

SECOND REGULAR SESSION

SENATE BILL NO. 783

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Read 1st time January 27, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5650S.011

AN ACT

To repeal section 443.035, RSMo, and to enact in lieu thereof one new section relating to the priority of security instruments.

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

Section A. Section 443.035, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 443.035, to read as follows:

443.035. 1. Security instruments may be assigned by instrument in
2 writing, acknowledged by the assignor in the manner provided for the
3 acknowledgment of other instruments affecting the title to real property, and may
4 be recorded in the office of the recorder of deeds in the county or counties in
5 which the security instrument being assigned was recorded.

6 2. Any person who acquires an interest in or a lien upon real property for
7 value and without notice of an unrecorded assignment of a security instrument
8 recorded on or after January 1, 1986, and who has relied upon a release of such
9 security instrument executed by the party last shown of record to be the owner
10 thereof, shall acquire the interest in or lien upon such real property free from the
11 lien of the security instrument to the same extent as if the release upon which
12 reliance was placed had been executed by the lawful holder of the debt or other
13 obligation secured by such security instrument.

14 3. No recorder of deeds in this state shall accept for record any security
15 instrument or assignment thereof in which the mortgagee, cestui que trust or
16 assignee is named as bearer or the actual identity of the mortgagee, cestui que
17 trust or assignee is otherwise not ascertainable from the face of the security
18 instrument or assignment. All security instruments and assignments thereof
19 presented for record shall contain the mailing address of the mortgagee, cestui
20 que trust or assignee except, that the omission thereof shall not affect the validity

21 of any security instrument or assignment, or the constructive notice imparted by
22 the record thereof.

23 **4. Security instruments, or any assignment or refinancing**
24 **thereof, securing the purchase price of the real property or any present**
25 **or subsequent improvements thereon shall have priority over any**
26 **subsequently filed or recorded interest, lien, or encumbrance upon the**
27 **real property, except:**

28 **(1) Liens for real estate taxes and similar governmental claims**
29 **asserted against the real property;**

30 **(2) Such interests, liens, or encumbrances arising from an**
31 **instrument recorded prior to the security instrument to the extent that**
32 **such claim and priority is authorized by statute; and**

33 **(3) Such interests, liens, or encumbrances for the provision of**
34 **labor, service, or materials which were rendered or installed on the**
35 **real property prior to the recording of the security instrument, which**
36 **benefitted the real property and of which the holder of the debt**
37 **secured by the security agreement had actual prior notice.**

Bill ✓

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