

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1662
101ST GENERAL ASSEMBLY

3849S.05T

2022

AN ACT

To repeal sections 59.310, 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.825, 92.835, 92.840, 92.852, 92.855, 442.130, 442.403, and 442.404, RSMo, and to enact in lieu thereof twenty-four new sections relating to restrictions on real property, with an effective date for a certain section.

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

Section A. Sections 59.310, 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 2 92.810, 92.815, 92.825, 92.835, 92.840, 92.852, 92.855, 442.130, 442.403, and 442.404, 3 RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as 4 sections 59.310, 64.008, 65.710, 71.990, 89.500, 92.720, 92.740, 92.750, 92.760, 92.765, 5 92.770, 92.775, 92.810, 92.815, 92.817, 92.825, 92.835, 92.840, 92.852, 92.855, 260.295, 6 442.130, 442.403, and 442.404, to read as follows:

59.310. 1. The county recorder of deeds may refuse any document presented for 2 recording that does not meet the following requirements:

3 (1) The document shall consist of one or more individual pages printed only on one 4 side and not permanently bound nor in a continuous form. The document shall not have any 5 attachment stapled or otherwise affixed to any page except as necessary to comply with 6 statutory requirements, provided that a document may be stapled together for presentation for 7 recording; a label that is firmly attached with a bar code or return address may be accepted for 8 recording;

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.

9 (2) The size of print or type shall not be smaller than eight-point type and shall be in
10 black or dark ink. Should any document presented for recording contain type smaller than
11 eight-point type, such document shall be accompanied by an exact typewritten copy not
12 smaller than eight-point type to be recorded contemporaneously as additional pages of the
13 document;

14 (3) The document must be of sufficient legibility to produce a clear and legible
15 reproduction thereof. Should any document not be of sufficient legibility to produce a clear
16 and legible reproduction, such document shall be accompanied by an exact typewritten copy
17 not smaller than eight-point type to be recorded contemporaneously as additional pages of the
18 document;

19 (4) The document shall be on white ~~paper~~ or light-colored **paper** of not less than
20 twenty-pound weight without watermarks or other visible inclusions, except for plats and
21 surveys, which may be on materials such as Mylar or velum. All text within the document
22 shall be of sufficient color and clarity to ensure that when the text is reproduced from record,
23 it shall be readable;

24 (5) All signatures on a document shall be in black or dark ink, such that such
25 signatures shall be of sufficient color and clarity to ensure that when the text is reproduced
26 from record, it shall be readable, and shall have the corresponding name typed, printed or
27 stamped underneath said signature. The typing or printing of any name or the applying of an
28 embossed or inked stamp shall not cover or otherwise materially interfere with any part of the
29 document except where provided for by law;

30 (6) The documents shall have a top margin of at least three inches of vertical space
31 from left to right, to be reserved for the recorder of deeds' certification and use. All other
32 margins on the document shall be a minimum of three-fourths of one inch on all sides.
33 Nonessential information such as form numbers, page numbers or customer notations may be
34 placed in the margin. A document may be recorded if a minor portion of a seal or incidental
35 writing extends beyond the margins. The recorder of deeds will not incur any liability for not
36 showing any seal or information that extends beyond the margins of the permanent archival
37 record.

38 2. Every document containing any of the items listed in this subsection that is
39 presented for recording, except plats and surveys, shall have such information on the first
40 page below the three-inch horizontal margin:

41 (1) The title of the document;

42 (2) The date of the document;

43 (3) All grantors' names **and marital status**;

44 (4) All grantees' names;

45 (5) Any statutory addresses;

- 46 (6) The legal description of the property; and
47 (7) Reference book and pages for statutory requirements, if applicable.

48

49 If there is not sufficient room on the first page for all of the information required by this
50 subsection, the page reference within the document where the information is set out shall be
51 stated on the first page.

52 3. From January 1, 2002, documents which do not meet the requirements set forth in
53 this section may be recorded for an additional fee of twenty-five dollars, which shall be
54 deposited in the recorders' fund established pursuant to subsection 1 of section 59.319.

55 4. Documents which are exempt from format requirements and which the recorder of
56 deeds may record include the following:

- 57 (1) Documents which were signed prior to January 1, 2002;
58 (2) Military separation papers;
59 (3) Documents executed outside the United States;
60 (4) Certified copies of documents, including birth and death certificates;
61 (5) Any document where one of the original parties is deceased or otherwise
62 incapacitated; and
63 (6) Judgments or other documents formatted to meet court requirements.

64 5. Any document rejected by a recorder of deeds shall be returned to the preparer or
65 presenter accompanied by an explanation of the reason it could not be recorded.

66 6. Recordors of deeds shall be allowed fees for their services as follows:

- 67 (1) For recording every deed or instrument: five dollars for the first page and three
68 dollars for each page thereafter except for plats and surveys;
69 (2) For copying or reproducing any recorded instrument, except surveys and plats: a
70 fee not to exceed two dollars for the first page and one dollar for each page thereafter;
71 (3) For every certificate and seal, except when recording an instrument: one dollar;
72 (4) For recording a plat or survey of a subdivision, outlets or condominiums: twenty-
73 five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-
74 four inches in width by eighteen inches in height. For recording a survey of one or more
75 tracts: five dollars for each sheet of drawings or calculations based on a size not to exceed
76 twenty-four inches in width by eighteen inches in height. Any plat or survey larger than
77 eighteen inches by twenty-four inches shall be counted as an additional sheet for each
78 additional eighteen inches by twenty-four inches, or fraction thereof, plus five dollars per
79 page of other material;
80 (5) For copying a plat or survey of one or more tracts: a fee not to exceed five dollars
81 for each sheet of drawings and calculations not larger than twenty-four inches in width and
82 eighteen inches in height and one dollar for each page of other material;

83 (6) For a document which releases or assigns more than one item: five dollars for
84 each item beyond one released or assigned in addition to any other charges which may apply;

85 (7) For every certified copy of a marriage license or application for a marriage
86 license: two dollars;

87 (8) For duplicate copies of the records in a medium other than paper, the recorder of
88 deeds shall set a reasonable fee not to exceed the costs associated with document search and
89 duplication; and

90 (9) For all other use of equipment, personnel services and office facilities, the
91 recorder of deeds may set a reasonable fee.

**64.008. 1. As used in this section, the term "home-based work" means any
2 lawful occupation performed by a resident within a residential home or accessory
3 structure, which is clearly incidental and secondary to the use of the dwelling unit for
4 residential purposes and does not change the residential character of the residential
5 building or adversely affect the character of the surrounding neighborhood.**

**6 2. A zoning ordinance or regulation adopted pursuant to this chapter that
7 regulates home-based work shall not:**

8 (1) Prohibit mail order or telephone sales for home-based work;

9 (2) Prohibit service by appointment within the home or accessory structure;

**10 (3) Prohibit or require structural modifications to the home or accessory
11 structure;**

12 (4) Restrict the hours of operation for home-based work; or

**13 (5) Restrict storage or the use of equipment that does not produce effects outside
14 the home or accessory structure.**

**15 3. A zoning ordinance or regulation adopted pursuant to this chapter that
16 regulates home-based work shall not contain provisions that explicitly restrict or
17 prohibit a particular occupation.**

**18 4. The application of this section does not supersede any deed restriction,
19 covenant, or agreement restricting the use of land nor any master deed, by law or other
20 document applicable to a common interest ownership community.**

**65.710. 1. As used in this section, the term "home-based work" means any
2 lawful occupation performed by a resident within a residential home or accessory
3 structure, which is clearly incidental and secondary to the use of the dwelling unit for
4 residential purposes and does not change the residential character of the residential
5 building or adversely affect the character of the surrounding neighborhood.**

**6 2. A zoning ordinance or regulation adopted pursuant to this chapter that
7 regulates home-based work shall not:**

8 (1) Prohibit mail order or telephone sales for home-based work;

- 9 **(2) Prohibit service by appointment within the home or accessory structure;**
10 **(3) Prohibit or require structural modifications to the home or accessory**
11 **structure;**
12 **(4) Restrict the hours of operation for home-based work; or**
13 **(5) Restrict storage or the use of equipment that does not produce effects outside**
14 **the home or accessory structure.**

15 **3. A zoning ordinance or regulation adopted pursuant to this chapter that**
16 **regulates home-based work shall not contain provisions that explicitly restrict or**
17 **prohibit a particular occupation.**

18 **4. The application of this section does not supersede any deed restriction,**
19 **covenant, or agreement restricting the use of land nor any master deed, by law or other**
20 **document applicable to a common interest ownership community.**

71.990. 1. As used in this section, the following terms mean:

- 2 **(1) "Goods", any merchandise, equipment, products, supplies, or materials;**
3 **(2) "Home-based business", any business operated in a residential dwelling that**
4 **manufactures, provides, or sells goods or services and that is owned and operated by the**
5 **owner or tenant of the residential dwelling.**

6 **2. Any person who resides in a residential dwelling may use the residential**
7 **dwelling for a home-based business unless such use is restricted by:**

- 8 **(1) Any deed restriction, covenant, or agreement restricting the use of land; or**
9 **(2) Any master deed, bylaw, or other document applicable to a common-interest**
10 **ownership community.**

11 **3. Except as prescribed under subsection 4 of this section, a political subdivision**
12 **shall not prohibit the operation of a no-impact, home-based business or otherwise**
13 **require a person to apply for, register for, or obtain any permit, license, variance, or**
14 **other type of prior approval from the political subdivision to operate a no-impact,**
15 **home-based business. For the purposes of this section, a home-based business qualifies**
16 **as a no-impact, home-based business if:**

- 17 **(1) The total number of employees and clients on-site at one time does not exceed**
18 **the occupancy limit for the residential dwelling; and**
19 **(2) The activities of the business:**
20 **(a) Are limited to the sale of lawful goods and services;**
21 **(b) May involve having more than one client on the property at one time;**
22 **(c) Do not cause a substantial increase in traffic through the residential area;**
23 **(d) Do not violate any parking regulations established by the political**
24 **subdivision;**

25 (e) Occur inside the residential dwelling or in the yard of the residential
26 dwelling;

27 (f) Are not visible from the street; and

28 (g) Do not violate any narrowly tailored regulation established under subsection
29 4 of this section.

30 4. A political subdivision may establish reasonable regulations on a home-based
31 business if the regulations are narrowly tailored for the purpose of:

32 (1) Protecting the public health and safety, including regulations related to fire
33 and building codes, health and sanitation, transportation or traffic control, solid or
34 hazardous waste, pollution, and noise control; or

35 (2) Ensuring that the business activity is compliant with state and federal law
36 and paying applicable taxes.

37 5. No political subdivision shall require a person, as a condition of operating a
38 home-based business, to:

39 (1) Rezone the property for commercial use;

40 (2) Obtain a home-based business license; or

41 (3) Install or equip fire sprinklers in a single-family detached residential
42 dwelling or any residential dwelling with no more than two dwelling units.

43 6. Whether a regulation complies with this section is a judicial question.

89.500. 1. As used in this section, the term "home-based work" means any
2 lawful occupation performed by a resident within a residential home or accessory
3 structure, which is clearly incidental and secondary to the use of the dwelling unit for
4 residential purposes and does not change the residential character of the residential
5 building or adversely affect the character of the surrounding neighborhood.

6 2. A zoning ordinance or regulation adopted pursuant to this chapter that
7 regulates home-based work shall not:

8 (1) Prohibit mail order or telephone sales for home-based work;

9 (2) Prohibit service by appointment within the home or accessory structure;

10 (3) Prohibit or require structural modifications to the home or accessory
11 structure;

12 (4) Restrict the hours of operation for home-based work; or

13 (5) Restrict storage or the use of equipment that does not produce effects outside
14 the home or accessory structure.

15 3. A zoning ordinance or regulation adopted pursuant to this chapter that
16 regulates home-based work shall not contain provisions that explicitly restrict or
17 prohibit a particular occupation.

18 **4. The application of this section does not supersede any deed restriction,**
19 **covenant, or agreement restricting the use of land nor any master deed, by law or other**
20 **document applicable to a common interest ownership community.**

92.720. 1. If any of the lands or town lots contained in the back tax book or list of
2 delinquent lands or lots remain unredeemed on the first day of January, the collector may file
3 suit in the circuit court against such lands or lots to enforce the lien of the state and city as
4 herein provided in sections 92.700 to 92.920.

5 2. The collector shall note opposite such tract in the back tax book the fact that suit
6 has been commenced.

7 3. The collector shall compile lists of all state, city, school and other tax bills
8 collectible by him which are delinquent according to his records and he shall assign a serial
9 number to each parcel of real estate in each list and if suit has been filed in the circuit court of
10 the city on any delinquent tax bill included in any list, the collector shall give the court docket
11 number of each suit.

12 4. The sheriff may appoint the collector and the collector's deputies as deputy sheriffs,
13 and when so appointed they may serve all process in matters pertaining to sections 92.700 to
14 92.920 with like effect as the sheriff himself might do.

15 5. No action for recovery of taxes against real estate shall be commenced, had or
16 maintained, unless action therefor shall be commenced within five years after delinquency.

17 **6. For any improved parcel identified by a city operating under sections 92.700**
18 **to 92.920 as being vacant, the collector shall, within no more than two years after**
19 **delinquency, file suit in the circuit court against such lands or lots to enforce the lien of**
20 **the state and the city as provided in sections 92.700 to 92.920. Failure of the collector to**
21 **bring suit within the time frame prescribed herein shall not constitute a defense or bar**
22 **an action for the collection of taxes as otherwise provided by this section.**

92.740. 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 and with the land reutilization
3 authority a petition, which petition shall contain a caption, a copy of the list prepared by the
4 collector, and a prayer. Such petition without further allegation shall be deemed to be
5 sufficient.

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

7 In the Circuit Court of _____ Missouri,

8 In the Matter of

9 Foreclosure of Liens for Delinquent Land Taxes

10 By Action in Rem.

11 Collector of Revenue of _____, Missouri, Plaintiff

12 -vs-

13 Parcels of Land Encumbered with Delinquent Tax Liens, Defendants

14 3. The petition shall conclude with a prayer that all tax liens upon such real estate be
15 foreclosed; that the court determine the amounts and priorities of all tax bills, together with
16 interest, penalties, costs, and attorney's fees; that the court order such real estate to be sold by
17 the sheriff at public sale as provided by sections 92.700 to 92.920 and that thereafter a report
18 of such sale be made by the sheriff to the court for further proceedings under the provisions of
19 sections 92.700 to 92.920.

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

23 **5. For each petition filed, the collector shall make available to the public a list**
24 **detailing each parcel included in the suit.**

92.750. 1. **Except as otherwise provided in subsection 4 of this section,** any person
2 having any right, title, or interest in, or lien upon, any parcel of real estate described in such
3 petition may redeem such parcel of real estate by paying to the collector all of the sums
4 mentioned therein, including principal, interest, penalties, attorney's fees and costs then due,
5 at any time prior to the time of the foreclosure sale of such real estate by the sheriff.

6 2. In the event of failure to redeem prior to the time of the foreclosure sale by the
7 sheriff, such person shall be barred and forever foreclosed of all his right, title and interest in
8 and to the parcels of real estate described in such petition.

9 3. Upon redemption, as permitted by this section, the person redeeming shall be
10 entitled to a certificate of redemption from the collector describing the property in the same
11 manner as it is described in such petition, and the collector shall thereupon note on his records
12 the word "redeemed" and the date of such payment opposite the description of such parcel of
13 real estate.

14 **4. For any improved nonhomestead parcel, any person having any right, title, or**
15 **interest in, or lien upon, any parcel of real estate described in the petition may redeem**
16 **such parcel of real estate at any time prior to the time of the foreclosure sale of such real**
17 **estate by the sheriff by paying to the collector all of the sums due as of the date of**
18 **redemption mentioned therein, including principal, interest, penalties, attorney's fees,**
19 **and costs then due including, but not limited to, all debts owed to the city, exclusive of**
20 **any debts owed to any statutorily created sewer district, that are known to the collector**
21 **and that may be collected pursuant to section 67.451, such as amounts for water,**
22 **forestry, nuisance abatement, special tax bills, and vacant building assessments.**

92.760. 1. The collector shall also cause to be prepared and mailed in an envelope
2 with postage prepaid, within thirty days after the filing of such petition, a brief notice of the

3 filing of the suit, to the persons named in the petition as ~~[being the owners]~~ **having an**
4 **interest in the parcel**, according to the records of the assessor for, **or otherwise known to**
5 **the collector**, the respective parcels of real estate described in the petition. The notices shall
6 be sent to the addresses ~~[of such persons upon the records of the assessor]~~ **most likely to**
7 **apprise the parties of the proceedings as provided**, and in the event that any name or
8 address does not appear on the records of the assessor, with respect to any parcel of real
9 estate, the collector shall so state in an affidavit, giving the serial number of each parcel of
10 real estate affected. Such affidavit shall be filed in the suit with the circuit clerk not later than
11 sixty days after the date of the first publication of the notice of foreclosure. The failure of the
12 collector to mail the notice as provided in this section shall invalidate any proceedings
13 brought pursuant to the provisions of sections 92.700 to 92.920. The failure of the collector
14 to file the affidavit as provided in this section shall not affect the validity of any proceedings
15 brought pursuant to the provisions of sections 92.700 to 92.920.

16 2. Such notice shall be substantially as follows:

17 To the person to whom this notice is addressed:

18 According to ~~[the]~~ **available** records ~~[in the assessor's~~
19 ~~office]~~, you ~~[are the record owner as to]~~ **have a legal**
20 **interest in** one or more parcels of real estate described in
21 a certain petition bearing cause No. _____ (fill in
22 number of case) filed in the Circuit Court of _____,
23 Missouri, at _____ (fill in city), on _____, 20_____,
24 wherein a foreclosure of the lien of various delinquent
25 tax bills is sought and a court order asked for the purpose
26 of selling such real estate at a public sale for payment of
27 all delinquent tax bills, together with interest, penalties,
28 attorney's fees and costs. Publication of notice of such
29 foreclosure was commenced on the _____ day of _____
30 _____, 20_____, in _____ (here insert name of city),
31 Missouri.

32 THE COLLECTOR OF THE CITY OF _____ (Insert
33 name of city) HAS FILED A LAWSUIT AGAINST
34 YOUR PROPERTY. THE LAWSUIT SAYS THAT
35 YOU ARE BEHIND ON YOUR PROPERTY TAXES.
36 YOU COULD LOSE YOUR PROPERTY IF YOU
37 DON'T DO ANYTHING ABOUT THIS.
38 YOU HAVE A RIGHT TO ENTER INTO AN
39 AGREEMENT WITH THE COLLECTOR TO BRING

40 YOUR TAXES UP TO DATE. YOU MAY CONTACT
 41 THE COLLECTOR BY CALLING _____ (Insert
 42 telephone number of collector). IF YOU DO NOT
 43 UNDERSTAND THIS NOTICE, OR YOU DO NOT
 44 KNOW WHAT TO DO, YOU MAY CALL THIS
 45 OFFICE FOR FURTHER EXPLANATION OR SEE A
 46 LAWYER RIGHT AWAY.

47 Unless all delinquent taxes be paid upon the parcels of
 48 real estate described in such petition and such real estate
 49 redeemed prior to the time of the foreclosure sale of such
 50 real estate by the sheriff, the owner or any person
 51 claiming any right, title or interest in or to, or lien upon,
 52 any such parcels of real estate shall be forever barred and
 53 foreclosed of all right, title and interest and equity of
 54 redemption in and to such parcels of real estate; except
 55 that any such persons shall have the right to file an
 56 answer in said suit on or before the _____ day of _____
 57 _____, 20_____, in the office of the Circuit Clerk and a copy
 58 thereof to the Collector, setting forth in detail the nature
 59 and amount of the interest and any defense or objection
 60 to the foreclosure. Dated _____

61 _____
 62 Collector of Revenue
 63 _____, Missouri
 64 (Name of City)
 65 Address _____

2 92.765. Affidavits of publication of notice of foreclosure, and of posting, mailing, or
 3 other acts required by the provisions of sections 92.700 to 92.920 shall be filed in the office of
 4 the circuit clerk prior to the trial, and when so filed shall constitute part of the evidentiary
 5 documents in the foreclosure suit. Such affidavits shall be prima facie evidence of the
 6 performance of acts therein described, and may be so used in the trial of the suit, unless
 7 challenged by verified answer duly filed in the suit. **The collector shall file with the court**
 8 **an affidavit of compliance with notice requirements of sections 92.700 to 92.920 prior to**
 9 **any sheriff's sale. The affidavit shall include the identities of all parties to whom notice**
 10 **was attempted and by what means. In the case of mailed notice returned undeliverable,**
the collector's affidavit shall certify that additional notice was attempted and by what

11 **means. The expense of complying with this section shall be taxed and collected as other**
12 **costs in the suit.**

13 92.770. 1. The collector may employ such attorneys as he deems necessary to collect
14 such taxes and to prosecute suits for taxes.

15 2. Such attorneys shall receive as total compensation a sum, not to exceed six percent
16 of the amount of taxes actually collected and paid into the treasury, and an additional sum not
17 to exceed two dollars for each suit filed when publication is not necessary and not to exceed
18 five dollars where publication is necessary, as may be agreed upon in writing and approved by
19 the collector, before such services are rendered.

20 3. The ~~attorney~~ **attorney's** fees shall be taxed as costs in the suit and collected as
21 other costs.

22 92.775. 1. Upon the trial of the cause upon the question of foreclosure, the tax bill
23 shall be prima facie proof that the tax described in the tax bill has been validly assessed at the
24 time indicated by the tax bill and that the tax is unpaid. Any person alleging any
25 jurisdictional defect or invalidity in the tax bill or in the sale thereof must particularly specify
26 in his answer the defect or basis of invalidity, and must, upon trial, affirmatively establish
such defense.

1 2. After the court has first determined the validity of the tax liens of all tax bills
2 affecting parcels of real estate described in the petition, the priorities of the respective tax
3 bills and the amounts due thereon, including principal, interest, penalties, attorney's fees, and
4 costs, the court shall thereupon enter judgment of foreclosure of such liens and fix the time
5 and place of the foreclosure sale. The petition shall be dismissed as to any parcel of real
6 estate redeemed prior to the time fixed for the sheriff's foreclosure sale as provided in sections
7 92.700 to 92.920. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold
8 for a sum sufficient to fully pay the principal amount of all tax bills included in the judgment,
9 together with interest, penalties, attorney's fees and costs, and for no more, and such sale is
10 confirmed by the court, then all other proceedings as to such parcels of real estate shall be
11 finally dismissed as to all parties and interests other than tax bill owners or holders; provided,
12 however, that any parties seeking relief other than an interest in or lien upon the real estate
13 may continue with said suit to a final adjudication of such other issues; provided, further, an
14 appeal may be had as to any claim attacking the validity of the tax bill or bills or the priorities
15 as to payment of proceeds of foreclosure sale. If the parcel of real estate auctioned off at
16 sheriff's foreclosure sale is sold for a sum greater than the total amount necessary to pay the
17 principal amount of all tax bills included in the judgment, together with interest, penalties,
18 attorney's fees and costs, and such sale is confirmed by the court, and no appeal is taken by
19 any person claiming any right, title or interest in or to or lien upon said parcel of real estate or
20 by any person or taxing authority owning or holding or claiming any right, title or interest in

27 or to any tax bills within the time fixed by law for the filing of notice of appeal, the court shall
28 thereupon order the sheriff to make distribution to the owners or holders of the respective tax
29 bills included in the judgment of the amounts found to be due and in the order of priorities.
30 Thereafter all proceedings in the suit shall be ordered by the court to be dismissed as to such
31 persons or taxing authorities owning, holding or claiming any right, title or interest in any
32 such tax bill or bills so paid, and the case shall proceed as to any parties claiming any right,
33 title, or interest in or lien upon the parcel of real estate affected by such tax bill or bills as to
34 their respective claims to such surplus funds then remaining in the hands of the sheriff. **The**
35 **receipt of such surplus funds shall constitute a bar to any claim of right, title, or interest**
36 **in, or lien upon, said parcel of real estate, by the fund recipient.**

37 3. Whenever an answer is filed to the petition, as herein provided, a severance of the
38 action as to all parcels of real estate affected by such answer shall be granted, and the issues
39 raised by the petition and such answer shall be tried separate and apart from the other issues
40 in the suit, but the granting of such severance shall not delay the trial or other disposition of
41 any other issue in the case. A separate appeal may be taken from any other issue in the case.
42 A separate appeal may be taken from any action of the court affecting any right, title or
43 interest in or to, or lien upon, such real estate, other than issues of law and fact affecting the
44 amount or validity of the lien of tax bills, but the proceeding to foreclose the lien of any tax
45 bills shall not be stayed by such appeal. The trial shall be conducted by the court without the
46 aid of a jury and the suit shall be in equity. This action shall take precedence over and shall
47 be triable before any other action in equity affecting the title to such real estate, upon motion
48 of any interested party.

92.810. 1. After the judgment of foreclosure has been entered, or, after a motion for a
2 new trial has been overruled, or, if an appeal be taken from such judgment and the judgment
3 has been affirmed, after the sheriff shall have been notified by any party to the suit that such
4 judgment has been affirmed on appeal and that the mandate of the appellate court is on file
5 with the circuit clerk, there shall be a waiting period of six months before any advertisement
6 of sheriff's sale shall be published.

7 2. If any such parcel of real estate be not redeemed, or if no written contract providing
8 for redemption be made within six months after the date of the judgment of foreclosure, if no
9 motion for rehearing be filed, and, if filed, within six months after such motion may have
10 been overruled, or, if an appeal be taken from such judgment and the judgment be affirmed,
11 within six months after the sheriff shall have been notified by any party to the suit that such
12 judgment has been affirmed on appeal and that the mandate of the appellate court is on file
13 with the circuit clerk, the sheriff shall, after giving the ~~[notice]~~ **notices** required by
14 ~~[subsection 3]~~ **subsections 4 and 5** of this section, commence to advertise the real estate
15 described in the judgment and shall fix the date of sale within thirty days after the date of the

16 first publication of the notice of sheriff's sale as herein provided, and shall at such sale
17 proceed to sell the real estate.

18 **3. No later than one hundred twenty days prior to the sheriff's sale, the collector**
19 **shall obtain a title abstract or report on any unredeemed parcels. Such title abstract or**
20 **report shall be obtained from a licensed title company or attorney and subject to a**
21 **public and competitive bidding process administered by the collector and conducted**
22 **triennially. The title report shall include all conveyances, liens, and charges against the**
23 **real estate, and the names and mailing addresses of any interested parties and**
24 **lienholders. The charges of said abstract or report shall be taxed as costs and shall be**
25 **paid as other costs in the case.**

26 **4. No later than twenty days prior to the sheriff's sale, the collector shall send**
27 **notice of the sale to the lienholders and interested parties, as disclosed upon the title**
28 **abstract or report of the real estate for which tax bills thereon are delinquent. The**
29 **notice shall provide the date, time, and place of the sale. The notice shall also state that**
30 **the parcel may be redeemed prior to the sale as specified in section 92.750 or by entering**
31 **into an agreement with the collector to pay the taxes included in the foreclosure suit**
32 **under section 92.740. The notice required by this subsection shall be mailed in an**
33 **envelope with postage prepaid. The cost of the mailing and notice as required by this**
34 **subsection shall be included as costs in the case.**

35 **5. No later than ~~twenty~~ forty days prior to the sheriff's sale, the ~~sheriff~~ collector**
36 **shall send notice of the sale to the ~~owner or owners,~~ parties having interest in the parcel**
37 **as disclosed upon the records of the assessor, or otherwise known to the collector, of the**
38 **real estate for which tax bills thereon are delinquent. ~~[The search of the records of the~~**
39 **~~assessor must be made not more than forty days prior to the sending of this notice]~~ The notice**
40 **shall be sent to the addresses most likely to apprise the parties of the proceedings as**
41 **provided.** The notice shall provide the date, time and place of the sale. The notice shall also
42 state that ~~[the property owner]~~ **an interested party** may avoid the sale by redeeming such
43 parcel of real estate prior to the sale as specified in section 92.750 or, **if applicable**, by
44 entering into an agreement with the collector to pay the taxes included in the foreclosure suit
45 under section 92.740. The notice required by this subsection shall be mailed in an envelope
46 with postage prepaid. The cost of ~~[the title search,]~~ mailing and notice as required by this
47 subsection shall be included as costs ~~[at the sale of the real estate]~~ **in the case.**

48 **6. No later than twenty days prior to the sheriff's sale, the sheriff shall enter**
49 **upon the parcel subject to foreclosure of these tax liens and post a written informational**
50 **notice in a conspicuous location, attached to a structure, and intended to be visible by**
51 **the nearest public right-of-way. This notice shall describe the property; shall advise that**
52 **it is the subject of delinquent land tax collection proceedings brought pursuant to**

53 sections 92.700 to 92.920 and that it may be sold for the payment of delinquent taxes at a
54 sale to be held at a certain time, date, and place; and shall contain the serial number and
55 the phone number and address of the collector, as well as a statement of the prohibition
56 against removal unless the parcel has been redeemed. The notice shall be not less than
57 eight inches by ten inches and shall be laminated or otherwise sufficiently
58 weatherproofed to withstand normal exposure to rain, snow, and other conditions.
59 The sheriff shall document, by time-stamped photograph, compliance with this section,
60 make said documentation generally available upon request, and provide verification by
61 affidavit of compliance with this section. The cost of notice as required by this
62 subsection shall be included as costs in the case.

63 7. In addition to the other notice requirements of this section, no later than
64 twenty days prior to the sheriff's sale, the sheriff shall attempt in-person notice that
65 shall describe the property; that shall advise that it is the subject of delinquent land tax
66 collection proceedings brought pursuant to sections 92.700 to 92.920 and that it may be
67 sold for the payment of delinquent taxes at a sale to be held a certain time, date, and
68 place; and that shall contain the serial number and phone number and address of the
69 collector. In-person notice may be provided to any person found at the property. The
70 sheriff shall note the date and time of attempted notice and the name, description, or
71 other identifying information regarding the person to whom notice was attempted. The
72 sheriff shall document compliance with this section, make said documentation generally
73 available upon request, and provide verification by affidavit of compliance with this
74 section. The cost of notice as required by this subsection shall be included as costs in the
75 case.

76 [4-] 8. Notwithstanding the provisions of this section to the contrary, any residential
77 property which has not been redeemed by the end of the waiting period required by this
78 section which has been determined to be of substandard quality or condition under the
79 standards established by the residential renovation loan commission pursuant to sections
80 67.970 to 67.983 may, upon the request of the residential renovation loan commission, be
81 transferred to the residential renovation loan commission for the purpose of renovation of the
82 property. Any such property transferred pursuant to this subsection shall be renovated and
83 sold by the residential renovation loan commission in the manner prescribed in sections
84 67.970 to 67.983. The residential renovation loan commission shall reimburse the land
85 reutilization authority for all expenses directly incurred in relation to such property under
86 sections 92.700 to 92.920 prior to the transfer.

92.815. 1. During such waiting period and at any time prior to the time of foreclosure
2 sale by the sheriff, any interested party may redeem any parcel of real estate as provided by
3 sections 92.700 to 92.920; except that during such time and at any time prior to the time of

4 foreclosure sale by the sheriff, the collector shall enter into a written redemption contract with
5 the owner of any real estate occupied as a homestead and who has not previously defaulted
6 upon any such written redemption contract, provided that in no instance shall such
7 installments exceed twelve in number or extend more than twenty-four months next after any
8 agreement for such installment payments shall have been entered into; provided further, that
9 upon good cause being shown by the owner of any parcel of real estate occupied as a
10 homestead, or in the case of improved real estate with a total assessed valuation of not more
11 than five thousand dollars, owned by an individual, the income from such property being a
12 major factor in the total income of such individual, or by anyone on his behalf, the court may,
13 in its discretion, fix the time and terms of payment in such contract to permit all of such
14 installments to be paid within not longer than forty-eight months after any order or agreement
15 as to installment payments shall have been made. **The collector shall not enter into a
16 redemption contract with respect to any improved parcel not occupied as a homestead.**

17 2. So long as such installments be paid according to the terms of the contract, the six
18 months' waiting period shall be extended, but if any installment be not paid when due, the
19 extension of the waiting period shall be ended and the real estate shall immediately be
20 advertised for sale or included in the next notice of sheriff's foreclosure sale. Notice shall also
21 be sent to the redemption contract [~~payer~~] payer as specified in subsection [3] 4 of section
22 92.810.

23 **3. On an annual basis, the collector shall make publicly available the number of
24 parcels under redemption contract under this section.**

**92.817. 1. The court shall stay the sale of any parcel to be sold under execution
2 of a tax foreclosure judgment obtained under this chapter, which is the subject of an
3 action filed under sections 447.620 to 447.640, provided that the party that has brought
4 such an action has, upon an order of the court, paid into the circuit court the principal
5 amount of all land taxes then due and owing under the tax foreclosure judgment,
6 exclusive of penalties and interest, prior to the date of any proposed sale under
7 execution.**

8 **2. Upon the granting by the court of temporary possession of any property
9 under section 447.632, upon order, the circuit court shall direct payment to the collector
10 of all principal land taxes theretofore paid to the circuit court. In addition, in any order
11 granting a final judgment or deed under section 447.625 or 447.640, the court shall also
12 order the permanent extinguishment of penalties and interest arising from actions to
13 collect delinquent land taxes due on the parcel against the grantee of said deed, and all
14 successors in interest; excepting however, any defendant in such action.**

15 **3. If an owner of the parcel moves the court for restoration of possession under
16 section 447.638, the owner shall pay into the circuit court all land tax amounts currently**

17 **due and owing on the property, including all statutory penalties, interest, attorney's fees,**
18 **and court costs retroactive to the date of accrual. Upon an order granting the**
19 **restoration of possession to an owner under section 447.638, the court shall order that**
20 **the funds paid to the court under subsection 2 of this section be returned to the payer,**
21 **and that the funds paid to the court under this subsection be paid out to the collector.**

22 **4. If the party that brought the action under sections 447.620 to 447.640**
23 **dismisses its action prior to gaining temporary possession of the property, it shall**
24 **recover any amounts paid into the circuit court prior to that date for principal land**
25 **taxes.**

92.825. 1. The sale shall be conducted, the sheriff's return thereof made, and the
2 sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate
3 taken under execution except as otherwise provided in sections 92.700 to 92.920, and
4 provided that such sale need not occur during the term of court or while the court is in session.

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

9 3. The collector shall advance from current tax collections the sums necessary to pay
10 for the publication of all advertisements required by the provisions of sections 92.700 to
11 92.920 and shall be allowed credit therefor in his accounts with the taxing authorities on a pro
12 rata basis. He shall give credit in such accounts for all such advances recovered by him.
13 Such expenses of publication shall be apportioned pro rata among and taxed as costs against
14 the respective parcels of real estate described in the judgment; provided, however, that none
15 of the costs herein enumerated, including the costs of publication, shall constitute any lien
16 upon the real estate after such sale.

17 **4. No person shall be eligible to bid at the time of the sheriff's sale unless such**
18 **person has, no later than ten days before the sale date, demonstrated to the satisfaction**
19 **of the collector or sheriff that the person is not the owner of any parcel of real estate in**
20 **the city that is subject to delinquent property taxes, unpaid special tax bills, or vacant**
21 **building fees. A prospective bidder shall be prohibited from participating in the**
22 **delinquent land tax sale if he or she has previously bid at a sheriff's sale and failed to**
23 **pay bid amounts, confirm the sale, or sign a sheriff's deed. The collector or sheriff may**
24 **require prospective bidders to submit an affidavit attesting to the requirements of this**
25 **section and is expressly authorized to permanently preclude any prospective bidder**
26 **from participating in the sale for failure to comply with this section. Notwithstanding**
27 **the provisions of this section, any taxing authority or land reutilization authority shall**
28 **be eligible to bid at any sale conducted under this section without making such a**

29 **demonstration.** The purchaser at a sale conducted by the sheriff shall pay cash immediately
30 at the end of bidding of each parcel on the day of the sale in an amount including all taxes
31 **then** due and owing, **which may be in an amount in excess of or less than the judgment**
32 **amount,** and other costs, **exclusive of any amounts for debts owed to any statutorily**
33 **created sewer district** [~~as otherwise provided by law~~].

92.835. 1. The title to any real estate which shall vest in the land reutilization
2 authority under the provisions of sections 92.700 to 92.920 shall be held by the land
3 reutilization authority of the city in trust for the tax bill owners and taxing authorities having
4 an interest in any tax liens which were foreclosed, as their interests may appear in the
5 judgment of foreclosure.

6 2. The title to any real estate which shall vest in any purchaser, upon confirmation of
7 such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way
8 thereon of public utilities on which tax has been otherwise paid, and subject to any tax lien
9 thereon of the United States of America, if any, and all persons, including the state of
10 Missouri, **any taxing authority or tax district as defined herein, judgment creditors,**
11 **lienholders,** minors, incapacitated and disabled persons, and nonresidents who may have had
12 any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands shall
13 be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of
14 redemption, and the court shall order immediate possession of such real estate be given to
15 such purchaser[; ~~provided, however, that such title shall also be subject to the liens of any tax~~
16 ~~bills which may have attached to such parcel of real estate prior to the time of the filing of the~~
17 ~~petition affecting such parcel of real estate not then delinquent, or which may have attached~~
18 ~~after the filing of the petition and prior to sheriff's sale and not included in any answer to such~~
19 ~~petition, but~~]. If such parcel of real estate is sold to the land reutilization authority the title
20 thereto shall be free of any [~~such~~] liens to the extent of the interest of any taxing authority in
21 such real estate; provided further, that such title shall not be subject to the lien of special tax
22 bills [~~which has attached to the parcel of real estate prior to January 1, 1972, but the lien of~~
23 ~~such special tax bills shall attach to the proceeds of the sheriff's sale or to the proceeds of the~~
24 ~~ultimate sale of such parcel by the land reutilization authority~~].

92.840. 1. **Within six months** after the sheriff sells any parcel of real estate, the court
2 shall, upon its own motion or upon motion of any interested party, set the cause down for
3 hearing to confirm **or set aside** the foreclosure sale of the real estate, even though such
4 parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure
5 sale. Notice of the hearing shall be sent by any interested party, or the court, moving to
6 confirm the foreclosure sale, to each person who [~~received~~] **was sent** notice of sale as
7 specified in [~~subsection 3~~] **subsections 4 and 5** of section 92.810 **and to any other**
8 **necessary parties as required by prevailing notions of due process.** At the time of such

9 hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the value
10 of the property offered on behalf of any interested party to the suit, and shall immediately
11 determine whether an adequate consideration has been paid for each such parcel. **Any parcel**
12 **deemed to have been purchased by the land reutilization authority pursuant to section**
13 **92.830 shall not require any inquiry as to value. The court's judgment shall include a**
14 **specific finding that adequate notice was provided to all necessary parties pursuant to**
15 **prevailing notions of due process and sections 92.700 to 92.920, reciting the notice efforts**
16 **of the collector, sheriff, and tax sale purchaser. Nothing in this section shall be**
17 **interpreted to preclude a successful tax sale purchaser from asserting a claim to quiet**
18 **title to the bid upon parcel pursuant to section 527.150.**

19 2. For this purpose, the court shall have power to summon any city official or any
20 private person to testify as to the reasonable value of the property, and if the court finds that
21 adequate consideration has been paid, he shall confirm the sale and order the sheriff to issue a
22 deed with restriction as provided herein to the purchaser subject to the application of an
23 occupancy permit for all parcels as provided in subsection [5] 7 of this section. If the court
24 finds that the consideration paid is inadequate, the purchaser may increase his bid to such
25 amount as the court may deem to be adequate, whereupon the court may confirm the sale. If,
26 however, the purchaser declines to increase his bid and make such additional payment, then
27 the sale shall be disapproved, the lien of the judgment continued, and such parcel of real
28 estate shall be again advertised and offered for sale by the sheriff to the highest bidder at
29 public auction for cash at any subsequent sheriff's foreclosure sale.

30 3. If the sale is confirmed, the court shall order the proceeds of the sale applied in the
31 following order:

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

34 (2) To the payment of all **of the collector and sheriff's** costs including appraiser's fee
35 and attorney's fees;

36 (3) To the payment of all tax bills adjudged to be due in the order of their priority,
37 including principal, interest and penalties thereon. If, after such payment, there is any sum
38 remaining of the proceeds of the sheriff's foreclosure sale, the court shall thereupon try and
39 determine the other issues in the suit in accordance with section 92.775. If any answering
40 parties have specially appealed as provided in section 92.845, the court shall retain the
41 custody of such funds pending disposition of such appeal, and upon disposition of such
42 appeal shall make such distribution. If there are not sufficient proceeds of the sale to pay all
43 claims in any class described, the court shall order the same to be paid pro rata in accordance
44 with the priorities.

45 4. If there are any funds remaining of the proceeds after the sheriff's sale and after the
46 distribution of such funds as set out in this section and no person entitled to any such funds,
47 whether or not a party to the suit, shall, within two years after such sale, appear and claim the
48 funds, ~~they~~ **ten percent** shall be distributed to the **St. Louis Affordable Housing Trust**
49 **Fund or equivalent of such city operating under sections 92.700 to 92.920 for purposes**
50 **that promote the reduction and prevention of vacant properties, blight remediation, and**
51 **cleanup and maintenance of vacant property, with the remainder to be distributed** to the
52 appropriate taxing authorities.

53 5. **Any city operating under the provisions of sections 92.700 to 92.920, by**
54 **ordinance, may elect to allocate a portion of its share of the proceeds of the sheriff's sale**
55 **towards a fund for the purpose of defending against claims challenging the sufficiency of**
56 **notice provisions under this section.**

57 6. For the purpose of this section, the term "occupancy permit" shall mean the
58 certificate of ~~use and~~ **inspection or occupancy permit for residential or commercial**
59 **structures** as provided for in the revised municipal code of any city not within a county,
60 which now has or may hereafter have a population in excess of three hundred thousand
61 inhabitants.

62 ~~6.]~~ 7. If there is a building or structure on the parcel, the purchaser shall apply for an
63 occupancy permit from the city or appropriate governmental agency within ten days after the
64 confirmation hearing. Any purchaser who is a public corporation acting in a governmental
65 capacity shall not be required to acquire the occupancy permit. When a parcel, acquired at a
66 sheriff sale, containing a building is sold from a public corporation acting in a governmental
67 capacity, the subsequent purchaser shall be required to apply for the occupancy permit.
68 Failure to apply for such occupancy permit within ten days after confirmation shall result in
69 the sale and confirmation being immediately set aside by the motion of any interested party
70 and that parcel shall again be advertised and offered for sale by the sheriff to the highest
71 bidder at public auction for cash at any subsequent sheriff foreclosure sale.

72 ~~7.]~~ 8. The sheriff shall include a deed restriction in the sheriff's deed, issued after
73 confirmation and after the application of an occupancy permit for any parcel containing a
74 building or structure. The deed restriction shall state that the purchasers at the sheriff's sale
75 who had the property confirmed and who applied for an occupancy permit shall obtain an
76 occupancy permit for the building or structure from the appropriate governmental agency
77 prior to any subsequent transfer or sale of this property. This deed restriction shall **not** exist
78 as a lien against such real estate ~~[while the purchasers hold same in the amount of five~~
79 ~~thousand dollars]~~. The purchasers of the property at the sheriff sale who had the property
80 confirmed and applied for the occupancy permit shall agree that in the event of their failure to
81 obtain an occupancy permit prior to any subsequent transfer of the property, they shall pay to

82 the sheriff the sum of five thousand dollars as fixed, liquidated and ascertained damages
83 without proof of loss or damages. **These damages shall not constitute a lien on property,**
84 **and** the sheriff shall have the discretionary power to file a lawsuit against such purchaser for
85 collection of these liquidated damages. These liquidated damages shall be distributed on a
86 prorated basis to the appropriate taxing authority after the sheriff deducts all costs, expenses
87 and ~~attorney~~ **attorney's** fees for such lawsuits. The sheriff may employ attorneys as he
88 deems necessary to collect liquidated damages.

89 **9. If any sale is not confirmed within six months after the sale, any set-aside of**
90 **the sale may, at the discretion of the court or collector, include a penalty of twenty-five**
91 **percent of the bid amount over and above the opening bid amount, and such penalty**
92 **shall be directed to the affordable housing trust fund or the equivalent, if any, of a city**
93 **operating under sections 92.700 to 92.920.**

94 **10. Any interested party, other than the sheriff's sale purchaser, who moves the**
95 **court to set aside a sheriff's sale after the issuance of a sheriff's deed made under the**
96 **provisions of sections 92.700 to 92.920 shall be required to pay into the court the**
97 **redemption amount otherwise necessary under section 92.750 prior to the court hearing**
98 **any such motion to set aside. The court may hear any motion to confirm brought under**
99 **the terms of this section if the redemption amount is not paid by the interested party**
100 **moving the court to set aside the sale.**

92.852. Any sheriff's deed given pursuant to the municipal land reutilization law shall
2 be subject to a recording fee for the costs of recording the deed that shall be assessed and
3 collected from the purchaser of the property at the same time the proceeds from the sale are
4 collected. All such deeds shall be recorded at the office of the recorder of deeds within two
5 months after the ~~sheriff's deed is given~~ **court confirms the sale, if no proceeding to set**
6 **aside the confirmation judgment is before the court.**

92.855. Each sheriff's deed given pursuant to the provisions of the municipal land
2 reutilization law shall be ~~presumptive~~ **prima facie** evidence that the suit and all proceedings
3 therein and all proceedings prior thereto from and including assessment of the lands affected
4 thereby and all notices required by law were regular and in accordance with all provisions of
5 the law relating thereto. ~~[After two years from the date of the recording of such sheriff's deed,~~
6 ~~the presumption shall be conclusive, unless at the time that this section takes effect the two-~~
7 ~~year period since the recording of such sheriff's deed has expired, or less than six months of~~
8 ~~such period of two years remains unexpired, in which latter case the presumption shall~~
9 ~~become conclusive six months after September 28, 1971. No suit to set aside or to attack the~~
10 ~~validity of any such sheriff's deed shall be commenced or maintained unless the suit is filed~~
11 ~~prior to the time that the presumption becomes conclusive, as aforesaid.]~~

2 **260.295. No building code adopted by a political subdivision shall prohibit the**
3 **use of refrigerants that are approved for use under the provisions of 42 U.S.C. Section**
4 **7671k or the regulations promulgated thereunder, provided any related equipment is**
5 **installed in accordance with the provisions of 42 U.S.C. Section 7671k or the regulations**
6 **promulgated thereunder. Any provision of a building code that violates this section**
7 **shall be null and void.**

2 442.130. 1. All deeds or other conveyances of lands, or of any estate or interest
3 therein, shall be subscribed by the party granting the same, or by his lawful agent, and shall be
4 acknowledged or proved and certified in the manner herein prescribed.

5 2. All written instruments conveying real estate or any interest in real estate
6 shall state whether any natural person acting as grantors, mortgagors, or other parties
7 executing the instrument are married or unmarried.

2 442.403. 1. Any restrictive covenant recitals on property, real or personal, found in
3 any deeds, plats, restrictions, covenants, or other conveyances of any type or nature, filed for
4 record at any time in the office of the recorder of deeds in any county[~~which relate~~] that
5 relate to the race, color, religion, or national origin of any person[~~;~~] shall be void and
6 unenforceable[~~;~~] and shall be ignored, as if the same never existed.

7 2. Any person or legal entity with an interest in real property or any agent of such
8 person or entity, shall not incur any liability by reason of the mere existence of a restrictive
9 covenant described in subsection 1 of this section in any document filed for record before
10 May 3, 1948, in any recorder of deeds' office.

11 3. No deed recorded on or after August 28, 2022, shall contain a reference to the
12 specific portion of a restrictive covenant purporting to restrict the ownership or use of
13 the property as prohibited under subsection 1 of this section. A recorder of deeds may
14 refuse to accept any deed submitted for recording that references the specific portion of
15 any such restrictive covenant. The person who prepares or submits a deed for recording
16 has the responsibility of ensuring that the specific portion of such a restrictive covenant
17 is not specifically referenced in the deed prior to such deed being submitted for
18 recording. A deed may include a general provision that states that such deed is subject
19 to any and all covenants and restrictions of record; however, such provision shall not
20 apply to the specific portion of a restrictive covenant purporting to restrict the
21 ownership or use of the property as prohibited under subsection 1 of this section. Any
22 deed that is recorded after August 27, 2022, that mistakenly contains such a restrictive
23 covenant shall nevertheless constitute a valid transfer of real property.

24 4. Any restrictive covenant prohibited under subsection 1 of this section may be
25 released by the owner of real property subject to such covenant by recording a
certificate of release of prohibited covenants. The real property owner may record a

26 certificate either prior to recording of a deed conveying real property to a purchaser or
27 when such real property owner discovers that such prohibited covenant exists and
28 chooses to affirmatively release the same. A certificate may be prepared without
29 assistance of an attorney but shall conform substantially to the following certificate of
30 release of prohibited covenants form:

31 **Certificate of Release of Prohibited Covenants**

32 **Place of record:** _____

33 **Date of instrument containing prohibited covenant(s):** _____

34 **Instrument type:** _____

35 **Deed book** _____ **page** _____ **or plat book** _____ **page** _____

36 **Name(s) of grantor(s):** _____

37 **Name(s) of current owner(s):** _____

38 **Real property description:** _____

39 **Specific description of prohibited covenant, including a citation to the location**
40 **within the instrument:** _____

41 **The covenant contained in the above-mentioned instrument is released from the**
42 **above-described real property to the extent that it contains terms purporting to**
43 **restrict the ownership or use of the property as prohibited by 442.403, RSMo.**

44 **The undersigned (is/are) the legal owner(s) of the property described herein.**

45 **Given under my/our hand(s) this** _____ **day of** _____, **20**__.

46 _____

47 _____

48 **(Current owners)**

49 **(County/city) of** _____.

50 **State of Missouri**

51 **Subscribed and sworn to before me this** _____ **day of** _____, **20**__.

52 _____

53 **Notary public**

54 **My commission expires:** _____

442.404. 1. As used in this section, the following terms shall mean:

- 2 (1) "Homeowners' association", a nonprofit corporation or unincorporated association
- 3 of homeowners created under a declaration to own and operate portions of a planned
- 4 community or other residential subdivision that has the power under the declaration to assess
- 5 association members to pay the costs and expenses incurred in the performance of the
- 6 association's obligations under the declaration or tenants-in-common with respect to the
- 7 ownership of common ground or amenities of a planned community or other residential

8 subdivision. This term shall not include a condominium unit owners' association as defined
9 and provided for in subdivision (3) of section 448.1-103 or a residential cooperative;

10 (2) "Political signs", any fixed, ground-mounted display in support of or in opposition
11 to a person seeking elected office or a ballot measure excluding any materials that may be
12 attached;

13 (3) **"Solar panel or solar collector", a device used to collect and convert solar
14 energy into electricity or thermal energy, including but not limited to photovoltaic cells
15 or panels, or solar thermal systems.**

16 2. (1) No deed restrictions, covenants, or similar binding agreements running with
17 the land shall prohibit or have the effect of prohibiting the display of political signs.

18 ~~[3-]~~ (2) A homeowners' association has the authority to adopt reasonable rules,
19 subject to any applicable statutes or ordinances, regarding the time, size, place, number, and
20 manner of display of political signs.

21 ~~[4-]~~ (3) A homeowners' association may remove a political sign without liability if
22 such sign is placed within the common ground, threatens the public health or safety, violates
23 an applicable statute or ordinance, is accompanied by sound or music, or if any other
24 materials are attached to the political sign. Subject to the foregoing, a homeowners'
25 association shall not remove a political sign from the property of a homeowner or impose any
26 fine or penalty upon the homeowner unless it has given such homeowner three days after
27 providing written notice to the homeowner, which notice shall specifically identify the rule
28 and the nature of the violation.

29 3. (1) **No deed restrictions, covenants, or similar binding agreements running
30 with the land shall limit or prohibit, or have the effect of limiting or prohibiting, the
31 installation of solar panels or solar collectors on the rooftop of any property or
32 structure.**

33 (2) **A homeowners' association may adopt reasonable rules, subject to any
34 applicable statutes or ordinances, regarding the placement of solar panels or solar
35 collectors to the extent that those rules do not prevent the installation of the device,
36 impair the functioning of the device, restrict the use of the device, or adversely affect the
37 cost or efficiency of the device.**

38 (3) **The provisions of this subsection shall apply only with regard to rooftops that
39 are owned, controlled, and maintained by the owner of the individual property or
40 structure.**

41 4. (1) **No deed restrictions, covenants, or similar binding agreements running
42 with the land shall prohibit or have the effect of prohibiting the display of sale signs on
43 the property of a homeowner or property owner including, but not limited to, any yard
44 on the property, or nearby street corners.**

45 **(2) A homeowners' association has the authority to adopt reasonable rules,**
46 **subject to any applicable statutes or ordinances, regarding the time, size, place, number,**
47 **and manner of display of sale signs.**

48 **(3) A homeowners' association may remove a sale sign without liability if such**
49 **sign is placed within the common ground, threatens the public health or safety, violates**
50 **an applicable statute or ordinance, is accompanied by sound or music, or if any other**
51 **materials are attached to the sale sign. Subject to the foregoing, a homeowners'**
52 **association shall not remove a sale sign from the property of a homeowner or property**
53 **owner or impose any fine or penalty upon the homeowner or property owner unless it**
54 **has given such homeowner or property owner three business days after the homeowner**
55 **or property owner receives written notice from the homeowners' association, which**
56 **notice shall specifically identify the rule and the nature of the alleged violation.**

 Section B. The repeal and reenactment of section 442.404 of this act shall become
2 effective January 1, 2023.

✓