

SECOND REGULAR SESSION

HOUSE BILL NO. 2770

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALTON GRAY.

5438H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 447, RSMo, by adding thereto one new section relating to abandoned property.

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

Section A. Chapter 447, RSMo, is amended by adding thereto one new section, to be known as section 447.750, to read as follows:

447.750. 1. As used in this section, the term "abandonment" means the following:

(1) The intentional or purposeful relinquishment or renunciation of any and all ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property;

(2) The intent to never again resume or reassert, in whole or in part, any ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property;

(3) The voluntary relinquishment of any and all ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property by the owner or any person claiming any ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property;

(4) The intent to terminate any and all ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property, and without the intention of vesting any ownership, title, interest, claim, privilege, possession, or right in any other person, grantee, beneficiary, agent, representative, heir, or devisee; or

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.

16 **(5) The giving up of any and all ownership, title, interest, claim, privilege,**
17 **possession, or right in land, buildings, real estate, or real property absolutely, without any**
18 **reference to any particular person or purpose.**

19 **2. Any abandonment may take the form of a discontinuance or waiver of any and**
20 **all ownership, title, interest, claim, privilege, possession, or right and shall include, but not**
21 **be limited to, the relinquishment of any and all ownership, title, interest, claim, privilege,**
22 **possession, or right in such land, buildings, real estate, or real property by the owner or**
23 **any person claiming any ownership, title, interest, claim, privilege, possession, or right in**
24 **such land, buildings, real estate, or real property, without any regard to future possession**
25 **by such owner or any other person, grantee, beneficiary, agent, representative, heir, or**
26 **devisee, and with the intention to forsake or desert any and all ownership, title, interest,**
27 **claim, privilege, possession, or right in such land, buildings, real estate, or real property.**

28 **3. Any person having, in whole or in part, any ownership, title, interest, claim,**
29 **privilege, possession, or right in such land, buildings, real estate, or real property may, by**
30 **filing a notarized notice of abandonment with the recorder of deeds of the county in which**
31 **such land, buildings, real estate, or real property is located, relieve such person of any and**
32 **all obligation or legal liability arising out of or pertaining to the maintenance or condition**
33 **of such land, buildings, real estate, or real property for the following:**

34 **(1) To keep, control, oversee, secure, supervise, monitor, maintain, improve, or**
35 **repair such land, buildings, real estate, or real property; or**

36 **(2) To any person, private or public entity, taxing, or regulatory body.**

37 **4. The notice provided for in subsection 3 of this section shall state such facts as**
38 **constitute an abandonment under this section. Any abandonment shall be prospective and**
39 **shall only relieve such person of any and all obligation or legal liability arising out of or**
40 **pertaining to the maintenance or condition of such land, buildings, real estate, or real**
41 **property arising after the recording of such notice, and shall relieve such person of any and**
42 **all obligation or legal liability arising out of or pertaining to the maintenance or condition**
43 **of such land, buildings, real estate, or real property on any actions brought by any public**
44 **taxing, administrative, or regulatory entity, agency, or body that were not commenced**
45 **before the recording of such notice. No abandonment shall relieve any person of any**
46 **personal obligation or liability vesting before the filing of the notice of abandonment, but**
47 **shall relieve such person only of any obligation or liability in rem, or running against such**
48 **land, buildings, real estate, or real property arising out of or pertaining to the maintenance**
49 **or condition of such land, buildings, real estate, or real property.**

50 **5. Except as otherwise provided in this section and subject to any liens of record,**
51 **possession shall vest in the following order:**

52 **(1) Any and all ownership, title, interest, claim, privilege, possession, or right of the**
53 **person abandoning such person's ownership, title, interest, claim, privilege, possession, or**
54 **right in such abandoned land, buildings, real estate, or real property shall, upon the filing**
55 **of the notice of abandonment of real estate, vest in any joint or co-owners or persons with**
56 **joint or co-ownership, title, interest, claim, privilege, possession, or right in such**
57 **abandoned land, buildings, real estate, or real property, if there is any, not filing or joining**
58 **in the filing of a notice of abandonment;**

59 **(2) If there are no joint or co-owners or persons with any joint or co-ownership,**
60 **title, interest, claim, privilege, possession, or right in such abandoned land, buildings, real**
61 **estate, or real property, any and all ownership, title, interest, claim, privilege, possession,**
62 **or right in such abandoned land, buildings, real estate, or real property shall be vested in**
63 **any tenants or joint tenants in possession of such land, buildings, real estate, or real**
64 **property if such tenant or joint tenants elect in writing to take ownership, title, interest,**
65 **claim, privilege, possession, and right to such abandoned land, buildings, real estate, or**
66 **real property no later than forty-five days after the mailing of the notice of abandonment;**

67 **(3) If there are no tenants or joint tenants in possession of such abandoned land,**
68 **buildings, real estate, or real property, or if no tenants or joint tenants in possession of**
69 **such abandoned land, buildings, real estate, or real property elect to take ownership, title,**
70 **interest, claim, privilege, possession, and right in such abandoned land, buildings, real**
71 **estate, or real property, any and all ownership, title, interest, claim, privilege, possession,**
72 **or right in such abandoned land, buildings, real estate, or real property shall be vested in**
73 **any owners or joint owners of land, buildings, real estate, or real property immediately**
74 **abutting and adjoining such abandoned land, buildings, real estate, or real property if the**
75 **abutting and adjoining landowner or joint landowners elect in writing to take ownership,**
76 **title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real**
77 **estate, or real property no later than forty-five days after the mailing of the notice of**
78 **abandonment. If there are two or more lands, buildings, real estate, or real property**
79 **abutting and adjoining the abandoned land, buildings, real estate, or real property, and**
80 **two or more of such abutting or adjoining landowners elect to take ownership, title,**
81 **interest, claim, privilege, possession, and right to such abandoned land, buildings, real**
82 **estate, or real property, then the recorder of deeds shall cast lots to determine which of the**
83 **abutting or adjoining landowners shall take ownership, title, interest, claim, privilege,**
84 **possession, and right to such abandoned land, buildings, real estate, or real property;**

85 **(4) If no abutting or adjoining landowners elect to take ownership, title, interest,**
86 **claim, privilege, possession, and right in such abandoned land, buildings, real estate, or**
87 **real property, any and all ownership, title, interest, claim, privilege, possession, or right in**

88 such abandoned land, buildings, real estate, or real property shall be vested in any owners
89 or joint owners of land, buildings, real estate, or real property situated in the same block
90 as such abandoned land, buildings, real estate, or real property if such same block
91 landowner or joint landowners elect in writing to take ownership, title, interest, claim,
92 privilege, possession, and right in such abandoned land, buildings, real estate, or real
93 property no later than forty-five days after the mailing of the notice of abandonment. If
94 two or more of the same block landowners elect to take ownership, title, interest, claim,
95 privilege, possession, and right to such abandoned land, buildings, real estate, or real
96 property, then the recorder of deeds shall cast lots to determine which of the same block
97 landowners shall take ownership, title, interest, claim, privilege, possession, and right to
98 such abandoned land, buildings, real estate, or real property;

99 (5) If no same block landowners elect to take ownership, title, interest, claim,
100 privilege, possession, and right in such abandoned land, buildings, real estate, or real
101 property, any and all ownership, title, interest, claim, privilege, possession, or right in such
102 abandoned land, buildings, real estate, or real property shall be vested in any
103 condominium association or subdivision trustees in which the abandoned land, buildings,
104 real estate, or real property is situated if such condominium association or subdivision
105 trustees elect in writing to take ownership, title, interest, claim, privilege, possession, and
106 right in such abandoned land, buildings, real estate, or real property no later than forty-
107 five days after the mailing of the notice of abandonment. If both the condominium
108 association and subdivision trustees elect to take ownership, title, interest, claim, privilege,
109 possession, and right to such abandoned land, buildings, real estate, or real property, then
110 the recorder of deeds shall cast lots to determine which of the condominium association or
111 subdivision trustees shall take ownership, title, interest, claim, privilege, possession, and
112 right to such abandoned land, buildings, real estate, or real property;

113 (6) If no condominium association or subdivision trustees elect to take ownership,
114 title, interest, claim, privilege, possession, and right in such abandoned land, buildings, real
115 estate, or real property, any and all ownership, title, interest, claim, privilege, possession,
116 or right in such abandoned land, buildings, real estate, or real property shall be vested in
117 any holder of a lien against such abandoned land, buildings, real estate, or real property
118 is situated if such holder of such lien elects in writing to take ownership, title, interest,
119 claim, privilege, possession, and right in such abandoned land, buildings, real estate, or
120 real property no later than forty-five days after the mailing of the notice of abandonment.
121 If two or more lienholders of equal priority elect to take ownership, title, interest, claim,
122 privilege, possession, and right to such abandoned land, buildings, real estate, or real
123 property, then the recorder of deeds shall cast lots to determine which of the lienholders

124 shall take ownership, title, interest, claim, privilege, possession, and right to such
125 abandoned land, buildings, real estate, or real property, provided that an electing
126 lienholder with superiority shall take ownership, title, interest, claim, privilege, possession,
127 and right to such abandoned land, buildings, real estate, or real property;

128 (7) If no lienholder elects to take ownership, title, interest, claim, privilege,
129 possession, and right in such abandoned land, buildings, real estate, or real property, any
130 and all ownership, title, interest, claim, privilege, possession, or right in such abandoned
131 land, buildings, real estate, or real property shall be vested in the city, town, village, or
132 municipality in which the abandoned land, buildings, real estate, or real property is
133 situated if such city, town, village, or municipality elects in writing to take ownership, title,
134 interest, claim, privilege, possession, and right in such abandoned land, buildings, real
135 estate, or real property no later than forty-five days after the mailing of the notice of
136 abandonment;

137 (8) If no city, town, village, or municipality elects to take ownership, title, interest,
138 claim, privilege, possession, and right in such abandoned land, buildings, real estate, or
139 real property, any and all ownership, title, interest, claim, privilege, possession, or right in
140 such abandoned land, buildings, real estate, or real property shall be vested in the county
141 in which the abandoned land, buildings, real estate, or real property is situated. The
142 county shall publish a notice in a newspaper of general circulation once a week for four
143 successive weeks annually during the month of June, and shall by lot, upon the payment
144 of one hundred dollars, grant ownership, title, interest, claim, privilege, possession, and
145 right in such abandoned land, buildings, real estate, or real property to such members of
146 the public that elect to take ownership, title, interest, claim, privilege, possession, and right
147 in such abandoned land, buildings, real estate, or real property;

148 (9) An election to take title to such abandoned land, buildings, real estate, or real
149 property shall be made in writing, shall be notarized, and shall be submitted to the
150 recorder of deeds, along with any fees for recording and with a one hundred dollar fee for
151 any person or entity taking ownership, title, interest, claim, privilege, possession, and right
152 under subdivisions (2) to (6) of this subsection. The recorder of deeds shall, upon
153 satisfaction that the land, buildings, real estate, or real property has been abandoned and
154 that the elector is entitled to take ownership, title, interest, claim, privilege, possession, and
155 right of such abandoned land, buildings, real estate, or real property as provided in this
156 section, record the election to take ownership, title, interest, claim, privilege, possession,
157 and right of such abandoned land, buildings, real estate, or real property. Title shall vest
158 in a joint or co-owner under subdivision (1) of this subsection, or in the county under

159 subdivision (8) of this subsection, by operation of law and without the recording of a title
160 or deed of election or the payment of any additional fees;

161 (10) An elector taking ownership, title, interest, claim, privilege, possession, and
162 right of such abandoned land, buildings, real estate, or real property shall enjoy all
163 ownership, title, interest, claim, privilege, possession, and right of such abandoned land,
164 buildings, real estate, or real property, and shall have all obligations, liabilities, and duties,
165 in rem, running with such land, buildings, real estate, or real property or arising out of or
166 pertaining to the ownership, maintenance, or condition of such land, buildings, real estate,
167 or real property, prospectively, effective upon the date of recording of the election to take
168 ownership, title, interest, claim, privilege, possession, and right of such abandoned land,
169 buildings, real estate, or real property.

170 6. (1) Immediately upon either the filing of a notice under this section or the entry
171 of a declaratory judgment of abandonment by a court of competent jurisdiction, the
172 recorder of deeds shall:

173 (a) Post a notice of abandonment on the subject land, buildings, real estate, or real
174 property; and

175 (b) Mail a notice of abandonment to the following:

176 a. All lienholders of record against the abandoned land, buildings, real estate, or
177 real property;

178 b. All owners and occupiers of the abandoned land, buildings, real estate, or real
179 property situated in the same block as the abandoned land, buildings, real estate, or real
180 property, including any joint owners, tenants, or occupiers of the abandoned land,
181 buildings, real estate, or real property; and

182 c. The city and the county, respectively, in which the abandoned land, buildings,
183 real estate, or real property is located.

184 (2) The notice shall include a reprint of this section. In addition to paying the cost
185 of recording the notice of abandonment, the abandoning party shall pay fifty dollars to
186 cover the cost of posting and mailing such notices.

187 7. Nothing in this section shall be construed to prevent or prohibit the filing of an
188 action with a court of competent jurisdiction for a declaration of abandonment as provided
189 in this section. A declaratory action may be brought by any persons or entities listed in
190 subsection 5 of this section.

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