, the judgment may be for the principal amount of the
6 delinquent tax bills upon the real estate upon which suit was brought, together with interest,
7 penalties, attorney's and appraiser's fees and costs computed as of the date of the judgment. The
8 judgment may recite the amount of each tax bill, the date when it began to bear interest, and the
9 rate of such interest, together with the rate and amount of penalties, attorney's and appraiser's fees
10 [not to exceed fifteen dollars]. It may decree that the lien upon the parcels of real estate
11 described in the tax bill be foreclosed and such real estate sold by the sheriff, and the cause shall
12 be continued for further proceedings, as herein provided.

13 2. The collector may, at his option, cause to be prepared and sent by restricted,
14 registered, [or] certified, **or first class** mail with postage prepaid, within thirty days after the
15 rendering of such judgment, a brief notice of such judgment and the availability of a written
16 redemption contract pursuant to section 141.530 to the persons named in the judgment as being
17 the last known persons in whose names tax bills affecting the respective parcels of real estate
18 described in such judgment were last billed or charged on the books of the collector, or the last
19 known owner of record, if different, and to the addresses of such persons upon the records of the
20 collector. [The terms "restricted", "registered" or "certified mail" as used in this section mean
21 mail which carries on the face thereof in a conspicuous place, where it will not be obliterated,
22 the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt
23 or a statement by the postal authorities that the addressee refused to receive and receipt for such
24 mail.] If the notice is returned to the collector by the postal authorities as undeliverable for
25 reasons other than the refusal by the addressee to receive [and receipt for] the notice [as shown
26 by the return receipt], then the collector shall make a search of the records maintained by the
27 county, including those kept by the recorder of deeds, to discern the name and address of any
28 person who, from such records, appears as a successor to the person to whom the original notice
29 was addressed, and to cause another notice to be mailed to such person. The collector shall
30 prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the
31 court any name, address and serial number of the tract of real estate affected of any such notices
32 of judgment that are undeliverable because of an addressee's refusal to receive [and receipt for]

33 the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or
34 address does not appear on the records of the collector, then of that fact. The affidavit in
35 addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

141.530. 1. Except as otherwise provided in section 141.520, during such waiting period
2 and at any time prior to the time of foreclosure sale by the sheriff, any interested party may
3 redeem any parcel of real estate as provided by this chapter. During such waiting period and at
4 any time prior to the time of foreclosure sale by the sheriff, the collector may, at the option of
5 the party entitled to redeem, enter into a written redemption contract with any such party
6 interested in any parcel of real estate, providing for payment in installments, monthly or
7 bimonthly, of the delinquent tax bills, including interest, penalties, attorney's fees and costs
8 charged against such parcel of real estate, provided, however, that in no instance shall such
9 installments exceed twelve in number or extend more than twenty-four months next after any
10 agreement for such installment payments shall have been entered into; provided further, that
11 upon good cause being shown by the owner of any parcel of real estate occupied as a homestead,
12 or in the case of improved real estate with an assessed valuation of not more than three thousand
13 five hundred dollars, owned by an individual, the income from such property being a major
14 factor in the total income of such individual, or by anyone on his behalf, the court may, in its
15 discretion, fix the time and terms of payment in such contract to permit all of such installments
16 to be paid within not longer than forty-eight months after any order or agreement as to
17 installment payments shall have been made.

18 2. So long as such installments be paid according to the terms of the contract, the said
19 six months waiting period shall be extended, but if any installment be not paid when due, the
20 extension of said waiting period shall be ended without notice, and the real estate shall forthwith
21 be advertised for sale or included in the next notice of sheriff's foreclosure sale.

22 [3. No redemption contracts may be used under this section for residential property
23 which has been vacant for at least six months in any municipality contained wholly or partially
24 within a county with a population of over six hundred thousand and less than nine hundred
25 thousand.]

[141.530. 1. Except as otherwise provided in section 141.520, during
2 such waiting period and at any time prior to the time of foreclosure sale by the
3 sheriff, any interested party may redeem any parcel of real estate as provided by
4 this chapter. During such waiting period and at any time prior to the time of
5 foreclosure sale by the sheriff, the collector may, at the option of the party
6 entitled to redeem, enter into a written redemption contract with any such party
7 interested in any parcel of real estate, other than a residential property which has
8 been vacant for at least six months, providing for payment in installments,
9 monthly or bimonthly, of the delinquent tax bills, including interest, penalties,
10 attorney's fees and costs charged against such parcel of real estate, provided,

11 however, that in no instance shall such installments exceed twelve in number or
 12 extend more than twenty-four months next after any agreement for such
 13 installment payments have been entered into; provided further, that upon good
 14 cause being shown by the owner of any parcel of real estate occupied as a
 15 homestead, or in the case of improved real estate with an assessed valuation of
 16 not more than three thousand five hundred dollars, owned by an individual, the
 17 income from such property being a major factor in the total income of such
 18 individual, or by anyone on the individual's behalf, the court may, in its
 19 discretion, fix the time and terms of payment in such contract to permit all of
 20 such installments to be paid within not longer than forty-eight months after any
 21 order or agreement as to installment payments being made.

22 2. So long as such installments are paid according to the terms of the
 23 contract, the six-month waiting period shall be extended, but if any installment
 24 is not paid when due, the extension of such waiting period shall be ended without
 25 notice, and the real estate shall forthwith be advertised for sale or included in the
 26 next notice of sheriff's foreclosure sale.]

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate
 2 are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell
 3 the respective parcels of real estate ordered sold by him or her pursuant to any judgment of
 4 foreclosure by any court pursuant to sections 141.210 to 141.810 at any of such courthouses, but
 5 the sale of such parcels of real estate shall be held at the same front door as sales of real estate
 6 are customarily made by the sheriff under execution.

7 2. Such advertisements may include more than one parcel of real estate, and shall be in
 8 substantially the following form: NOTICE OF SHERIFF'S SALE UNDER JUDGMENT OF
 9 FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES

10 No. In the Circuit Court of County, Missouri. In the Matter of
 11 Foreclosure of Liens for Delinquent Land Taxes Collector of Revenue of County,
 12 Missouri, Plaintiff, vs. Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

13 WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest,
 14 penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the
 15 description thereof, the name of the person appearing in the petition in the suit, and the total
 16 amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and
 17 costs, all as set out in said judgment and described in each case, respectively, as follows: (Here
 18 set out the respective serial numbers, descriptions, names and total amounts of each judgment,
 19 next above referred to.) and,

20 WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to
 21 satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

22 NOW, THEREFORE,

23 Public Notice is hereby given that I, Sheriff of County,
 24 Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for
 25 cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the front door of
 26 the County Courthouse in, Missouri, on, the day of, 20..,
 27 and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel
 28 of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel
 29 shall be sold to the Land Trust of (insert name of County), Missouri **or Land Bank of**
 30 **the City of (insert name of municipality), Missouri.**

31 Any bid received shall be subject to confirmation by the court.
 32

33 Sheriff of
 34 County, Missouri.

35 Delinquent Land Tax Attorney Address: First Publication
 36, 20. . .

37 3. Such advertisement shall be published four times, once a week, upon the same day of
 38 each week during successive weeks prior to the date of such sale, in a daily newspaper of general
 39 circulation regularly published in the county, qualified according to law for the publication of
 40 public notices and advertisements.

41 4. In addition to the provisions herein for notice and advertisement of sale, the county
 42 collector shall enter upon the property subject to foreclosure of these tax liens and post a written
 43 informational notice in any conspicuous location thereon. This notice shall describe the property
 44 and advise that it is the subject of delinquent land tax collection proceedings before the circuit
 45 court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment
 46 of delinquent taxes at a sale to be held at ten o'clock a.m., date and place, and shall also contain
 47 a file number and the address and phone number of the collector. If the collector chooses to post
 48 such notices as authorized by this subsection, such posting must be made not later than the
 49 fourteenth day prior to the date of the sale.

50 5. The collector shall, concurrently with the beginning of the publication of sale, cause
 51 to be prepared and sent by restricted, registered, [or] certified, **or first class** mail with postage
 52 prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens
 53 pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last
 54 known persons in whose names tax bills affecting the respective parcels of real estate described
 55 in said petition were last billed or charged on the books of the collector, or the last known owner
 56 of record, if different, and to the addresses of said persons upon said records of the collector.
 57 [The terms "restricted", "registered" or "certified mail" as used in this section mean mail which
 58 carries on the face thereof in a conspicuous place, where it will not be obliterated, the

59 endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt
60 or a statement by the postal authorities that the addressee refused to receive and receipt for such
61 mail.] If the notice is returned to the collector by the postal authorities as undeliverable for
62 reasons other than the refusal by the addressee to receive [and receipt for] the notice [as shown
63 by the return receipt], then the collector shall make a search of the records maintained by the
64 county, including those kept by the recorder of deeds, to discern the name and address of any
65 person who, from such records, appears as a successor to the person to whom the original notice
66 was addressed, and to cause another notice to be mailed to such person. The collector shall
67 prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the
68 court any name, address and serial number of the tract of real estate affected of any such notices
69 of sale that are undeliverable because of an addressee's refusal to receive [and receipt for] the
70 same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address
71 does not appear on the records of the collector, then of that fact. The affidavit in addition to the
72 recitals set forth above shall also state reason for the nondelivery of such notice.

73 6. The collector may, at his or her option, concurrently with the beginning of the
74 publication of sale, cause to be prepared and sent by restricted, registered, [or] certified, **or first**
75 **class** mail with postage prepaid, a brief notice of the date, location, and time of sale of property
76 in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security
77 holder, if known, of the respective parcels of real estate described in said petition, and to the
78 addressee of such mortgagee or security holder according to the records of the collector. [The
79 terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries
80 on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement,
81 "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement
82 by the postal authorities that the addressee refused to receive and receipt for such mail.] If the
83 notice is returned to the collector by the postal authorities as undeliverable for reasons other than
84 the refusal by the addressee to receive [and receipt for] the notice [as shown by the return
85 receipt], then the collector shall make a search of the records maintained by the county, including
86 those kept by the recorder of deeds, to discern the name and address of any security holder who,
87 from such records, appears as a successor to the security holder to whom the original notice was
88 addressed, and to cause another notice to be mailed to such security holder. The collector shall
89 prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the
90 court any name, address and serial number of the tract of real estate affected by any such notices
91 of sale that are undeliverable because of an addressee's refusal to receive [and receipt for] the
92 same, or of any notice otherwise nondeliverable by mail, and stating the reason for the
93 nondelivery of such notice.

141.550. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale pursuant to this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) **Except as otherwise provided in subsection 6 of section 141.984**, the sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality. **Notwithstanding this provision, any taxing authority or land bank agency shall be eligible to bid at any sale conducted under this section without making such a demonstration.**

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his or her accounts with the county. The collector shall give credit in such accounts for all such advances recovered by him or her. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

141.560. 1. If, when the sheriff offers the respective parcels of real estate for sale, there be no bidders for any parcel, or there be insufficient time or opportunity to sell all of the parcels of real estate so advertised, the sheriff shall adjourn such sale from day to day at the same place

4 and commencing at the same hour as when first offered and shall announce that such real estate
5 will be offered or reoffered for sale at such time and place.

6 **2. With respect to any parcel of real estate not located within a municipality that**
7 **is an appointing authority under section 141.981**, in the event no bid equal to the full amount
8 of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due
9 thereon shall be received at such sale after any parcel of real estate has been offered for sale on
10 three different days, which need not be successive, the land trustees shall be deemed to have bid
11 the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and
12 costs then due, and if no other bid be then received by the sheriff in excess of the bid of the
13 trustees, and the sheriff shall so announce at the sale, then the bid of the trustees shall be
14 announced as accepted. The sheriff shall report any such bid or bids so made by the land trustees
15 in the same way as his report of other bids is made. **The land trust shall pay any penalties,**
16 **attorney's fees or costs included in the judgment of foreclosure of such parcel of real estate,**
17 **when such parcel is sold or otherwise disposed of by the land trustees, as herein provided.**
18 **Upon confirmation by the court of such bid at such sale by such land trustees, the collector**
19 **shall mark the tax bills so bid by the land trustees as "canceled by sale to the land trust"**
20 **and shall take credit for the full amount of such tax bills, including principal amount,**
21 **interest, penalties, attorney's fees, and costs, on the collector's books and in the collector's**
22 **statements with any other taxing authorities.**

23 **3. [The land trustees shall pay any penalties, attorney's fees or costs included in the**
24 **judgment of foreclosure of such parcel of real estate, when such parcel is sold or otherwise**
25 **disposed of by the land trustees, as herein provided. Upon confirmation by the court of such bid**
26 **at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees**
27 **as "canceled by sale to the land trust" and shall take credit for the full amount of such tax bills,**
28 **including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his**
29 **statements with any other taxing authorities.] With respect to any parcel of real estate located**
30 **within a municipality that is an appointing authority under section 141.981, in the event**
31 **no bid equal to the full amount of all tax bills included in the judgment, interest, penalties,**
32 **attorney's fees, and costs then due thereon shall be received at such sale after such parcel**
33 **of real estate has been offered for sale on three different days, which need not be**
34 **successive, the land bank agency for which such municipality is an appointing authority**
35 **shall be deemed to have bid the full amount of all tax bills included in the judgment,**
36 **interest, penalties, attorney's fees, and costs then due, and the sheriff shall so announce at**
37 **the sale, then the bid of the land bank agency shall be announced as accepted. The sheriff**
38 **shall report any such bid or bids so made by such land bank agency in the same way as the**
39 **sheriff's report of other bids is made. Upon confirmation by the court of such bid at such**

40 **sale by such land bank agency, the collector shall mark the tax bills so bid by such land**
41 **bank agency as "canceled by sale to the land bank" and shall take credit for the full**
42 **amount of such tax bills, including principal amount, interest, penalties, attorney's fees,**
43 **and costs, on the collector's books and in the collector's statements with any other taxing**
44 **authorities.**

141.570. 1. The title to any real estate which shall vest in the land trust under the
2 provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.1015** shall be held by
3 the land trust of such county in trust for the tax bill owners and taxing authorities having an
4 interest in any tax liens which were foreclosed, as their interests may appear in the judgment of
5 foreclosure. **The title to any real estate acquired by a land bank agency pursuant to a**
6 **deemed sale under subsection 3 of section 141.560, by deed from land trust under**
7 **subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection**
8 **2 of section 141.550 shall be held in trust for the tax bill owners and taxing authorities**
9 **having an interest in any tax liens which were foreclosed, as their interests may appear in**
10 **the judgment of foreclosure.**

11 2. The title to any real estate which shall vest in any purchaser, upon confirmation of
12 such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way thereon
13 of public utilities on which tax has been otherwise paid, and subject to any lien thereon of the
14 United States of America, if any, and all persons, including the state of Missouri, infants,
15 incapacitated and disabled persons as defined in chapter 475, and nonresidents who may have
16 had any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands, shall
17 be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of
18 redemption, and the court shall order immediate possession of such real estate be given to such
19 purchaser; provided, however, that such title shall also be subject to the liens of any tax bills
20 which may have attached to such parcel of real estate prior to the time of the filing of the petition
21 affecting such parcel of real estate not then delinquent, or which may have attached after the
22 filing of the petition and prior to sheriff's sale and not included in any answer to such petition,
23 but if such parcel of real estate is **deemed** sold to the land trust **pursuant to subsection 2 of**
24 **section 141.560, deemed sold to a land bank agency pursuant to subsection 3 of section**
25 **141.560, or sold to a land bank agency pursuant to subdivision (2) of subsection 2 of section**
26 **141.550**, the title thereto shall be free of any such liens to the extent of the interest of any taxing
27 authority in such real estate; provided further, that such title shall not be subject to the lien of
28 special tax bills which have attached to the parcel of real estate prior to November 22, 1943, but
29 the lien of such special tax bills shall attach to the proceeds of the sheriff's sale or to the proceeds
30 of the ultimate sale of such parcel by the land trust.

141.580. 1. After the sheriff sells any parcel of real estate, the court shall, upon its own
2 motion or upon motion of any interested party, set the cause down for hearing to confirm the
3 foreclosure sale thereof, even though such parcels are not all of the parcels of real estate
4 described in the notice of sheriff's foreclosure sale. At the time of such hearing, the sheriff shall
5 make report of the sale, and the court shall hear evidence of the value of the property offered on
6 behalf of any interested party to the suit, and shall forthwith determine whether an adequate
7 consideration has been paid for each such parcel.

8 2. For this purpose the court shall have power to summon any city or county official or
9 any private person to testify as to the reasonable value of the property, and if the court finds that
10 adequate consideration has been paid, he **or she** shall confirm the sale and order the sheriff to
11 issue a deed to the purchaser. If the court finds that the consideration paid is inadequate, **the**
12 **court shall confirm the sale if** the purchaser [may] increase his **or her** bid to such amount as
13 the court [may deem] **deems** to be adequate[, whereupon the court may confirm the sale. If,
14 however,] **and makes such additional payment, or if all tax bills included in the judgment,**
15 **interest, penalties, attorney's fees, and costs then due thereon are not paid in full by one**
16 **or more interested parties to the suit. If the court finds that the consideration is**
17 **inadequate, but** the purchaser declines to increase his **or her** bid to **such an amount as the**
18 **court deems adequate** and make such additional payment, then the sale shall be disapproved
19 **if all tax bills included in the judgment, interest, penalties, attorney's fees, and costs then**
20 **due thereon are paid in full by one or more interested parties to the suit**, the lien of the
21 judgment continued, and such parcel of real estate shall be again advertised and offered for sale
22 by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's
23 foreclosure sale. Unless the court requires evidence of the value of the property conveyed to land
24 trust **or land bank agency**, none shall be required, and the amount bid by the land trustees **or**
25 **such land bank agency** shall be deemed adequate consideration.

26 3. **Except as otherwise provided in subsection 6 of section 141.984**, if the sale is
27 confirmed, the court shall order the proceeds of the sale applied in the following order:

28 (1) To the payment of the costs of the publication of the notice of foreclosure and of the
29 sheriff's foreclosure sale;

30 (2) To the payment of all costs including appraiser's fee [not to exceed fifteen dollars]
31 and attorney's fees;

32 (3) To the payment of all tax bills adjudged to be due in the order of their priority,
33 including principal, interest and penalties thereon.

34 If, after such payment, there is any sum remaining of the proceeds of the sheriff's
35 foreclosure sale, the court shall thereupon try and determine the other issues in the suit in
36 accordance with section 141.480. If any answering parties have specially appealed as provided

37 in section 141.570, the court shall retain the custody of such funds pending disposition of such
38 appeal, and upon disposition of such appeal shall make such distribution. If there are not
39 sufficient proceeds of the sale to pay all claims in any class described, the court shall order the
40 same to be paid pro rata in accordance with the priorities.

41 4. If there are any funds remaining of the proceeds after the sheriff's sale and after the
42 distribution of such funds as herein set out and no person entitled to any such funds, whether or
43 not a party to the suit, shall, within two years after such sale, appear and claim the funds, they
44 shall [escheat to the state as provided by law] **be distributed to the appropriate taxing**
45 **authorities.**

141.720. 1. The land trust shall be composed of three members, one of whom shall be
2 appointed by the county, **as directed by the county** executive, or if the county does not have a
3 county executive, **as directed by** the county commission of the county, one of whom shall be
4 appointed by [the city council of that city] **that municipality** in the county which **is not an**
5 **appointing authority under section 141.980 and** then has the largest population according to
6 the last preceding federal decennial census, and one of whom shall be appointed by [the board
7 of directors of the] **that school district in the county** which **is not an appointing authority**
8 **under section 141.981 and** then has the largest population according to such census in the
9 county. **If any such appointing authority fails to make any appointment of a land trustee**
10 **after any term expires, then the appointment shall be made by the county.**

11 2. The terms of office of the land trustees shall be for four years each, except the terms
12 of the first land trustees who shall be appointed by the foregoing appointing authorities,
13 respectively, not sooner than twelve months and not later than eighteen months after sections
14 141.210 to 141.810 take effect; **provided, however, that the term of any land trustee**
15 **appointed by a municipality or school district that becomes an appointing authority of a**
16 **land bank agency under section 141.981 shall terminate and such municipality and such**
17 **school district shall cease to be appointing authorities for such land trust under this section**
18 **upon the completion of all transfers to the land bank agency from the land trust required**
19 **under subsection 1 of section 141.984 or one year after the effective date of the ordinance**
20 **or resolution establishing the land bank agency, whichever is the first to occur.**

21 3. Each land trustee shall have been a resident of the county for at least five years next
22 prior to appointment, shall not hold other salaried or compensated public office by election or
23 appointment during service as land trustee, the duties of which would in any way conflict with
24 his duties as land trustee, and shall have had at least ten years experience in the management or
25 sale of real estate.

26 4. Of the first land trustees appointed under sections 141.210 to 141.810, the land trustee
27 appointed by the county commission shall serve for a term ending February 1, 1946, the land

28 trustee appointed by the board of directors of the school district then having the largest
29 population in the county shall serve for a term expiring February 1, 1947, and the land trustee
30 appointed by the city council of the city then having the largest population in the county shall
31 serve for a term expiring February 1, 1948. Each land trustee shall serve until his successor has
32 been appointed and qualified.

33 5. Any vacancy in the office of land trustee shall be filled for the unexpired term by the
34 same appointing authority which made the original appointment. If any appointing authority fails
35 to make any appointment of a land trustee within the time the first appointments are required by
36 sections 141.210 to 141.810 to be made, or within thirty days after any term expires or vacancy
37 occurs, then the appointment shall be made by the [mayor of that city in the] county [then having
38 the largest population, according to the last preceding federal decennial census].

39 6. The members shall receive for their services as land trustees a salary of two thousand
40 four hundred dollars per year.

41 7. Each land trustee may be removed for cause by the respective appointing authority,
42 after public hearing, if requested by the land trustee, and an opportunity to be represented by
43 counsel and to present evidence is afforded the trustee.

141.770. 1. Each annual budget of the land trust shall be itemized as to objects and
2 purposes of expenditure, prepared not later than [December tenth] **October first** of each year
3 with copies delivered to the [county and city that appointed trustee members] **appointing**
4 **authorities of such land trust under section 141.720**, and shall include therein only such
5 appropriations as shall be deemed necessary to meet the reasonable expenses of the land trust
6 during the forthcoming fiscal year. That budget shall not become the required annual budget of
7 the land trust unless and until it has been approved by the governing bodies of the [county or city
8 that appointed trustee members] **appointing authorities of such land trust under section**
9 **141.720**. If [either] **any** of the governing bodies of the [county and city that appointed trustee
10 members] **appointing authorities of such land trust under section 141.720** fail to notify the
11 land trust in writing of any objections to the proposed annual budget on or before [December]
12 **November** twentieth, then such failure or failures to object shall be deemed approval. In the
13 event objections have been made and a budget for the fiscal year beginning January first has not
14 been approved by the governing bodies of the [county and city] **appointing authorities of such**
15 **land trust under section 141.720** on or before January first, then the budget for the previous
16 fiscal year shall become the approved budget for that fiscal year. Any unexpended funds from
17 the preceding fiscal year shall be deducted from the amounts needed to meet the budget
18 requirements of the forthcoming year.

19 2. Copies of the budget shall be made available to the public on or before [December]
20 **October** tenth, and a public hearing shall be had thereon prior to [December] **October** twentieth,

21 in each year. The approved and adopted budget may be amended by the trustee members only
22 with the approval of the governing bodies of the [county and city that appointed trustee
23 members] **appointing authorities of such land trust under section 1411.720.**

24 3. If at any time there are not sufficient funds available to pay the salaries and other
25 expenses of such land trust and of its employees, incident to the administration of sections
26 141.210 to 141.810, including any expenditures authorized by section 141.760, funds sufficient
27 to pay such expenses shall be advanced and paid to the land trust upon its requisition therefor,
28 [fifty] **seven** percent thereof by the county commission of [such] **the county in which the land**
29 **trust operates**, and the other [fifty] **ninety-three** percent by all of the [municipalities in such
30 county as defined in section 141.220] **taxing authorities in such county that are not**
31 **appointing authorities for a land bank agency under section 141.981 and all municipalities**
32 **and school districts in such county that are appointing authorities for such land trust**
33 **under section 141.720**, in proportion to their assessed valuations [at the time of their last
34 completed assessment for state and county purposes] **of the properties then in the land trust**
35 **inventory located within their respective taxing jurisdictions.** The land trust shall have
36 power to requisition such funds in an amount not to exceed twenty-five percent of the total
37 annual budget of the land trust from such sources for that fiscal year of the land trust for which
38 there are not sufficient funds otherwise available to pay the salaries and other expenses of the
39 land trust, but any amount in excess of twenty-five percent of the total annual budget in any fiscal
40 year may be requisitioned by and paid to the land trust only if such additional sums are agreed
41 to and approved by the county [commission and the respective municipalities in such county so
42 desiring to make such payment] **and such other taxing authorities.** All moneys so
43 requisitioned shall be paid in a lump sum within thirty days after such requisition or the
44 commencement of the fiscal year of the land trust for which such requisition is made, whichever
45 is later, [and] **by the county paying seven percent thereof due from the county under this**
46 **section and advancing the remaining ninety-three percent due from other taxing**
47 **authorities under this section on behalf of such other taxing authorities, and such amounts**
48 **so paid** shall be deposited to the credit of the land trust in some bank or trust company, subject
49 to withdrawal by warrant as herein provided. **Amounts advanced by the county on behalf of**
50 **any taxing authority under this section shall be reimbursed to the county upon demand by**
51 **the county or by the county withholding such amounts from distributions of tax moneys**
52 **to such taxing authority.**

53 4. The fiscal year of the land trust shall commence on January first of each year. Such
54 land trust shall audit all claims for the expenditure of money, and shall, acting by the chairman
55 or vice chairman thereof, draw warrants therefor from time to time.

56 5. No warrant for the payment of any claim shall be drawn by such land trust until such
57 claim shall have been approved by the land commissioner and shall bear the commissioner's
58 certificate that there is a sufficient unencumbered balance in the proper appropriation and
59 sufficient unexpended cash available for the payment thereof. For any certification contrary
60 thereto, such land commissioner shall be liable personally and on the commissioner's official
61 bond for the amounts so certified, and shall thereupon be promptly removed from office by the
62 land trustees.

63 6. In addition to the annual audit provided for in section 141.760, the land trust may be
64 performance audited at any time by the state auditor or by the auditor of any home rule city with
65 more than four hundred thousand inhabitants and located in more than one county that is a
66 member of the land trust. The cost of such audit shall be paid by the land trust, and copies shall
67 be made available to the public within thirty days of the completion of the audit.

**141.785. 1. The land trust shall be authorized to file an action to quiet title pursuant
2 to section 527.150 as to any real property in which the land trust has an interest. For
3 purposes of any and all such actions the land trust shall be deemed to be the holder of
4 sufficient legal and equitable interests, and possessory rights, so as to qualify the land trust
5 as adequate complainant in such action.**

6 **2. Prior to the filing of an action to quiet title the land trust shall conduct an
7 examination of title to determine the identity of any and all persons and entities possessing
8 a claim or interest in or to the real property. Service of the complaint to quiet title shall
9 be provided to all such interested parties by the following methods:**

10 **(1) First class mail to such identity and address as reasonably ascertainable by an
11 inspection of public records;**

12 **(2) In the case of occupied real property by first class mail, addressed to
13 "Occupant";**

14 **(3) By posting a copy of the notice on the real property;**

15 **(4) By publication in a newspaper of general circulation in the municipality in
16 which the property is located; and**

17 **(5) Such other methods as the court may order.**

18 **3. As part of the complaint to quiet title the land trust shall file an affidavit
19 identifying all parties potentially having an interest in the real property, and the form of
20 notice provided.**

21 **4. The court shall schedule a hearing on the complaint within ninety (90) days
22 following filing of the complaint, and as to all matters upon which an answer was not filed
23 by an interested party the court shall issue its final judgment within one hundred twenty
24 (120) days of the filing of the complaint.**

25 **5. The land trust shall be authorized to join in a single complaint to quiet title to one**
26 **or more parcels of real property.**

 141.790. When any parcel of real estate is sold or otherwise disposed of by the land trust,
2 the proceeds therefrom shall be applied and distributed in the following order:

3 (1) **To the payment of amounts due from the land trust under subsection 2 of**
4 **section 141.560 on the sale or other disposition of such parcel;**

5 (2) To the payment of the expenses of sale;

6 [(2)] (3) The balance to be retained by the land trust to pay the salaries and other
7 expenses of such land trust and of its employees, incident to the administration of sections
8 141.210 to 141.810, including any expenditures authorized by section 141.760, as provided for
9 in its annual budget;

10 [(3)] (4) Any funds in excess of those necessary to meet the expenses of the annual
11 budget of the land trust in any fiscal year, and including a reasonable sum to carry over into the
12 next fiscal year to assure that sufficient funds will be available to meet initial expenses for that
13 next fiscal year, [may] **shall** be paid to the respective taxing authorities which, at the time of the
14 distribution, are taxing the real property from which the proceeds are being distributed. The
15 distributions shall be in proportion to the amounts of the taxes levied on the properties by the
16 taxing authorities; distribution shall be made on January first and July first of each year, and at
17 such other times as the land trustees in their discretion may determine.

141.980. 1. Any municipality located wholly or partially within a county in which
2 **a land trust created under section 141.700 was operating on January 1, 2012 may establish**
3 **a land bank agency for the management, sale, transfer, and other disposition of interests**
4 **in real estate owned by such land bank agency. Any such land bank agency created shall**
5 **be created to foster the public purpose of returning land, including land that is in a**
6 **nonrevenue-generating nontax-producing status, to effective use in order to provide**
7 **housing, new industry, and jobs for citizens of the establishing municipality, and to create**
8 **new revenues for such municipality. Such land bank agency shall be established by**
9 **ordinance or resolution as applicable. Such land bank agency may not own any interest in**
10 **real estate that is located wholly or partially outside such establishing municipality.**

11 **2. The beneficiaries of the land bank agency shall be the taxing authorities that held**
12 **or owned tax bills against the respective parcels of real estate acquired by such land bank**
13 **agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from land**
14 **trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of**
15 **subsection 2 of section 141.550 included in the judgment of the court, and their respective**
16 **interests in each parcel of real estate shall be to the extent and in the proportion and**
17 **according to the priorities determined by the court on the basis that the principal amount**

18 of their respective tax bills bore to the total principal amount of all of the tax bills
19 described in the judgment.

20 **3. Each land bank agency created pursuant to this chapter shall be a public body**
21 **corporate and politic, and shall have permanent and perpetual duration until terminated**
22 **and dissolved in accordance with the provisions of section 141.1012.**

141.981. 1. A land bank agency shall be composed of a board of commissioners
2 **which shall consist of an odd number of members, and shall be not less than five members**
3 **nor more than seven members, one of whom shall be appointed by the county, as directed**
4 **by the county executive, or if the county does not have a county executive, as directed by**
5 **the county commission of the county, one of whom shall be appointed by the school district**
6 **that is wholly located within such municipality and county and then has the largest**
7 **population according to the last preceding federal decennial census, and the remainder**
8 **shall be appointed by the municipality that established the land bank agency. Members**
9 **shall serve at the pleasure of the member's appointing authority, may be employees of the**
10 **appointing authority, and shall serve without compensation. Any vacancy in the office of**
11 **land bank commissioner shall be filled by the same appointing authority that made the**
12 **original appointment. If any appointing authority fails to make any appointment of a land**
13 **bank commissioner within the time the first appointments are required, or within sixty**
14 **days after any term expires, then the appointment shall be made by the other appointing**
15 **authorities. Except as otherwise provided in subsection 2 of section 141.720, any**
16 **municipality or school district that is an appointing authority under this section 141.981**
17 **shall not be an appointing authority under section 141.720.**

18 **2. Notwithstanding any law to the contrary, any public officer shall be eligible to**
19 **serve as a board member and the acceptance of the appointment shall neither terminate**
20 **nor impair such public office. For purposes of this section, "public officer" shall mean a**
21 **person who is elected to a political subdivision office. Any political subdivision employee**
22 **shall be eligible to serve as a board member.**

23 **3. The members of the board shall select annually from among themselves a chair,**
24 **a vice-chair, a treasurer, and such other officers as such board may determine, and shall**
25 **establish their duties as may be regulated by rules adopted by such board.**

26 **4. The board shall have the power to organize and reorganize the executive,**
27 **administrative, clerical, and other departments of the land bank agency and to fix the**
28 **duties, powers, and compensation of all employees, agents, and consultants of the land**
29 **bank agency. The board may cause the land bank agency to reimburse any member for**
30 **expenses actually incurred in the performance of duties on behalf of the land bank agency.**

31 **5. The board shall meet in regular session according to a schedule adopted by such**
32 **board, and also shall meet in special session as convened by the chairman or upon written**

33 notice signed by a majority of the members. The presence of a majority of the board’s total
34 membership shall constitute a quorum to conduct business.

35 6. All actions of the board shall be approved by the affirmative vote of a majority
36 of the members of the board present and voting; provided, however, that no action of the
37 board shall be authorized on the following matters unless approved by a majority of the
38 entire board membership:

39 (1) Adoption of by-laws and other rules and regulations for conduct of the land
40 bank agency’s business;

41 (2) Hiring or firing of any employee or contractor of the land bank agency. This
42 function may, by majority vote, be delegated by the board to a specified officer or
43 committee of the land bank agency, under such terms and conditions, and to the extent,
44 that the board may specify;

45 (3) The incurring of debt, including, without limitation, borrowing of money and
46 the issuance of bonds, notes or other obligations;

47 (4) Adoption or amendment of the annual budget;

48 (5) Sale of real property for a selling price that represents a consideration less than
49 two-thirds of the appraised value of such property; and

50 (6) Lease, encumbrance, or alienation of real property, improvements, or personal
51 property with a value of more than fifty thousand dollars.

52 7. The board members shall each furnish a surety bond, if such bond is not already
53 covered by governmental surety bond, in a penal sum not to exceed twenty-five thousand
54 dollars to be approved by the comptroller or director of finance of the municipality that
55 established the land bank agency, issued by a surety company licensed to do business in the
56 state of Missouri, which bond shall be deposited with the county clerk of such county, and
57 shall guarantee the faithful performance of such member’s duties under sections 141.980
58 to 141.1015, and shall be written to cover all the commissioners.

59 8. Before entering upon the duties of office, each board member shall take and
60 subscribe to the following oath:

61 State of Missouri,)

62) ss

63 City of . . .)

64 I, . . . , do solemnly swear that I will support the Constitution of the United States
65 and the Constitution of the State of Missouri; that I will faithfully and impartially
66 discharge my duties as a member of the Land Bank of . . . , Missouri; that I will
67 according to my best knowledge and judgment, administer such tax delinquent and
68 other lands held by the land bank according to the laws of the state of Missouri and

69 for the benefit of the public bodies and the tax bill owners which I represent, so
70 help me God.

71

72 Subscribed and sworn to this ... day of ..., 20 ..

73 My appointment expires:

74

75 Notary Public

76 9. Members of a board shall not be liable personally on the bonds or other
77 obligations of the land bank agency, and the rights of creditors of the land bank agency
78 shall be solely against the assets of such land bank agency.

79 10. Vote by proxy shall not be permitted. Any member may request a recorded
80 vote on any resolution or action of the land bank agency.

141.982. A land bank agency may employ a secretary, an executive director, its own
2 counsel and legal staff, and such technical experts, and such other agents and employees,
3 permanent or temporary, as it may require, and may determine the qualifications and fix
4 the compensation and benefits of such persons. A land bank agency may also enter into
5 contracts and agreements with political subdivisions for staffing services to be provided
6 to the land bank agency by political subdivisions or agencies or departments thereof, or for
7 a land bank agency to provide such staffing services to political subdivisions or agencies
8 or departments thereof.

141.983. Subject to the other provisions of this chapter and all other applicable
2 laws, a land bank agency established under this chapter shall have all powers necessary
3 or appropriate to carry out and effectuate the purposes and provisions of this chapter as
4 they relate to a land bank agency, including the following powers in addition to those
5 herein otherwise granted:

6 1. To adopt, amend, and repeal bylaws for the regulation of its affairs and the
7 conduct of its business;

8 2. To sue and be sued in its own name and plead and be impleaded in all civil
9 actions, including, but not limited to, actions to clear title to property of the land bank
10 agency;

11 3. To adopt a seal and to alter the same at pleasure;

12 4. To receive funds as grants from or to borrow from political subdivisions, the
13 state of Missouri, the federal government or any other public or private sources;

14 5. To issue notes and other obligations according to the provisions of this chapter;

15 6. To procure insurance or guarantees from political subdivisions, the state of
16 Missouri, the federal government or any other public or private sources, of the payment

17 of any bond, note, loan or other obligation, or portion thereof, incurred by the land bank
18 agency, and to pay any fees or premiums in connection therewith;

19 7. To enter into contracts and other instruments necessary, incidental, or
20 convenient to the performance of its duties and the exercise of its powers, including, but
21 not limited to, agreements with other land bank agencies and with political subdivisions
22 for the joint exercise of powers under this chapter;

23 8. To enter into contracts and other instruments necessary, incidental, or convenient
24 to the performance of functions by the land bank agency on behalf of political subdivisions,
25 or agencies or departments of political subdivisions, or the performance by political
26 subdivisions, or agencies or departments of political subdivisions of functions on behalf
27 of the land bank agency;

28 9. To make and execute contracts and other instruments necessary or convenient
29 to the exercise of the powers of the land bank agency; and any contract or instrument when
30 signed by the chair or vice-chair of the land bank agency, or by an authorized use of their
31 facsimile signatures, and by the secretary or assistant secretary, or, treasurer or assistant
32 treasurer of the land bank agency, or by an authorized use of their facsimile signatures,
33 shall be held to have been properly executed for and on its behalf;

34 10. To procure insurance against losses in connection with the property, assets, or
35 activities of the land bank agency;

36 11. To invest the money of the land bank agency, including amounts deposited in
37 reserve or sinking funds, at the discretion of the board, in instruments, obligations,
38 securities, or property determined proper by the board, and name and use depositories for
39 its money;

40 12. To enter into contracts for the management of, the collection of rent from, or
41 the sale of the property of the land bank agency;

42 13. To design, develop, construct, demolish, reconstruct, rehabilitate, renovate,
43 relocate, equip, furnish, and otherwise improve real property or rights or interests in real
44 property held by the land bank agency;

45 14. To fix, charge, and collect rents, fees and charges for the use of the property of
46 the land bank agency and for services provided by the land bank agency;

47 15. Subject to the limitation set forth in subsection 1 of section 141.980, to acquire
48 property, whether by purchase, exchange, gift, lease or otherwise, to grant or acquire
49 licenses and easements, and to sell, lease, grant an option with respect to, or otherwise
50 dispose of any property of the land bank agency;

51 16. Subject to the limitation set forth in subsection 1 of section 141.980, to enter into
52 partnership, joint ventures, and other collaborative relationships with political

53 subdivisions and other public and private entities for the ownership, management,
54 development, and disposition of real property; and

55 **17. Subject to the other provisions of this chapter and all other applicable laws, to**
56 **do all other things necessary or convenient to achieve the objectives and purposes of the**
57 **land bank agency or other laws that relate to the purposes and responsibility of the land**
58 **bank agency.**

141.984. 1. Within one year of the effective date of the ordinance or resolution
2 **passed establishing a land bank agency under this chapter, title to any real property held**
3 **by a land trust created pursuant to section 141.700 that is located wholly within the**
4 **municipality that created the land bank agency shall be transferred by deed to such land**
5 **bank agency.**

6 **2. The income of a land bank agency shall be exempt from all taxation by the state**
7 **of Missouri and by any of its political subdivisions. Upon acquiring title to any real estate,**
8 **a land bank agency shall immediately notify the county assessor and the collector of such**
9 **ownership, and such real estate shall be exempt from all taxation during the land bank**
10 **agency's ownership thereof, in the same manner and to the same extent as any other**
11 **publicly owned real estate, and upon the sale or other disposition of any real estate held by**
12 **it, such land bank agency shall immediately notify the county assessor and the collector of**
13 **such change of ownership; provided however, that such tax exemption for improved and**
14 **occupied real property held by such land bank agency as lessor pursuant to a ground lease**
15 **shall terminate upon the first such occupancy, and such land bank agency shall**
16 **immediately notify the county assessor and the collector of such occupancy.**

17 **3. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank**
18 **agency may acquire real property or interests in property by gift, devise, transfer,**
19 **exchange, foreclosure, lease, purchase, or otherwise on terms and conditions and in a**
20 **manner the land bank agency considers proper.**

21 **4. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank**
22 **agency may acquire property by purchase contracts, lease purchase agreements,**
23 **installment sales contracts, and land contacts, and may accept transfers from political**
24 **subdivisions upon such terms and conditions as agreed to by the land bank agency and the**
25 **political subdivision. Notwithstanding any other law to the contrary, but subject to the**
26 **limitation set forth in subsection 1 of section 141.980, any political subdivision may transfer**
27 **to the land bank agency real property and interests in real property of the political**
28 **subdivision on such terms and conditions and according to such procedures as determined**
29 **by the political subdivision.**

30 **5. A land bank agency shall maintain all of its real property in accordance with the**
31 **laws and ordinances of the jurisdictions in which the real property is located.**

32 **6. Upon confirmation under section 141.580 of a sheriff's foreclosure sale of a**
33 **parcel of real estate to a land bank agency under subdivision (2) of subsection 2 of section**
34 **141.550, said land bank agency shall pay the amount of the land bank agency's bid that**
35 **exceeds the amount of all tax bills included in the judgment, interest, penalties, attorney's**
36 **fees and costs then due thereon. Such excess shall be applied and distributed in accordance**
37 **with subsections 3 and 4 of section 141.580, exclusive of subdivision (3) of subsection 3**
38 **thereof. Upon such confirmation by the court, the collector shall mark the tax bills**
39 **included in the judgment as "canceled by sale to the land bank" and shall take credit for**
40 **the full amount of such tax bills, including principal amount, interest, penalties, attorney's**
41 **fees, and costs, on his books and in his statements with any other taxing authorities.**

141.985. 1. A land bank agency shall hold in its own name all real property acquired
2 **by such land bank agency irrespective of the identity of the transferor of such property.**

3 **2. A land bank agency shall maintain and make available for public review and**
4 **inspection an inventory of all real property held by the land bank agency.**

5 **3. The land bank agency shall determine and set forth in policies and procedures**
6 **of the board the general terms and conditions for consideration to be received by the land**
7 **bank agency for the transfer of real property and interests in real property, which**
8 **consideration may take the form of monetary payments and secured financial obligations,**
9 **covenants and conditions related to the present and future use of the property, contractual**
10 **commitments of the transferee, and such other forms of consideration as determined by the**
11 **board to be in the best interest of the land bank agency.**

12 **4. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank**
13 **agency may convey, exchange, sell, transfer, lease, grant, release and demise, pledge and**
14 **hypothecate any and all interests in, upon or to property of the land bank agency.**

15 **5. A municipality may, in its resolution or ordinance creating a land bank agency**
16 **establish a hierarchical ranking of priorities for the use of real property conveyed by such**
17 **land bank agency, subject to subsection 7 of this section, including but not limited to (1)**
18 **use for purely public spaces and places, (2) use for affordable housing, (3) use for retail,**
19 **commercial and industrial activities, (4) use as wildlife conservation areas, and such other**
20 **uses and in such hierarchical order as determined by the land bank jurisdiction.**

21 **6. A municipality may, in its resolution or ordinance creating a land bank agency,**
22 **require that any particular form of disposition of real property, or any disposition of real**
23 **property located within specified geographical areas, be subject to specified voting and**
24 **approval requirements of the board that are not inconsistent with section 141.981 or**
25 **section 141.983. Except and unless restricted or constrained in this manner, the board may**
26 **delegate to officers and employees the authority to enter into and execute agreements,**

27 instruments of conveyance and all others related documents pertaining to the conveyance
28 of property by the land bank agency.

29 7. A land bank agency shall act expeditiously to return the real property acquired
30 by it to the tax rolls and shall market and sell such real property using an open, public
31 method that ensures the best possible price is realized while ensuring such real property
32 is returned to a suitable, productive use for the betterment of the neighborhoods in which
33 such real property is located.

34 8. When any parcel of real estate acquired by a land bank agency pursuant to a
35 deemed sale under subsection 3 of section 141.560, by deed from land trust under
36 subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection
37 2 of section 141.550 is sold or otherwise disposed of by such land bank agency, the proceeds
38 therefrom shall be applied and distributed in the following order:

39 (1) To the payment of the expenses of sale;

40 (2) To fulfill the requirements of the resolution, indenture or other financing
41 documents adopted or entered into in connection with bonds, notes or other obligations of
42 the land bank agency, to the extent that such requirements may apply with respect to such
43 parcel of real estate;

44 (3) The balance to be retained by the land bank agency to pay the salaries and other
45 expenses of such land bank agency and of its employees as provided for in its annual
46 budget;

47 (4) Any funds in excess of those necessary to meet the expenses of the annual budget
48 of the land bank agency in any fiscal year and a reasonable sum to carry over into the next
49 fiscal year to assure that sufficient funds will be available to meet initial expenses for that
50 next fiscal year, exclusive of net profit from the sale of ancillary parcels, shall be paid to
51 the respective taxing authorities that, at the time of the distribution, are taxing the real
52 property from which the proceeds are being distributed. The distributions shall be in
53 proportion to the amounts of the taxes levied on the properties by the taxing authorities.
54 Distribution shall be made on January first and July first of each year, and at such other
55 times as the board may determine.

56 9. When any ancillary parcel is sold or otherwise disposed of by such land bank
57 agency, the proceeds therefrom shall be applied and distributed in the following order:

58 (1) To the payment of all land taxes and related charges then due on such parcel;

59 (2) To the payment of the expenses of sale;

60 (3) To fulfill the requirements of the resolution, indenture or other financing
61 documents adopted or entered into in connection with bonds, notes or other obligations of
62 the land bank agency, to the extent that such requirements may apply with respect to such
63 parcel of real estate;

64 **(4) The balance to be retained by the land bank agency to pay the salaries and other**
65 **expenses of such land bank agency and of its employees as provided for in its annual**
66 **budget;**

67 **(5) Any funds in excess of those necessary to meet the expenses of the annual budget**
68 **of the land bank agency in any fiscal year and a reasonable sum to carry over into the next**
69 **fiscal year to assure that sufficient funds will be available to meet initial expenses for that**
70 **next fiscal year, may be paid in accordance with subdivision (3) of subsection 8 of this**
71 **section.**

141.988. 1. A land bank agency may receive funding through grants and loans from
2 **political subdivisions, from the state of Missouri, from the federal government, and from**
3 **other public and private sources.**

4 **2. Except as otherwise provided in subsections 8 and 9 of section 141.985, a land**
5 **bank agency may receive and retain payments for services rendered, for rents and**
6 **leasehold payments received, for consideration for disposition of real and personal**
7 **property, for proceeds of insurance coverage for losses incurred, for income from**
8 **investments, and for any other asset and activity lawfully permitted to a land bank agency**
9 **under this chapter.**

10 **3. If a land bank agency sells or otherwise disposes of a parcel of real estate held by**
11 **it, any land taxes assessed against such parcel for the three tax years following such sale**
12 **or disposition by such land bank agency that are collected by the collector in a calendar**
13 **year and not refunded, less the fees provided under section 52.260 and subsection 4 of**
14 **section 141.988 and less the amounts to be deducted under section 137.720, shall be**
15 **distributed by the collector to such land bank agency no later than March 1 of the**
16 **following calendar year; provided that land taxes impounded under section 139.031 or**
17 **otherwise paid under protest shall not be subject to distribution under this subsection. Any**
18 **amount required to be distributed to a land bank agency under this subsection shall be**
19 **subject to offset for amounts previously distributed to such land bank agency that were**
20 **assessed, collected or distributed in error.**

21 **4. In addition to any other provisions of law related to collection fees, the collector**
22 **shall collect on behalf of the county a fee of four percent of reserve period taxes collected**
23 **and such fees collected shall be deposited in the county general fund.**

141.991. There shall be an annual audit of the affairs, accounts, expenses, and
2 **financial transactions of a land bank agency by certified public accountants as of April**
3 **thirtieth of each year, which accountants shall be employed by the commissioners on or**
4 **before March first of each year, and certified copies thereof shall be furnished to the**
5 **appointing authorities described in section 141.981, and shall be available for public**
6 **inspection at the office of the land bank agency. In addition to the annual audit provided**

7 for in this subdivision, the land bank agency may be performance audited at any time by
8 the state auditor or by the auditor of the municipality that established the land bank
9 agency. The cost of such audit shall be paid by the land bank agency, and copies shall be
10 made available to the public within thirty days of the completion of the audit.

141.994. 1. A land bank agency shall have power to issue bonds for any of its
2 corporate purposes, which bonds shall be special, limited obligations of the land bank
3 agency, the principal of and interest on which shall be payable solely from the income and
4 revenue derived from the sale, lease, or other disposition of the assets of the land bank
5 agency, or such portion thereof as may be designated in the resolution, indenture or other
6 financing documents relating to the issuance of the bonds. In the discretion of the land
7 bank agency, any of such bonds may be secured by a pledge of additional revenues,
8 including grants, contributions or guarantees from the state of Missouri, the federal
9 government, or any agency or instrumentality thereof, or by a mortgage or other security
10 device covering all or part of the property from which the revenues so pledged may be
11 derived.

12 2. Bonds issued by a land bank agency shall not be deemed to be an indebtedness
13 within the meaning of any constitutional or statutory limitation upon the incurring of
14 indebtedness. The bonds shall not constitute a debt, liability or obligation of the state or
15 of any political subdivision thereof, except in accordance with subsection 4 of this section,
16 or a pledge of the full faith and credit or the taxing power of the state or of any such
17 political subdivision, and the bonds shall contain a recital to that effect. Neither the
18 members of the board nor any person executing the bonds shall be liable personally on the
19 bonds by reason of the issuance thereof.

20 3. Bonds issued by a land bank agency shall be authorized by resolution of the
21 board and shall be issued in such form, shall be in such denominations, shall bear interest
22 at such rate or rates, shall mature on such dates and in such manner, shall be subject to
23 redemption at such times and on such terms, and shall be executed by one or more
24 members of the board, as provided in the resolution authorizing the issuance thereof or as
25 set out in the indenture or other financing document authorized and approved by such
26 resolution. The board may sell such bonds in such manner, either at public or at private
27 sale, and for such price as it may determine to be in the best interests of the land bank
28 agency.

29 4. Any political subdivision may elect to guarantee, insure, or otherwise become
30 primarily or secondarily obligated with respect to the bonds issued by a land bank agency
31 subject, however, to the provisions of Missouri law applicable to the incurrence of
32 indebtedness by such political subdivision. No political subdivision shall have any such
33 obligation if it does not so elect.

34 **5. A land bank agency may from time to time, as authorized by resolution of the**
35 **board, issue refunding bonds for the purpose of refunding, extending and unifying all or**
36 **any part of its valid outstanding bonds. Such refunding bonds may be payable from any**
37 **of the sources identified in subsections 1 and 4 of this section, and from the investment of**
38 **any of the proceeds of the refunding bonds.**

39 **6. The bonds issued by a land bank agency shall be negotiable instruments pursuant**
40 **to the provisions of the uniform commercial code of the state of Missouri.**

41 **7. Bonds issued pursuant to this section and all income or interest thereon shall be**
42 **exempt from all state taxes, except estate and transfer taxes.**

43 **8. A land bank agency shall have the power to issue temporary notes upon the same**
44 **terms and subject to all provisions and restrictions applicable to bonds under this section.**
45 **Such notes issued by a land bank agency may be refunded by notes or bonds authorized**
46 **under this section.**

141.997. Except as otherwise provided under Missouri law, all board meetings shall
2 **be open to the public and the board shall cause minutes and a record to be kept of all its**
3 **proceedings. The land bank agency shall be subject to the provisions of chapter 610,**
4 **chapter 109, and any other applicable provisions of Missouri law governing public records**
5 **and public meetings.**

141.1000. Neither the members of the board nor any salaried employee of a land
2 **bank agency shall receive any compensation, emolument, or other profit directly or**
3 **indirectly from the rental, management, acquisition, sale, demolition, repair,**
4 **rehabilitation, use, operation, ownership or disposition of any lands held by such land**
5 **bank agency other than the salaries, expenses, and emoluments provided for in sections**
6 **141.980 to 141.1015. Neither the members of the board nor any salaried employee of a land**
7 **bank agency shall own, directly or indirectly, any legal or equitable interest in or to any**
8 **lands held by such land bank agency other than the salaries, expenses, and emoluments**
9 **provided for in sections 141.980 to 141.1015. Any person convicted of violating this**
10 **subsection shall be deemed guilty of a felony and upon conviction thereof shall be**
11 **sentenced to serve not less than two nor more than five years in the state penitentiary. The**
12 **board of a land bank agency may adopt supplemental rules and regulations addressing**
13 **potential conflicts of interest and ethical guidelines for members of the board and land**
14 **bank agency employees, provided that such rules and regulations are not inconsistent with**
15 **this chapter or any other applicable law.**

141.1003. Except as otherwise expressly set forth in this chapter, in the exercise of
2 **its powers and duties under this chapter and its powers relating to property held by the**
3 **land bank agency, the land bank agency shall have complete control of such property as**
4 **fully and completely as if it were a private property owner.**

141.1006. 1. Whenever any ancillary parcel is acquired by a land bank agency and is encumbered by a lien or claim for real property taxes owed to a taxing authority, such taxing authority may elect to contribute to the land bank agency all or any portion of such taxes that are distributed to and received by such taxing authority.

2. To the extent that a land bank agency receives payments or credits of any kind attributable to liens or claims for real property taxes owed to a taxing authority, the land bank agency shall remit the full amount of the payments to the collector for distribution to the appropriate taxing authority.

141.1009. 1. A land bank agency shall be authorized to file an action to quiet title pursuant to section 527.150 as to any real property in which the land bank agency has an interest. For purposes of any and all such actions the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as adequate complainant in such action.

2. Prior to the filing of an action to quiet title the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the complaint to quiet title shall be provided to all such interested parties by the following methods:

(1) First class mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property by first class mail, addressed to "Occupant";

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the municipality in which the property is located; and

(5) Such other methods as the court may order.

3. As part of the complaint to quiet title the land bank agency shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

4. The court shall schedule a hearing on the complaint within ninety (90) days following filing of the complaint, and as to all matters upon which an answer was not filed by an interested party the court shall issue its final judgment within one hundred twenty (120) days of the filing of the complaint.

5. A land bank agency shall be authorized to join in a single complaint to quiet title to one or more parcels of real property.

141.1012. A land bank agency may be dissolved as a public body corporate and politic not less than sixty calendar days after an ordinance or resolution for such dissolution is passed by the municipality that established the land bank agency. Not less

4 than sixty calendar days advance written notice of consideration of such an ordinance or
5 resolution of dissolution shall be given to the members of the board of the land bank
6 agency, shall be published in a local newspaper of general circulation within such
7 municipality, and shall be sent certified mail to each trustee of any outstanding bonds of
8 the land bank agency. No land bank agency shall be dissolved while there remains
9 outstanding any bonds, notes or other obligations of the land bank agency unless such
10 bonds, notes or other obligations are paid or defeased pursuant to the resolution, indenture
11 or other financing document under which such bonds, notes or other obligations were
12 issued prior to or simultaneously with such dissolution. Upon dissolution of a land bank
13 agency pursuant to this section, all real property, personal property and other assets of the
14 land bank agency shall be transferred by appropriate written instrument to and shall
15 become the assets of the municipality that established the land bank agency. Such
16 municipality shall act expeditiously to return such real property to the tax rolls and shall
17 market and sell such real property using an open, public method that ensures the best
18 possible prices are realized while ensuring such real property is returned to a suitable,
19 productive use for the betterment of the neighborhoods in which such real property is
20 located. Any such real property that was acquired by the dissolved land bank agency
21 pursuant to a deemed sale under subsection 3 of section 141.560, by deed from land trust
22 under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of
23 subsection 2 of section 141.550 shall be held by such municipality in trust for the tax bill
24 owners and taxing authorities having an interest in any tax liens which were foreclosed,
25 as their interests may appear in the judgment of foreclosure, and upon the sale or other
26 disposition of any such property by such municipality, the proceeds therefrom shall be
27 applied and distributed in the following order:

- 28 (1) To the payment of the expenses of sale;
- 29 (2) To the reasonable costs incurred by such municipality in maintaining and
30 marketing such property; and
- 31 (3) The balance shall be paid to the respective taxing authorities that, at the time of
32 the distribution, are taxing the real property from which the proceeds are being
33 distributed.

141.1015. A land bank agency shall neither possess nor exercise the power of
2 eminent domain. A land bank agency shall not have the power to tax.

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