

Table of Contents

Volume 6

PART I. REAL ESTATE TRANSACTIONS

CHAPTER 1. PURCHASE AND SALE AGREEMENTS

A. INTRODUCTION

- § 1:1 In general
- § 1:2 Minimum requirements for purchase and sale contract—
Comment
- § 1:3 Condition of property—Duty to disclose defects—Comment
- § 1:4 Tax considerations with regard to real estate transactions—
Comment
- § 1:6 Fixtures and personal property checklist
- § 1:8 Real estate transactions checklist—Long form
- § 1:9 Contracts for deed, installment contracts, conditional sales of
real estate—Comment *[New]*
- §§ 1:10 to 1:20 *[Reserved]*

B. PURCHASE AND SALE AGREEMENT FORMS AND CHECKLISTS

- § 1:22 Purchase and sale agreement—Short form
- § 1:23 General form of residential purchase and sale agreement
- § 1:24 General form of residential purchase and sale agreement—
Another form
- § 1:24.50 Residential real estate purchase and sale agreement—Favor-
ing purchaser *[New]*
- § 1:24.70 Real estate purchase agreement—Favoring seller *[New]*
- § 1:25 Commercial real estate purchase and sale agreement—
Favoring seller—“As is” sale *[Retitled]*
- § 1:25.1 Commercial real estate purchase and sale agreement—
Favoring seller *[New]*
- § 1:25.2 Commercial real estate purchase and sale agreement—
Favoring purchaser *[Retitled]*
- § 1:25.3 Commercial real estate purchase and sale agreement—
Detailed form *[New]*
- § 1:26 I.R.C. § 1445 certificate
- § 1:27 Farm or vacant land disclosure statement *[New]*

- § 1:28 Disclosure form—Residential *[New]*
- § 1:29 Offer to purchase real estate—Printed form *[New]*

C. STANDARD PROVISIONS IN PURCHASE AND SALE AGREEMENTS

- § 1:49 Terms of payment—Seller financing *[New]*
- § 1:54 Title—Missouri bar suggested form
- § 1:55 Title examination clause—Long form
- § 1:57.1 Utilities and maintenance *[New]*
- § 1:58 Apportionments
- § 1:59 Risk of loss—General
- § 1:62 Risk of uninsured loss on buyer
- § 1:64.1 Casualty loss *[New]*
- § 1:66 Time is of the essence
- § 1:67 Time is of the essence—Execution and return of agreement
- § 1:68 Liquidated damages
- § 1:68.1 Deposit may be used as liquidated damages *[New]*
- § 1:72 Brokers commissions
- § 1:73 Brokers commissions—Another form
- § 1:74 Notices
- § 1:74.1 Notices—Another form *[New]*
- § 1:78 Lead based paint warning
- § 1:79 Disclosure of information on lead-based paint—EPA/HUD form
- § 1:80 Lead paint inspection contingency
- § 1:81 Disclosure of information on lead-based paint—EPA/HUD fact sheet
- § 1:83 Financing contingency
- § 1:83.10 Inspection contingencies *[New]*
- § 1:84 Closing costs
- § 1:85 Prorations
- § 1:86 No prorations *[New]*

D. ALTERNATIVE AND ADDITIONAL PROVISIONS

- § 1:126 Warranties
- § 1:133 Purchase money mortgage
- § 1:138 Escrow deed
- § 1:140 Environmental representations and warranties
- § 1:145 Seller hired to perform construction services *[New]*

E. NOTICES

- § 1:174 Notice declaring land installment contract null and void *[Retitled]*

F. CONTRACTS WITH BROKERS FOR THE SALE OF REAL PROPERTY

- § 1:191 In general
- § 1:192 Type of listings—Comment

TABLE OF CONTENTS

§ 1:193 Missouri statutory requirements—Comment

G. OPTIONS TO PURCHASE REAL ESTATE

§ 1:211 In general

§ 1:212.1 Option to purchase real estate—Printed form *[New]*

§ 1:215 Notice of exercise of option

CHAPTER 2. DEEDS

A. INTRODUCTION

§ 2:1 In general

§ 2:2 Essential elements of a deed—Comment

§ 2:3 Recording the deed—Comment

§ 2:4 Missouri recording requirements—In general

§ 2:4.1 Certificate of value—Jackson County *[New]*

§ 2:5 Recording cover sheet

§ 2:6 Classification of parties as grantor or grantee in common documents

§ 2:7 Description of land conveyed—Comment

§ 2:8 Deed recitals—Comment

B. COMMON DEED FORMS

§ 2:31 Commonly used deed forms in Missouri—Comment

§ 2:32 General warranty deeds—Comment

§ 2:33 General warranty deed—Individual grantor and grantee

§ 2:38 Special warranty deeds—Comment

§ 2:39 Special warranty deed—Form

§ 2:41 Quitclaim deeds—Comment

§ 2:42 Quitclaim deed—Form

C. DESIGNATION OF GRANTOR IN DEED

§ 2:64 Where grantors are married, conveying property owned by entireties *[Deleted]*

§ 2:65 Where grantor is married, conveying separate property

§ 2:65.50 Where grantor is married, conveying separate property—Consent of spouse *[New]*

§ 2:66 Where grantors are joint tenants or tenants in common

§ 2:67 Where grantors are tenants by the entirety

§ 2:69 Where grantor is a corporation

§ 2:70 Where grantor is a partnership

D. DESIGNATION OF GRANTEE IN DEED

§ 2:91 Grantee designation in deed—In general

§ 2:92 Where grantee is taking as a single individual

§ 2:93 Where grantee is married, taking as separate property

§ 2:93.10 Waiver of marital rights *[New]*

§ 2:94 Where grantees are taking as joint tenants

§ 2:97 Where grantees are taking as tenants by the entirety

- § 2:99 Where grantee is a corporation
- § 2:101 Where grantee is a trust

E. SPECIFIC CLAUSES IN DEEDS

- § 2:122 Exceptions and reservations—Comment
- § 2:123 Restrictive covenants and conditions—Comment
- § 2:124 Future interests—Comment
- § 2:125 Rights of preemption and first refusal—Comment
- § 2:128.1 Exception of portion of land for easement *[New]*
- § 2:129 Exception for previously conveyed tracts
- § 2:132 Reservation of life estate
- § 2:134 Covenant running with land—General form
- § 2:135 Covenant to maintain fences
- § 2:136 Restrictive covenant—Only single-family residence
- § 2:140 Persons entitled to enforce restrictions and remedies for violations—General form

F. SPECIALIZED DEEDS

- § 2:171 Confirmation deed—Confirming minor's deed
- § 2:172 Voluntary partition deed
- § 2:173 Deed from grantor to grantor and another—As tenants in common
- § 2:174 Deed granting life estate
- § 2:175 Deed of one lot with restrictions for the benefit of all lots embraced in a general plan
- § 2:176 Trustee's deed—Under active trust
- § 2:177 Trustee's foreclosure deed
- § 2:181 Deeds of personal representatives, conservators and guardians—Comment
- § 2:182 Beneficiary deed

CHAPTER 3. REAL ESTATE FINANCING

A. INTRODUCTION

- § 3:1 Real estate financing—In general
- § 3:3 Statute of frauds—Credit agreements—Comment

B. FEDERAL AND STATE CONSUMER PROTECTION LAWS

- § 3:21 Federal and State Consumer Protection Laws—In general *[Retitled]*
- § 3:22 High cost residential mortgages—Comment *[Deleted]*
- § 3:23 Reverse mortgages—Comment
- § 3:24 The Federal Truth in Lending Act—Comment
- § 3:25 Loan model disclosure form (truth in lending) *[Deleted]*
- § 3:26 Mortgage with demand feature sample disclosure form (truth in lending) *[Deleted]*
- § 3:27 Variable rate mortgage sample (truth in lending)—Comment *[Deleted]*

TABLE OF CONTENTS

- § 3:33 Real Estate Settlement Procedures Act—Comment
- § 3:34 Real Estate Settlement Procedures Act—Good faith estimate form

C. MORTGAGE NOTES

- § 3:51 Mortgage notes—In general
- § 3:52 Cancellation of note—Comment
- § 3:53.10 Promissory note—Monthly payments *[New]*
- § 3:55 Mortgage note—Long form
- § 3:57 Attorney fees clause
- § 3:58 Attorney fees clause—Favoring lender
- § 3:62 Acceleration clause

E. DEEDS OF TRUST AND RELATED FORMS

- § 3:121 Mortgages and deeds of trust—Comment
- § 3:122 Deed of trust—Form *[Retitled]*
- § 3:123 Residential deed of trust form—Individual grantors and grantee *[Deleted]*
- § 3:125 Corporate deed of trust form *[Deleted]*
- § 3:128 Deed of trust securing future advances—Form
- § 3:128.1 Lender's statement terminating future advances [V.A.M.S. § 443.055(6)] *[New]*
- § 3:129 Mortgage of leasehold—By assignment
- § 3:131 Request for foreclosure notice by junior lender
- § 3:132 Lender's consent to transfer of property (waiver of due on sale)

F. SPECIFIC PROVISIONS IN DEEDS OF TRUST

- § 3:158 Mortgagor's covenants—To maintain insurance
- § 3:159 Mortgagor's covenants—Force placed insurance clause
- § 3:160 Mortgagor's covenants—Insurance
- § 3:172 Insurance proceeds

G. EXTENSION, MODIFICATION AND SUBORDINATION OF DEEDS OF TRUST

- § 3:231 Extension, modification and subordination of deeds of trust—In general
- § 3:232 Subordinate deeds of trust—Comment
- § 3:237 Subordination agreement
- § 3:238 Subordination agreement, subordinating prior deed of trust to mechanic's lien

H. ASSIGNMENT OF DEEDS OF TRUST

- § 3:261 Assignment of deeds of trust—In general
- § 3:262 Assignment of deed of trust—Form
- § 3:263 Assignment of deed of trust—Another form
- § 3:265 Assignment of loan documents—Corporate assignee
- § 3:266 Assignment of loan documents—As collateral security

I. RELEASE OF DEEDS OF TRUST

- § 3:291 Release of deeds of trust—In general
- § 3:291.1 Demand letter to lender for Release [V.A.M.S. § 443.130]
[New]
- § 3:292 Deed of release—Form
- § 3:293 Deed of release—By individual—Where co-beneficiary has died
- § 3:295 Partial deed of release—Form

CHAPTER 4. EASEMENTS AND LICENSES

A. INTRODUCTION

- § 4:1 Easements generally
- § 4:2 Licenses generally

C. EASEMENTS CREATED BY SEPARATE AGREEMENT

- § 4:41 Grant of right of way for all purposes
- § 4:43 Aviation easement
- § 4:44 Aviation and hazard easement
- § 4:45 Agreement between riparian owners as to right to impede flow of water
- § 4:46 Grant of right of lateral support for a building
- § 4:47 Driveway easement—Agreement of adjoining landowners
- § 4:48 Driveway easement—Agreement of adjoining landowners—Another form
- § 4:49 Reciprocal maintenance easement
- § 4:50 Storage of equipment, access and egress
- § 4:51 Revocable encroachment easement
- § 4:52 Release of easement

E. LICENSES—VARIOUS FORMS

- § 4:107 License to use property for commercial purposes [New]

CHAPTER 5. FENCES AND PARTY WALLS

A. INTRODUCTION

- § 5:1 In general

B. PARTITION FENCES

- § 5:11 Partition fence agreement

C. PARTY WALLS

- § 5:31 Agreement as to party wall to be built by either party
- § 5:32 Agreement as to party wall to be built by one party
- § 5:33 Agreement to build a party wall entirely on land of one party

TABLE OF CONTENTS

- § 5:34 Agreement settling differences as to a wall and making it a party wall
- § 5:35 Party wall declaration—Duplex residence
- § 5:36 Division of building—Long form—With right of first refusal

CHAPTER 6. CONDOMINIUMS

A. INTRODUCTION

- § 6:1 In general
- § 6:2 Comparison with other types of multiple ownership—Comment
- § 6:3 Advantages and disadvantages of condominium ownership—Comment
- § 6:4 The Missouri Uniform Condominium Act—Comment
- § 6:7 Plats under the Missouri Condominium Act—Comment *[New]*

B. STANDARD CONDOMINIUM DOCUMENTS

- § 6:21 Declaration

PART II. LEASES

CHAPTER 7. LEASES—GENERALLY

- § 7:1 In general
- § 7:2 Essential elements of a lease and terminology—Comment
- § 7:3 Contents generally
- § 7:4 Commercial leases—Generally
- § 7:6 Lead paint disclosure and miscellaneous liability issues—Comment
- § 7:7 Kansas City lease regulations—Comment *[Retitled]*
- § 7:8 Checklist for drafting leases
- § 7:9 Checklist for drafting leases—Long form
- § 7:10 Security deposits—Commercial tenants *[New]*
- § 7:11 Security deposits—Residential tenants *[New]*

CHAPTER 8. RESIDENTIAL LEASES

- § 8:4 Apartment lease—Standard form
- § 8:5 Apartment Lease—Multifamily complex—With rules and regulations *[Retitled]*
- § 8:9 House lease—Month to month
- § 8:10 House lease—Fixed term
- § 8:10.50 House lease—Fixed term—Option to purchase *[New]*
- § 8:16 Lead-based paint warning
- § 8:17 Lead based paint warning—As lease addendum *[New]*
- § 8:18 Mold addendum *[New]*
- § 8:19 Pet addendum *[New]*

CHAPTER 9. FARM LEASES

- § 9:1 In general
- § 9:3 Fixed term cash lease—Unimproved land

§ 9:7 Publications available to farmers

CHAPTER 10. GENERAL COMMERCIAL, OFFICE AND RETAIL LEASES

A. GENERAL COMMERCIAL LEASES

- § 10:1 In general
- § 10:3 Commercial lease—Long form
- § 10:4 Commercial lease—Another form

B. OFFICE LEASE FORMS

- § 10:22 Office lease—Favoring landlord—With rider giving option to renew and right of first refusal
- § 10:23 Office Lease—Favoring tenant—Renewal options—Tenant to pay increases in taxes and operating expenses—With table of contents [*Retitled*]

C. RETAIL SPACE LEASE FORMS

- § 10:44 Lease of portion of building—Neutral form—Right of first refusal—Increased costs passed through to tenant—Tenant guarantee [*Retitled*]
- § 10:45 Shopping center lease

D. PERCENTAGE LEASES

- § 10:61 In general
- § 10:63 Percentage lease—Long form—Favoring landlord
- § 10:65 Shopping center percentage lease

CHAPTER 11. MISCELLANEOUS LEASE FORMS AND CLAUSES

A. MISCELLANEOUS LEASE FORMS

- § 11:2 Lease of parking space
- § 11:4 Airport lease—Short form
- § 11:5 Lease to unincorporated association—Seasonal rent payments—Guaranty—Resolution authorizing

B. MISCELLANEOUS LANDLORD-TENANT FORMS

- § 11:32 Subordination, non-disturbance and attornment agreement

C. LEASE CLAUSES

- § 11:61 Clause allowing sublease or assignment
- § 11:64 Subordination clause
- § 11:65 Subordination clause—Another form

TABLE OF CONTENTS

- § 11:66 Automatic attornment and subordination by tenant to future mortgages—Foreclosing lender has option to terminate lease
- § 11:70 Guaranty
- § 11:75 Right of tenant to alter, remodel or rebuild the premises
- § 11:76 Ownership and removal of fixtures—By tenant
- § 11:77 Ownership of improvements—By landlord
- § 11:82.1 ADA Compliance *[New]*
- § 11:88 Exculpatory clause—Nonliability of landlord
- § 11:89 Destruction of leased premises
- § 11:92 Subrogation release clause—Mutual
- § 11:103 Hazardous substances strictly prohibited
- § 11:104 Hazardous substances clause—Governing use on premises
- § 11:105 Hazardous substances clause—Favoring tenant
- § 11:108.1 Signs—Long form *[New]*
- § 11:114.4 Tenant to pay real estate taxes and insurance—Favoring landlord *[New]*
- § 11:114.5 Tenant to pay real estate taxes—Neutral *[New]*
- § 11:117 Rental adjustment clause—With CPI component—Abbreviated form *[Retitled]*
- § 11:118 Rental adjustment clause—With CPI component *[Retitled]*
- § 11:122 Parking *[New]*

CHAPTER 12. LEASE OPTIONS

A. INTRODUCTION

- § 12:1 In general

B. RIGHTS OF PURCHASE, REFUSAL AND PREEMPTION

- § 12:11 Right of first refusal to purchase *[Retitled]*
- § 12:12 Right of first refusal—Short form *[Retitled]*
- § 12:15 Right of first refusal to lease additional space *[New]*

C. EXTENSION OR RENEWAL RIGHTS

- § 12:33.5 Option to renew—Long form—Rent adjusted to market *[New]*
- § 12:36 Clause granting right of preemption

CHAPTER 13. ASSIGNMENTS, SUBLEASES AND SURRENDER OF LEASES

A. SUBLEASES AND ASSIGNMENTS

- § 13:1 Subleases and assignments—In general
- § 13:2 Sublease
- § 13:4 Assignment by tenant
- § 13:4.50 Assignment and assumption of lease—Between tenants *[New]*

- § 13:5 Assignment and assumption of leases—Between landlords
[Retitled]
- § 13:5.50 Assignment and Assumption of Lease—Landlord notice to
tenant *[New]*
- § 13:10 Lease clause—Consent required to sublet

**B. ASSIGNMENTS OF LEASES AND RENTS AS
SECURITY INSTRUMENTS**

- § 13:41 Assignments of leases and rents as collateral—In general
- § 13:42 Assignment of lease by tenant—As collateral for loan
- § 13:43 Amendment to lease allowing mortgaging by tenant
- § 13:44 Assignment of lease by landlord—As collateral for loan
- § 13:45 Assignment of leases and rents by landlord—As collateral for
loan
- § 13:46 Assignment of leases and rents by landlord—As collateral for
loan—Another form

C. SURRENDER AND CANCELLATION OF LEASES

- § 13:74 Early lease termination agreement *[New]*

CHAPTER 14. LEASE NOTICE FORMS

- § 14:2 Memorandum of lease (recordable form)
- § 14:3 Notice of lease (recordable form)
- § 14:4 Notice to tenant to terminate periodic tenancy
- § 14:6 Notice by landlord terminating lease for default of lessee—
With receipt of notice
- § 14:7 Notice by landlord terminating lease for default of lessee
[Retitled]
- § 14:7.50 Notice by landlord terminating lease pursuant to lease terms
[New]
- § 14:8 Notice to pay rent or quit
- § 14:9 Demand for possession—Unlawful detainer or otherwise
- § 14:9.10 Demand for possession—After foreclosure *[New]*
- § 14:11 Declaration and proof of service
- § 14:15 Notice to tenant of lease assignment [V.A.M.S. § 535.081]
[Retitled]

Volume 6A

PART III. BUILDING AGREEMENTS

**CHAPTER 15. BUILDING AND
CONSTRUCTION AGREEMENTS**

A. INTRODUCTION

- § 15:1 In general
- § 15:3 Definitions

TABLE OF CONTENTS

C. CONTRACTS BETWEEN OWNER AND CONTRACTOR

- § 15:41 In general
- § 15:42 Contract between owner and contractor for construction of a building—Short form *[Retitled]*

D. VARIOUS CLAUSES IN CONSTRUCTION CONTRACTS

- § 15:61 Definitions
- § 15:70.50 Subcontractor to indemnify contractor, owner, architect, and engineer—Only for subcontractor negligence *[New]*
- § 15:71 Clause to indemnify owner against losses caused by the negligence of contractor, subcontractor, owner, or any other person
- § 15:97 Contractor's guarantee of work after completion—Maintenance bond *[Deleted]*
- § 15:123 Damages for failure to complete on time

F. AGREEMENTS BETWEEN OWNER AND ARCHITECT

- § 15:162 Contract between owner and architect

G. AGREEMENTS BETWEEN ARCHITECT AND ENGINEER

- § 15:171 Agreement between architect and engineer—Professional fee plus extra compensation for major changes

H. BUILDING IMPROVEMENT CONTRACTS

- § 15:183 Contract between owner and home remodeler—Short form *[New]*
- § 15:184 Roof contractor—Required cancellation clause [V.A.M.S. § 407.725] *[New]*
- § 15:185 Roof contractor—Required cancellation notice [V.A.M.S. § 407.725] *[New]*

CHAPTER 16. MECHANIC'S LIENS

A. INTRODUCTION TO MECHANIC'S LIENS

- § 16:1 Mechanic's Liens—In general *[Retitled]*

B. BASIC LIEN FORMS, CONSENTS AND NOTICES

- § 16:21 Original contractor's notice to owner
- § 16:22 Consent of owner to mechanic's liens on residence
- § 16:23 Notice of intention to file mechanic's lien—Subcontractors and others
- § 16:23.10 Owner's notice of intended sale—New residential property *[New]*

- § 16:23.20 Claimant's notice of lien rights—New residential property
[New]
- § 16:24 Mechanic's lien—By subcontractor or supplier
- § 16:25 Mechanic's lien—By original contractor

C. WAIVERS

- § 16:51 Waivers—Comment
- § 16:51.10 Unconditional final lien waiver for residential property
[New]
- § 16:52 Waiver of mechanic's liens—With affidavits by general contractor and by owner

PART IV. DOMESTIC RELATIONS

CHAPTER 17. ANTENUPTIAL AND COHABITATION AGREEMENTS

A. ANTENUPTIAL AGREEMENTS

- § 17:1 In general
- § 17:2 Enforceability of antenuptial agreements in Missouri—
Comment
- § 17:3 Financial statement—Comment
- § 17:4 Financial disclosure form
- § 17:5 Form prenuptial agreement
- § 17:6 Form transmittal letter to client

B. COHABITATION AGREEMENTS

- § 17:7 Cohabitation agreements—Comment
- § 17:8 Contract for separate property
- § 17:12 Agreement for purchase of house—Providing for
proportional interest
- § 17:12.40 Agreement for joint ownership of home—Providing for
proportional interest—Long form *[New]*
- § 17:12.50 Agreement for purchase of house—Providing for
proportional interest—One party on title *[New]*
- § 17:13 Agreement for purchase of house—Providing for equal
ownership
- § 17:14 Agreement for purchase of house—One party waives rights
[Retitled]

CHAPTER 18. DISSOLUTION OF MARRIAGE

A. INTRODUCTION

- § 18:1 In general
- § 18:2 Tax consequences of dissolution of marriage—Comment
- § 18:3 Initial client information gathering document
- § 18:4 Petitions for dissolution of marriage—Comment
- § 18:5 Form petition for dissolution of marriage

TABLE OF CONTENTS

§ 18:6 Certificate of dissolution—Form

B. PARENTING PLANS

§ 18:7 In general

§ 18:8 Form parenting plan set forth in V.A.M.S. § 452.310

§ 18:9 Another form parenting plan

§ 18:10 Child support—Comment

§ 18:11 Form 14

C. FINANCIAL STATEMENTS AND DISCOVERY

§ 18:12 Court required financial statements—Comment

§ 18:13 Form statement of marital and non-marital property and liabilities

§ 18:14 Form property ledgers

§ 18:15 Form statement of income and expenses

§ 18:16 Discovery—Comment

§ 18:17 Form interrogatories

§ 18:18 Form request for production of documents

§ 18:19 Form authorization regarding release of employee benefits information

§ 18:20 Form authorization to disclose financial information

§ 18:21 Form authorization for disclosure of financial institution's records

§ 18:22 Form authorization to disclose insurance information

§ 18:23 Form authorization to disclose school records

D. MARITAL SEPARATION AGREEMENTS

§ 18:24 In general

§ 18:25 Form marital separation agreement

E. JUDGMENTS OF DISSOLUTION OF MARRIAGE AND ADDITIONAL DOCUMENTS TO FINALIZE CASE

§ 18:26 In general

§ 18:27 Form judgment of dissolution of marriage

§ 18:28 Form gift affidavit and power of attorney for transferring title to vehicles

§ 18:29 Form closing letter

PART V. ESTATE PLANNING

CHAPTER 19. ESTATE PLANNING OVERVIEW

A. INTRODUCTION TO ESTATE PLANNING

§ 19:1 In general

§ 19:2 Missouri estate planning vehicles—Comment

- § 19:3 Missouri law of descent—Comment
- § 19:4 Nonprobate transfers—Comment
- § 19:4.1 Nonprobate transfers—Effect of dissolution of marriage—
Comment *[New]*
- § 19:4.2 Nonprobate transfers—Designation of beneficiaries—Sample
wording *[New]*
- § 19:5 Estate taxes—Comment
- § 19:6 Gifts in estate tax planning—Comment
- § 19:7 The marital deduction—Comment
- § 19:8 Structuring the marital bypass trust—Comment
- § 19:9 Trusts in estate planning—Comment
- § 19:11 Long term trusts—Comment
- § 19:12 Life insurance—Comment
- § 19:13 Minors in estate planning—The Missouri Transfers to Minors
Law—Comment
- § 19:14 Guardians and conservators in estate planning—Comment
- § 19:15 Missouri personal custodian law—Comment
- § 19:16 Right of sepulcher—Comment *[New]*
- § 19:17 Do-not-resuscitate (DNR) orders—Comment *[New]*
- § 19:18 Out of hospital do-not-resuscitate order and FAQs *[New]*

B. ESTATE PLANNING INFORMATION BOOKLETS

- § 19:31 Estate planning booklet
- § 19:32 Estate planning booklet—Optional form

C. ESTATE PLANNING CORRESPONDENCE

- § 19:50 Letter transmitting change of beneficiary form to
administrator of employee benefit plan
- § 19:54 Sample billing statement for a will

CHAPTER 20. WILLS

A. INTRODUCTION

- § 20:1 In general
- § 20:2 Incorporation by reference—Comment
- § 20:5 Practical suggestions concerning execution—Comment
- § 20:6 Living wills (health care directives)—Comment
- §§ 20:7 to 20:20 *[Reserved]*

B. WILL FORMS

- § 20:21 Short form of will for unmarried person, no minor children,
small estate
- § 20:22 Will for unmarried person with adult children, all to
children, MTML custodian for any minor beneficiaries
- § 20:23 Will for young unmarried person without children, all to
parents and siblings, trust for named minor beneficiaries
- § 20:24 Will for unmarried person with minor children—All to
children's trust

TABLE OF CONTENTS

- § 20:25 Will for unmarried person with children—All to children (or trust if any minor child)—Long form including table of contents
- § 20:26 Reciprocal will—Entire estate to spouse—MTML custodian for any minor beneficiaries
- § 20:27 Reciprocal will—Entire estate to spouse—Conservator for any minor beneficiaries, includes transfer of existing power of appointment—Short form
- § 20:28 Reciprocal will for spouse with minor children—Entire estate to spouse, trust for minor or disabled children
- § 20:28.1 Reciprocal will for spouse with no children—Entire estate to spouse, then to nieces, nephews, charities, friends
- § 20:29 Short form of will for married person, grown children
- § 20:30 Bypass will for married person with minor children—Bypass trust amount funded by life insurance—Bypass trust to support spouse, then to children
- § 20:31 Pour-over will for use with separate inter vivos trust agreement

C. RELATED FORMS

- § 20:53 Codicil—With simple trust provisions
- § 20:56 Separate list pursuant to V.A.M.S. § 474.333
- § 20:57 Living will declaration (health care directive) and durable power of attorney—Printed form
- § 20:57.10 Living Will Declaration (Health Care Directive) *[New]*
- § 20:58 Living will declaration (health care directive)—Statutory sample form
- § 20:62 Agreement to make reciprocal wills
- § 20:64 Autopsy or post-mortem examination directed by separate acknowledged instrument
- § 20:65 Disclaimer form

D. DEFINITIONAL CLAUSES

- § 20:95 Issue, descendants, and children
- § 20:97 Marital deduction bequest—Comment *[Retitled]*
- § 20:98 Missouri Transfers to Minors Law (MTML)
- § 20:108 Spendthrift Trust
- § 20:109 Survive

E. FORMAL CLAUSES

- § 20:154 Disposition of residence
- § 20:158 Powers of personal representative
- § 20:160 Bond of personal representative
- § 20:164.1 Personal representative to make all transfers to minors using MTML *[New]*
- § 20:167 Trustee—Testamentary trust
- § 20:169 Corporate trustee
- § 20:171 General trustee powers
- § 20:172 Additional trustee powers—Testamentary trust
- § 20:173 Institutional trustee powers—Transactions with related parties and self-dealing

- § 20:174 Trustee powers—Compensation and bond
- § 20:177 Trustee powers—Merger of trusts
- § 20:180 Liability of trustee for acts of others
- § 20:186 Removal of trustee and appointment of successor by trust committee
- § 20:187 Administration of trust committee
- § 20:196 Trustee as beneficiary of life insurance or employee benefits
- § 20:200 Situs of trusts
- § 20:206 Clause providing reciprocal wills shall remain in force
- § 20:208 Spendthrift provision
- § 20:210 Will contest clause
- § 20:217 Common disaster clause

F. SPECIAL DIRECTIVES

- § 20:265 Payment of debts, funeral expenses and legacies
- § 20:282 Bequest of personalty—By reference to separate list
- § 20:291 Devise subject to payment of debts, legacies, etc
- § 20:292 Devise subject to a mortgage
- § 20:293 Gift per stirpes
- § 20:294 Bequest to charitable corporation
- § 20:294.1 Bequest to charity—Alternative form *[New]*
- § 20:298 “Pour-over” clause
- § 20:299 Spendthrift trust
- § 20:305 Request to establish trust for pets
- § 20:306 Trusts for pets—Another Form *[New]*

CHAPTER 21. TRUSTS

A. INTRODUCTION

- § 21:1 In general
- § 21:2 Trust terminology—Comment *[Retitled]*
- § 21:2.10 Classification (Types) of Trust *[New]*
- § 21:3 Creating an express inter vivos trust—Comment
- § 21:5 Registration of trusts—Comment
- § 21:6 The rule against perpetuities—Comment
- § 21:7 Effect of dissolution of marriage on trust designations—
Comment *[New]*

B. GENERAL FORMS OF INTER VIVOS TRUSTS

- § 21:21 Basic form of inter vivos trust—Blank dispositive provisions
- § 21:22 Revocable trust—Income payable to settlor for life, all to designated persons at settlor’s death—Sample provisions
- § 21:23 Revocable trust—Income payable to settlor for life, all to designated persons at settlor’s death—Blank dispositive provisions
- § 21:24 Fully revocable family trust
- § 21:25 Revocable family trust—Income payable to settlor for life, then to settlor’s spouse—On death of both, separate trusts for settlor’s children—Investment control retained by settlor

TABLE OF CONTENTS

- § 21:26 Simple irrevocable trust—Income to settlor, then to benefit of designated minor
- § 21:26.1 Simple irrevocable trust for minor—Co-trustees *[New]*
- § 21:27 Irrevocable life insurance trust—With annual right of withdrawal to extent of additions to trust property made by inter vivos gifts—Intended to qualify annual premium payments for gift tax annual exclusion
- § 21:28 Irrevocable trust agreement setting up separate trusts for settlor’s minor children
- § 21:29 Irrevocable family trust with no marital bypass features—Income payable to surviving spouse for life—If no descendants then to named charitable organization—Continuing trusts for any minor beneficiaries
- § 21:30 Charitable foundation trust agreement—Trustee to make payments out of trust fund as directed by donor

C. PARTICULAR CLAUSES IN INTER VIVOS TRUST AGREEMENTS

- § 21:53 Trustee
- § 21:54 Trust protector committee *[Retitled]*
- § 21:55 General powers of the trustee
- § 21:56 Additional powers of the trustee
- § 21:57 Institutional trustee powers—Transactions with related parties and self-dealing
- § 21:58 Trustee powers—Transactions that benefit trustee
- § 21:60 Reporting duties of the trustee—Expansive *[Retitled]*
- § 21:60.50 Reporting duties of the trustee—Restrictive *[New]*
- § 21:61 Merger of trusts
- § 21:62 Corporate trustee
- § 21:64 Liability of trustee
- § 21:65 Liability of trustee for acts of others
- § 21:66 Limitation of personal liability of trustee
- § 21:67.50 Distributions by reference to separate list *[New]*
- § 21:70 Resignation of trustee
- § 21:71 Removal of trustee and appointment of successor trustee
- § 21:72 Administration of trust committee
- § 21:73.50 Powers of successor trustee—Tangible property *[New]*
- § 21:76 Trustee has discretion as to allocation of payments to beneficiaries
- § 21:80 Office of trustee not transferable
- § 21:84 Termination of trust by beneficiary
- § 21:85 Termination of trust by trustee
- § 21:86 Additions to trust by settlor or any other person
- § 21:94 Final distributions of the trusts for settlor’s children
- § 21:97 Power of settlor to revoke, alter or amend—After fixed date
- § 21:100 Renunciation of interest by settlors
- § 21:102 Powers reserved by settlors
- § 21:104 Compensation and bond
- § 21:106.30 Situs of trust *[New]*
- § 21:106.50 Situs of trust—Protection for Trustee *[New]*
- § 21:106.70 Power to change situs and move property *[New]*

- § 21:111 Spendthrift clause
- § 21:124 Additions to trust
- § 21:125 Resignation and appointment of trustees
- § 21:126 Termination of trust—Upon death of all beneficiaries
- § 21:127 Trust no-contest clause *[New]*

D. RELATED FORMS

- § 21:165 Separate list *[New]*
- § 21:166 Certification of trust *[New]*
- §§ 21:167 to 21:180 *[Reserved]*

E. DEFINITIONS

- § 21:184 Employee benefit plan
- § 21:187 Issue, descendants, and children
- § 21:189 Marital deduction bequest—Comment *[Retitled]*
- § 21:190 My heirs
- § 21:199 Spendthrift trust
- § 21:202 Clause incorporating MUTC definitions *[New]*

CHAPTER 22. GIFTS

A. INTRODUCTION

- § 22:2 Gifts in estate tax planning—Comment

B. GIFT FORMS

- § 22:24 Gift of money and stock to a university

CHAPTER 23. APPOINTMENT POWERS

A. INTRODUCTION

- § 23:1 In general
- § 23:2 Tax ramifications of appointment powers

B. CREATION OF POWERS OF APPOINTMENT

- § 23:21 Testamentary creation of nongeneral power of appointment *[Retitled]*
- § 23:22 General power of appointment exercisable by will
- § 23:23 Nongeneral power of appointment—limited to descendant recipients *[Retitled]*
- § 23:24 Nongeneral power of appointment—only powerholder, powerholder's estate and creditors excluded as recipients *[Retitled]*
- § 23:25 *[Deleted]*
- § 23:26 *[Deleted]*

TABLE OF CONTENTS

C. EXERCISING THE POWER OF APPOINTMENT

- § 23:51 Exercise of power of appointment in residuary clause of powerholder's will *[Retitled]*
- § 23:52 Exercise of power of appointment in clause of powerholder's will *[Retitled]*
- § 23:53 *[Deleted]*

D. MISCELLANEOUS POWER OF APPOINTMENT CLAUSES

- § 23:71 Nongeneral appointment to children in a will *[Retitled]*
- § 23:72 Right of powerholder to release power of appointment *[Retitled]*
- § 23:73 Release of power of appointment
- § 23:74 Disclaimer of power of appointment

Volume 7

PART VI. SPECIALIZED FORMS

CHAPTER 24. ACKNOWLEDGMENTS

A. INTRODUCTION

- § 24:1 In general
- § 24:2 The two Missouri acknowledgment certificates—Which form to use—Comment
- § 24:3 Rules specific to notary acknowledgments—Comment
- § 24:4 Proper acknowledgment, or proof by subscribing witness—Comment
- § 24:5 Who may take acknowledgment—Comment
- § 24:6 Acknowledgment, affidavit, verification, oath, affirmation, jurat, certificate, attestation, authentication, declaration distinguished—Comment
- § 24:7 Authentication—Comment
- § 24:9 Verification—Comment
- § 24:12 Jurat—Comment *[Retitled]*
- § 24:15 Declaration—Comment
- § 24:16 Copy Certification—Comment *[New]*
- § 24:17 Apostilles and certificates of authority for use out of state *[New]*
- § 24:18 Electronic Notarization—Comment *[New]*
- §§ 24:19 to 24:30 *[Reserved]*

B. GENERAL NOTARY ACKNOWLEDGMENT FORMS

- § 24:31 Acknowledgment—Individual
- § 24:32 Acknowledgment—Husband and wife
- § 24:33 Acknowledgment—Member of partnership

- § 24:34 Acknowledgment—All members of firm or partnership
- § 24:35 Acknowledgment—Corporation
- § 24:36 Acknowledgment—Attorney in fact
- § 24:37 Acknowledgment—Attorney in fact—With affidavit
- § 24:38 Acknowledgment—When attorney in fact signs individually and as attorney in fact
- § 24:39 Acknowledgment—Public officer, deputy, trustee, personal representative, conservator or guardian
- § 24:40 Acknowledgment—United States citizen who is outside of the United States *[Retitled]*
- § 24:40.5 Embassy acknowledgment—United States citizen who is outside of the United States *[New]*
- § 24:41 Acknowledgment—By an individual who cannot write his name
- § 24:42 Acknowledgment—By a manager or member of limited liability company *[Retitled]*
- § 24:44 Certification that document is true copy
- § 24:45 Acknowledgment—When identity of signer is proven by third party oath *[New]*

C. ACKNOWLEDGMENT FORMS FOR REAL ESTATE AND CERTAIN OTHER TRANSACTIONS

- § 24:64.1 Acknowledgment—Married person conveying separate property *[New]*
- § 24:65 Acknowledgment—Member of firm or partnership
- § 24:66.20 Acknowledgment—Limited liability company—Manager governed *[New]*
- § 24:66.30 Acknowledgment—Limited liability company—By member who is authorized agent *[New]*
- § 24:66.40 Acknowledgment—Limited liability company—Combined acknowledgement for all members *[New]*
- § 24:66.50 Acknowledgment—Limited liability company—Acknowledgment for member *[New]*
- § 24:66.60 Acknowledgment—Limited liability company—Acknowledgment for sole member and manager *[New]*
- § 24:67 Acknowledgment—By limited partnership (corporate general partner)
- § 24:76 Acknowledgment—By mark
- § 24:77 Acknowledgment—Blind or illiterate person

CHAPTER 25. AFFIDAVITS

A. INTRODUCTION

- § 25:1 In general
- § 25:2 Declarations under federal practice—Comment
- § 25:3 Jurat Certificate—Where principal has identification or is known to notary *[New]*
- § 25:4 Jurat Certificate—When principal does not have identification and is not known to notary *[New]*
- §§ 25:5 to 25:20 *[Reserved]*

TABLE OF CONTENTS

B. AFFIDAVITS AND VERIFICATIONS—GENERAL

- § 25:21 Affidavit—General form
- § 25:22 Affirmation—General form
- § 25:23 Affidavit—On behalf of corporation, general form
- § 25:24 Affidavit—Agent or attorney, general form
- § 25:25 Jurat and acknowledgment—Combined form *[Deleted]*
- § 25:26 Affidavit—That principal is still living, by attorney in fact
- § 25:28 Verification—General form
- § 25:29 Verification—On behalf of corporation, general form
- § 25:30 Verification—For use with original articles of incorporation
[Deleted]

C. AFFIDAVITS—PROBATE

- § 25:52 Affidavit of distributees
- § 25:53 Affidavit of transfer of automobile by heirs to one of their number
- § 25:54 Affidavit of incapacity—Springing financial power of attorney
[Retitled]

D. AFFIDAVITS—REAL ESTATE

- § 25:72 Affidavit—Identity of person
- § 25:73 Affidavit—Proof of death, heirship, etc
- § 25:74 Affidavit—Proof of death and heirship—By co-beneficiary
- § 25:75 Affidavit—Death, no administration, and no debts
- § 25:76 Affidavit—As to marital status, by grantor in deed
- § 25:77 Affidavit—As to marital status, by third party
- § 25:78 Affidavit—Adverse possession
- § 25:79 Affidavit—To prevent running of limitation against mortgage or deed of trust
- § 25:80 Affidavit—Showing property not subject to mechanic's liens
- § 25:81 Affidavit—Owner of land as to identity of judgment debtor
- § 25:82 Affidavit—As to identity of a judgment debtor, by third party
- § 25:83 Affidavit—Payment and loss or destruction of note, by holder (cestui que trust)
- § 25:84 Affidavit—Payment and loss or destruction of note, by makers
- § 25:85 Affidavit—Payment and loss or destruction of note, by holder and maker jointly

E. AFFIDAVITS—COMMERCIAL

- § 25:101 Form of owner's or consignee's claim against carrier, verified by affidavit
- § 25:102 Affidavit—Verifying merchant's account
- § 25:103 Affidavit—Verifying merchant's account, by agent
- § 25:104 Affidavit—Verifying account due to a corporation
- § 25:105 Affidavit—Verifying account due to a partnership
- § 25:106 Affidavit—Seller making bulk sale of merchandise *[Deleted]*
- § 25:107 Affidavit—Qualification of sureties on bond
- § 25:108 Affidavit—Records kept in regular course of business

F. AFFIDAVITS—LITIGATION

- § 25:131 Affidavit—Service of instrument by an individual

- § 25:132 Affidavit of mailing
- § 25:133 Affidavit—In support of motion

CHAPTER 26. ARBITRATION AGREEMENTS

A. INTRODUCTION

- § 26:1 In general
- § 26:3 Enforcement of agreement

B. ARBITRATION FORMS AND CLAUSES

- § 26:35.50 Definition of prevailing market rent *[New]*
- § 26:36 Arbitration clause—Franchise agreement
- § 26:37 Arbitration clause—Securities agreement
- § 26:48 Clauses relating to parties and jurisdiction
- § 26:50 Clause agreeing to arbitrate after death of party
- § 26:51 Provision as to effect of death of party
- § 26:52 Provision as to effect of death of party—Another form
- § 26:57 Clause requiring application of law

CHAPTER 27. ASSIGNMENTS

A. INTRODUCTION

- § 27:2 What interests are assignable—Comment
- § 27:3 Subrogation distinguished—Comment

D. ASSIGNMENTS OF INSURANCE POLICIES

- § 27:91 Assignment of life insurance policy

F. ASSIGNMENTS OF PROPERTY INTERESTS

- § 27:119 Assignment of rents to be endorsed on lease
- § 27:120 Assignment of rent to mortgagee

I. ASSIGNMENTS FOR BENEFIT OF CREDITORS

- § 27:190 In general

CHAPTER 28. CERTIFICATES

- § 28:1 In general
- § 28:2 Certificate—Copy of missouri or foreign nonjudicial public record for use in missouri courts
- § 28:8 Certification of trust *[Deleted]*

CHAPTER 29. COMPUTER CONTRACTS

A. INTRODUCTION

- § 29:4 Glossary of some computer terms

TABLE OF CONTENTS

B. SYSTEM AND HARDWARE AGREEMENTS

§ 29:22 Hardware purchase agreement

C. SOFTWARE AGREEMENTS

§ 29:32 End user license agreement

§ 29:36 Software source code escrow and indemnity agreement

§ 29:40 Contract for integrated hardware and software system

CHAPTER 30. EMPLOYMENT AND AGENCY AGREEMENTS

A. INTRODUCTION

§ 30:1 In general

§ 30:2 Independent contractors

B. GENERAL EMPLOYMENT AGREEMENTS

§ 30:26 Term—With automatic rollover provisions-CPI adjustment
[New]

E. SALES AGENTS AND EMPLOYEES

§ 30:73 Employment agreement—Sales manager

§ 30:74 Real estate sales agent's agreement

G. ATTORNEY FEE AND EMPLOYMENT AGREEMENTS

§ 30:101 In general

§ 30:104 Legal fee agreement—Hourly rate

§ 30:111 Authorization—General form

§ 30:112 Authorization—To obtain medical billing records *[Deleted]*

§ 30:113 Authorization—For release of original file from prior counsel

§ 30:114 Authorization—To obtain police report

§ 30:115 Authorization—To obtain employment records

K. AGREEMENTS NOT TO COMPETE

§ 30:181 Noncompetition, nonsolicitation and nondisclosure
covenants—In general

§ 30:187 Combined noncompetition, nonsolicitation and nondisclosure
clause *[New]*

CHAPTER 31. ESCROW AGREEMENTS

A. INTRODUCTION

§ 31:1 In general

§ 31:3 Escrow—General form of agreement *[New]*

C. REAL ESTATE ESCROW AGREEMENTS

- § 31:41 Memorandum accompanying delivery of deed in escrow
- § 31:42 Escrow agreement for deed—Delivery to trust company
- § 31:42.1 Escrow agreement for deed after installment sale—Attorney agent *[New]*
- § 31:43 Instruction letter to escrow agent
- § 31:44 Escrow instruction letter—From lender's counsel *[New]*
- § 31:45 Escrow instruction letter—From purchaser's counsel *[New]*
- § 31:46 Escrow instruction letter—From seller *[New]*
- §§ 31:47 to 31:60 *[Reserved]*

CHAPTER 32. GUARANTIES AND INDEMNITY CONTRACTS**A. INTRODUCTION TO GUARANTIES AND INDEMNITIES**

- § 32:1 Guaranties—In general
- § 32:4 Indemnities—In general

C. INDEMNITY CONTRACT CLAUSES

- § 32:44 Construction contract—Subcontractor's indemnity to general contractor
- § 32:45 Indemnity against liability under Bulk Sales Act
- § 32:46 Indemnity clause—Strong *[New]*
- § 32:47 Indemnity clause—Limited *[New]*
- §§ 32:48 to 32:70 *[Reserved]*

G. MISCELLANEOUS GUARANTY AGREEMENTS

- § 32:125 Guaranty of lease
- § 32:129 Guaranty—Appended to contract

CHAPTER 33. NOTICES**A. INTRODUCTION**

- § 33:1 In general
- § 33:2 Presumption of delivery by mail—Comment

B. GENERAL AND MISCELLANEOUS NOTICES

- § 33:22 Collection notice—By creditor
- § 33:23 Collection notice—By attorney
- § 33:24 Collection notice—By attorney—Another form
- § 33:25 Fair Debt Collection Practices Act notice
- § 33:28 No electronic signature
- § 33:30 Pay day loans statutory notice *[New]*
- § 33:31 Circular 230 tax disclosure *[New]*

TABLE OF CONTENTS

- § 33:32 Warning that e-mail is not secure method of transmission
[New]
- § 33:33 Construction defect [V.A.M.S. § 436.356] *[New]*

D. CONTRACT NOTICES

- § 33:71 Notice provision in contract—General form
- § 33:71.50 Notice provision in contract—Alternative form *[Deleted]*
- § 33:71.60 Notice provision in contract—Allows e-mail *[New]*
- § 33:71.70 Notice provision in contract—Allows e-mail—Detailed form
[New]

CHAPTER 34. POWERS OF ATTORNEY

A. INTRODUCTION

- § 34:1 In general *[Retitled]*
- § 34:2 Durable powers of attorney—Financial—Comment *[Retitled]*
- § 34:3 Durable powers of attorney—To make health care decisions—
Comment
- § 34:4 Durable powers of attorney—Springing—Comment *[New]*

B. POWER OF ATTORNEY—GENERAL FORMS

- § 34:11 Power of attorney—Broad powers
- § 34:12 Power of attorney—General form
- § 34:13 Power of attorney—Short form
- § 34:15 Durable power of attorney
- § 34:16 Durable power of attorney—To make health care decisions
- § 34:17 Durable power of attorney for health care and health care
directive—Missouri bar form
- § 34:18 Certificate of Incapacity—Financial Power of Attorney *[New]*
- § 34:19 Certificate of Incapacity—Medical Power of Attorney *[New]*

C. POWER OF ATTORNEY—SPECIAL FORMS

- § 34:31 Power to sell real property and fill in names in deed
- § 34:33.1 Power of attorney to deposit and cash checks *[New]*
- § 34:33.50 Power of attorney to enter into loan agreement and sign
loan documents *[New]*
- § 34:34 Power of attorney to care for child—Nondurable
- § 34:34.1 Power of attorney to care for child—Nondurable—From
custodial parent *[New]*
- § 34:36 Durable power of attorney—To handle business affairs
while spouse out of country

D. POWER OF ATTORNEY—SPECIFIC CLAUSES

- § 34:66 Power to carry on or compromise litigation
- § 34:67 Power to settle personal injury claims
- § 34:68 Reliance on photocopies and attorney-in fact's representations
[Retitled]
- § 34:69 HIPAA authorization *[New]*

CHAPTER 35. RECEIPTS

A. INTRODUCTION

§ 35:1 In general
§§ 35:2 to 35:10 *[Reserved]*

B. RECEIPT FORMS GENERALLY

§ 35:18 Bill of sale *[New]*
§§ 35:19 to 35:30 *[Reserved]*

E. MISCELLANEOUS RECEIPT FORMS

§ 35:76 Storage receipt of safe-deposit company

CHAPTER 37. SETTLEMENTS AND RELEASES

A. INTRODUCTION

§ 37:1 In general
§ 37:2 Release and settlement distinguished—Comment
§ 37:3 Accord and satisfaction distinguished—Comment
§ 37:4 Release of prospective employment discrimination claims—
Comment

B. SETTLEMENT AND RELEASE AGREEMENTS

§ 37:23.1 Accord and satisfaction with mutual release—Short form
[New]
§ 37:25 Tort claim structured settlement agreement and release

C. RELEASE AGREEMENTS

§ 37:41 Release—General form
§ 37:43 Release—Obligations under lease
§ 37:47 Unilateral release—Business dispute or obligation—Short
form *[New]*
§ 37:47.50 Unilateral release—From tenant to landlord—Short form
[New]
§ 37:48 Acknowledgment of risk and release of liability *[New]*
§ 37:49 Exculpatory clause—In contract for club facilities *[New]*

D. AUTHORIZATIONS FOR RELEASE

§§ 37:50 to 37:60 *[Reserved]*
§ 37:61 In general
§ 37:63 Authorization for release—Financial data
§ 37:64 Authorization for release—Information about individual
§ 37:65 Authorization for release—Medical records
§ 37:66 Permission to treat child

TABLE OF CONTENTS

**E. MISCELLANEOUS SETTLEMENT AND
RELEASE CLAUSES**

- § 37:81 Clause to carry on or compromise litigation—In power of attorney
- § 37:82 Clause to settle claims against principal—In power of attorney
- § 37:84 Mutual release clause *[New]*

**CHAPTER 38. MISCELLANEOUS
AGREEMENT FORMS AND CLAUSES**

A. INTRODUCTION

- § 38:1 In general
- § 38:2 Common law rules governing interpretation of contracts

G. MISCELLANEOUS AGREEMENTS

- § 38:112 Bailment contract
- § 38:113 Contract for monument and markers

H. MISCELLANEOUS CONTRACT CLAUSES

- § 38:155.50 Force majeure clause *[New]*
- § 38:161 Liquidated damages
- § 38:162 Attorney fees—Reciprocal clause
- § 38:163 Attorney fees—One sided
- § 38:166 Default in payment-time is of the essence
- § 38:170.50 Mutual release clause *[New]*
- § 38:172 Integration (merger) clause
- § 38:176 Forum selection clause
- § 38:177 Venue
- § 38:178 Governing law
- § 38:180 Jurisdiction and choice of law *[Retitled]*
- § 38:181 Choice of law, exclusive venue *[Retitled]*
- § 38:186 Counterparts; electronic signature *[Retitled]*
- § 38:188 Notices *[Retitled]*
- § 38:189 Notice to consumer above signature line *[Retitled]*
- § 38:191 Payment of debt discharged by bankruptcy
- § 38:192 Disaffirmance of minor's contract
- § 38:193 Assignability *[Retitled]*
- § 38:205.1 Incorporation by reference *[New]*
- § 38:206 Headings
- § 38:210.50 Deemed approval *[New]*
- § 38:213 Exculpatory clause—Club facilities *[Deleted]*
- § 38:215 All further necessary acts *[New]*

I. MISCELLANEOUS DEFINITIONS

- § 38:275 Seller's knowledge *[New]*

Volume 7A

PART VII. BUSINESS ORGANIZATIONS

CHAPTER 39. CHOICE OF BUSINESS FORM

- § 39:1 Factors in selection of business form
- § 39:2 Sole proprietorship
- § 39:5 Limited partnership

CHAPTER 40. SOLE PROPRIETORSHIPS

A. INTRODUCTION

- § 40:2 Registration of fictitious name
- § 40:3 Cancellation of registration of fictitious name

B. FORMS FOR SALE OF SOLE PROPRIETORSHIP

- § 40:33 Bill of sale

CHAPTER 42. COOPERATIVE COMPANIES

- § 42:1 Introduction

CHAPTER 43. GENERAL PARTNERSHIP

A. NATURE OF PARTNERSHIP

- § 43:1 In general
- § 43:2 Formation

F. BUSINESS CERTIFICATES

- § 43:102 Registration of fictitious name
- § 43:103 Cancellation of registration of fictitious name

CHAPTER 44. LIMITED PARTNERSHIPS

A. INTRODUCTION

- § 44:1 In general
- § 44:2 Formation

B. LIMITED PARTNERSHIP AGREEMENTS

- § 44:21 Basic limited partnership agreement
- § 44:22 Sophisticated limited partnership agreement

C. CERTIFICATES AND OTHER AGREEMENTS

- § 44:30 Certificate of limited partnership

TABLE OF CONTENTS

- § 44:31 Application for registration of foreign limited partnership
- § 44:32 Application for reservation of name
- § 44:33 Certificate of cancellation of limited partnership
- § 44:34 Amendment of certificate of limited partnership
- § 44:37 Application for amended registration of foreign limited partnership
- § 44:38 Statement of change of registered agent and/or registered office of limited partnership
- § 44:39 Statement of change of business office by registered agent of limited partnership

CHAPTER 45. BUSINESS CORPORATIONS

A. INTRODUCTION

- § 45:3 Principal characteristics of general business corporations
- § 45:4 General business corporation instruction sheet *[Deleted]*

B. PREINCORPORATION

- § 45:20 Application for reservation of name

C. ARTICLES OF INCORPORATION

- § 45:32 Articles of incorporation—Statutory form
- § 45:41 Amendment of articles of incorporation by directors prior to payment for shares—Statutory form
- § 45:42 Amendment of articles of incorporation—Statutory form
- § 45:43 Restatement of articles of incorporation

F. SHAREHOLDER MEETINGS

- § 45:111 Introduction

K. DISSOLUTION

- § 45:203 Articles of dissolution by voluntary action—Statutory form
- § 45:209 Statement of revocation of voluntary dissolution—Statutory form
- § 45:214 Request for termination—Statutory form
- § 45:215 Resolution to dissolve affidavit—Statutory form

L. FOREIGN CORPORATIONS

- § 45:221 Instructions for application for certificate of authority to do business in Missouri *[Deleted]*
- § 45:222 Application for certificate of authority for a foreign for-profit corporation—Statutory form
- § 45:223 Instructions for application for amended certificate of authority to do business in Missouri
- § 45:224 Application for an amended certificate of authority for a foreign corporation—Statutory form
- § 45:225 Application for certificate of withdrawal of foreign corporation—Statutory form

M. CORPORATE MERGERS AND CONSOLIDATIONS

- § 45:232 Statutory requirements for merger of domestic corporations
- § 45:234 Statutory requirements for consolidation of domestic corporation
- § 45:241 Articles of merger—Statutory form
- § 45:242 Articles of merger—Statutory form for short—Form merger

CHAPTER 46. S CORPORATIONS

- § 46:2 Requirements for S Corporation
- § 46:4 The election—IRS Form 2553

CHAPTER 47. PROFESSIONAL CORPORATIONS

A. INTRODUCTION

- § 47:2 Statutory requirements

B. SAMPLE CORPORATE FORMS

- § 47:24 Certificate of State Board Registration—Statutory form *[New]*
- §§ 47:25 to 47:30 *[Reserved]*

C. PURPOSE CLAUSES

- §§ 47:44 to 47:50 *[Reserved]*

CHAPTER 48. NON-PROFIT CORPORATIONS

A. INTRODUCTION

- § 48:1 In general
- § 48:4 Domestic nonprofit instruction sheet—Furnished by Missouri Secretary of State
- § 48:5 Tax aspects of not-profit corporations *[New]*

B. ARTICLES OF INCORPORATION

- § 48:14 Articles of incorporation of a nonprofit corporation—Statutory form
- § 48:15 Articles of amendment for a nonprofit corporation—Statutory form
- § 48:16 Statement of change of registered agent and/or registered office by a foreign or domestic for-profit or nonprofit corporation—Statutory form
- § 48:17 Statement of change of business office address by a registered agent of a foreign or domestic for-profit or nonprofit corporation—Statutory form

TABLE OF CONTENTS

G. MERGER

- § 48:61 Introduction
- § 48:65 Articles of merger—statutory form *[New]*
- §§ 48:66 to 48:70 *[Reserved]*

I. DISSOLUTION

- § 48:82 Articles of dissolution—Statutory form
- § 48:83 Articles of termination—Statutory form
- § 48:84 Articles of revocation of voluntary dissolution for a nonprofit corporation

J. FOREIGN NONPROFIT CORPORATIONS

- § 48:91 Application for certificate of authority of a foreign nonprofit corporation
- § 48:92 Application for certificate of withdrawal of a foreign nonprofit corporation

CHAPTER 49. CLOSE CORPORATIONS

A. INTRODUCTION

- § 49:1 In general
- § 49:2 Statutory requirements

B. ARTICLES OF INCORPORATION

- § 49:13 Articles of incorporation—Statutory form
- § 49:14 Amendment to articles of incorporation accepting close corporation status—Statutory form
- § 49:15 Amendment to articles of incorporation—Statutory form

CHAPTER 50. LIMITED LIABILITY COMPANIES

A. INTRODUCTION

- § 50:1 In general
- § 50:5.10 Series limited liability companies *[New]*
- § 50:5.20 The Corporate Transparency Act—Comment *[New]*
- § 50:6 Application for reservation of name—Statutory form
- § 50:7 Statement of change of registered agent or registered office of limited liability company—Statutory form
- § 50:8 Statement of change of business office of registered agent of limited liability company—Statutory form
- § 50:9 Statement of resignation of registered agent of limited liability company—Statutory form

B. ARTICLES OF ORGANIZATION

- § 50:21 In general

- § 50:23 Articles of organization—Statutory form
- § 50:23.50 Attachment for series of a limited liability company—
Statutory form *[New]*
- § 50:25 Amendment of articles of organization—Statutory form

D. MERGER OR CONSOLIDATION

- § 50:43 Notice of abandonment of merger or consolidation of limited liability company—Statutory form

E. DISSOLUTION

- § 50:51 In general
- § 50:52 Notice of winding up for limited liability company—Statutory form
- § 50:54 Articles of termination—Statutory form

F. FOREIGN LIMITED LIABILITY COMPANIES

- § 50:61 In general
- § 50:62 Application for registration of a foreign limited liability company—Statutory form
- § 50:62.50 Attachment for series of a foreign limited liability company—Statutory form *[New]*
- § 50:63 Articles of cancellation of a foreign limited liability company—Statutory form

G. MISCELLANEOUS

- § 50:72 Statement of correction for limited liability company—Statutory form

CHAPTER 51. LIMITED LIABILITY PARTNERSHIPS

A. INTRODUCTION

- § 51:1 In general
- § 51:2 Principal characteristics of limited liability partnership

B. REGISTRATION APPLICATION

- § 51:11 In general
- § 51:15 Application for registration of a limited liability partnership—Statutory form
- § 51:16 Notice of withdrawal for a limited liability partnership—Statutory form
- § 51:17 Articles of amendment for a limited liability partnership—Statutory form
- § 51:18 Certificate of change of registered agent and/or registered office of limited liability partnership—Statutory form
- § 51:19 Certificate of change of business office by the registered agent of a limited liability partnership—Statutory form

TABLE OF CONTENTS

C. FOREIGN LIMITED LIABILITY PARTNERSHIP

§ 51:31 In general

§ 51:32 Application for registration of a foreign limited liability
partnership—Statutory form

Table of Laws and Rules

Table of Cases

Index

