

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 67, Page 4, Section 488.2258, Line 42, by inserting after all of said section and line
3 the following:

4
5 "534.350. The judge rendering judgment in any such cause may issue execution at any time
6 after judgment, but such execution shall not be levied until after the expiration of the time allowed
7 for the taking of an appeal, except [as in the next succeeding section is provided]:

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

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

15 535.030. 1. Such summons shall be served as in other civil cases at least four days before
16 the court date in the summons. The summons shall include a court date which shall not be more than
17 twenty-one business days from the date the summons is issued unless at the time of filing the
18 affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

19 2. In addition to attempted personal service, the plaintiff may request, and thereupon the
20 clerk of the court shall make an order directing that the officer, or other person empowered to
21 execute the summons, shall also serve the same by securely affixing a copy of such summons and the
22 complaint in a conspicuous place on the dwelling of the premises in question at least ten days before
23 the court date in such summons, and by also mailing a copy of the summons and complaint to the
24 defendant at the defendant's last known address by ordinary mail at least ten days before the court
25 date. If the officer, or other person empowered to execute the summons, shall return that the
26 defendant is not found, or that the defendant has absconded or vacated his or her usual place of
27 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of
28 the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as
29 if there had been personal service, and judgment shall be rendered and proceedings had as in other
30 cases, except that no money judgment shall be granted the plaintiff where the defendant is in default

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1 and service is by the posting and mailing procedure set forth in this section.

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

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

24 535.110. Applications for appeals shall be allowed and conducted in the manner provided as
25 in other civil cases; but no application for an appeal shall stay execution unless the defendant [give]
26 gives bond, with security sufficient to secure the payment of all damages, costs and rent then due,
27 and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within
28 ten days [after it becomes due,] after an entry of the judgment by the trial court, all other provisions
29 of law to the contrary notwithstanding, pending determination of the appeal. Execution for the
30 purpose of restoring possession shall be stayed pending an appeal if the losing party posts a sufficient
31 appeal bond.

32 535.160. If the defendant, on the date any money judgment is given in any action pursuant to
33 this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the
34 rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If
35 on any date after the date of any original trial, but before the judgment becomes final, the defendant
36 shall satisfy such money judgment and pay all costs, any execution for possession of the subject
37 premises shall cease and be stayed; except that the landlord shall not thereby be precluded from
38 making application for appeal from such money judgment. If for any reason no money judgment is
39 entered against the defendant and judgment for the plaintiff is limited only to possession of the
40 subject premises, no stay of execution shall be had, except as provided by the provisions of section
41 535.110 or the rules of civil procedure or by agreement of the parties.

1 [534.360. If it shall appear to the officer having charge of the execution that the
2 defendant therein is about to remove, conceal or dispose of his property, so as to
3 hinder or delay the levy, the rents and profits, damages and costs may be levied before
4 the expiration of the time allowed for taking an appeal.]" ; and

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