

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1651
99TH GENERAL ASSEMBLY

4995H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 443.320, RSMo, and to enact in lieu thereof one new section relating to the publication of electronic notice of the sale of real property.

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

Section A. Section 443.320, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 443.320, to read as follows:

443.320. **1.** The notice required by section 443.310 shall set forth the date and book and page of the record of such mortgages or deeds of trust, the grantors, the time, terms and place of sale, and a description of the property to be sold, and shall be given by advertisement[-] .

2. Unless the mortgage or deed of trust requires a specific method, the notice made under subsection 1 of this section shall be made through one of the following two methods, at the discretion of the trustee:

(1) An electronic notice posted for a minimum of twenty-one consecutive days on an internet website hosted by an entity that maintains such website for the purpose of providing web-based notice of foreclosure sales. The last day of posting shall occur on the scheduled foreclosure date as set forth in the posted notice. The provisions of chapter 493 and section 442.018 shall not apply to any web-based notice posted under this section. The entity providing such web-based notices shall not restrict access to the site by way of a registration or log in requirement. Nothing in this section shall be construed to authorize the giving of any shorter notice than that required by the mortgage or deed of trust. Any entity providing notice shall be a Missouri corporation or Missouri limited liability company formed under chapters 347 to 356 and in good standing with the Missouri secretary of state. Such entity shall maintain an errors and omissions policy of insurance in an amount not less than one million dollars and general liability insurance in an amount

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.

19 **not less than one million dollars. Such entity shall have its principal office located in**
20 **Missouri. The entity publishing such notice shall charge and receive not more than the**
21 **rate published by the entity and offered to the public and in effect for at least thirty days**
22 **preceding publication of the particular notice to which it is applied. The entity providing**
23 **notice shall maintain a historical record for each posting for a period of five years from the**
24 **day the notice was posted. The entity posting notices shall list notices grouped by the**
25 **county in which the property is located. Where the property to be sold is located in more**
26 **than one county, the notices shall be posted under each county in which a part of the**
27 **property is located. The entity providing notice shall issue an affidavit at the conclusion**
28 **of posting. The affidavit shall state the dates the notice was posted, that the entity is in**
29 **compliance with the requirements of this section, and shall have a copy of such notice**
30 **attached to the affidavit; or**

31 **(2) A notice** inserted for at least twenty times, and continued to the day of the sale, in
32 some daily newspaper, in counties having cities of fifty thousand inhabitants or more, and in all
33 other counties such notice shall be given by advertisement in some weekly newspaper published
34 in such county for four successive issues, the last insertion to be not more than one week prior
35 to the day of sale, or in some daily, triweekly or semiweekly paper published in such county at
36 least once a week for four successive weeks. Such notice shall appear on the same day of each
37 week, the last insertion to be not more than one week prior to the day of sale, and if there be no
38 newspaper published in such county or city, such notice shall be published in the nearest
39 newspaper thereto in this state. Nothing in this section shall be construed to authorize the giving
40 of any shorter notice than that required by such mortgage or deed of trust. Where the property
41 to be sold lies wholly or in part within the corporate limits of any city having or that may
42 hereafter have a population of fifty thousand inhabitants or more, then the notice provided for
43 in this section shall be published in a daily newspaper in such city and where the property to be
44 sold lies wholly or in part within the corporate limits of a city extending into two or more
45 counties, then the notice provided for in this section shall be published in some newspaper
46 published in the county in which the property lies, in the manner provided in this section for
47 publication in such county, even though such property may lie in a city having a population of
48 fifty thousand inhabitants or more. Where the property to be sold is located in more than one
49 county, the notices required in this section shall be published in each county in which a part of
50 the property is located. Other provisions of this section to the contrary notwithstanding, in any
51 county of the first class not having a charter form of government and containing a portion of a
52 city with a population over three hundred fifty thousand and in any county of the second class
53 containing a portion of a city with a population over three hundred fifty thousand, the notice
54 requirements of section 443.310 and this section may be met by advertisement in some weekly

55 newspaper published in such counties for four successive issues, the last insertion to be not more
56 than one week prior to the date of the sale.

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