

# Index

## **ABANDONED PROPERTY STATUTE**

Redevelopment incentives, § 26:10

## **ABANDONMENT**

Condemnation, § 64:24

Easements and licenses, § 28:19

## **ACCEPTANCE**

Sale contract basics, § 9:2

## **ACCRUAL OF INDEBTEDNESS**

Mechanic's liens, § 73:17

## **ACQUIESCENCE**

Adverse possession, boundary by, § 66:7

## **ADVERSE POSSESSION**

Boundary by acquiescence, § 66:7

Permission as a defense, § 66:4

Presumptions, § 28:11

Trespass, § 66:6

## **AMBIGUITIES AND AMBIGUOUS MATTERS**

Deeds, § 3:13

## **ARBITRARY REQUIREMENTS**

Subdivisions, § 22:12

## **ATTORNEYS' FEES**

Condemnation, abandonment by condemnor, § 64:24

## **AUTHORITY AND AUTHORIZATION**

Zoning, § 25:1

## **BONA FIDE PURCHASER**

Relativity of ownership, § 4:6

## **COMMISSIONS**

Listing agreements, § 12:4

## **CONDEMNATION**

Abandonment by condemnor, § 64:24

Five "P's," § 64:1

Interests subject to condemnation, § 64:14

Inverse condemnation, § 64:26

Redevelopment incentives, § 26:9

**CONDOMINIUMS**

Elements of condominium, § 21:4

Features of condominium, § 21:4

**CONSIDERATION**

Deeds, § 3:8

**CONSTITUTIONAL LAW**

Subdivisions, § 22:11

**CONSTRUCTION AND INTERPRETATION**

Easements and licenses, § 29:1

**CONTRACT FOR DEED**

Nonmortgage financing techniques, § 15:7

**COVENANTS**

Subdivision indentures, § 23:3

**DAMAGES**

Punitive damages, § 76:1

**DEED OF TRUST**

Definition, § 16:1

**DEEDS AND CONVEYANCES**

Ambiguities in descriptions, § 3:13

Consideration, § 3:8

Delivery, § 3:16

Recordation, § 3:17

Undue influence, § 3:8

**DEFENSES**

Adverse possession, permission, § 66:4

**EASEMENTS AND LICENSES**

Abandonment, termination of easements by, § 28:19

Construction and interpretation, § 29:1

Implication, easement by, §§ 28:6, 28:9

Limits on use of servient estates, § 29:8

Necessity, easement by, § 28:5

Operation of law, easements by, § 28:5

Platted easements, interpretation of, § 29:10

Third parties, use by, § 29:2

**HOSTILE POSSESSION**

Permission as a defense, § 66:4

**IMPLIED LISTING AGREEMENTS**

Listing agreements, § 12:7

**IMPOSSIBILITY OF PERFORMANCE**

Discretion in specific performance, § 47:10

## INDEX

### **LANDLORD AND TENANT**

- Breach of lease by tenant
  - Counterclaims, § 51:18
- Counterclaims, § 51:18
- Implied warranties, § 48:5

### **LATERAL SUPPORT**

- Generally, § 78:1

### **LEASES AND LEASING**

- Oral agreements or tenancies, § 31:4

### **LIENS AND ENCUMBRANCES**

- Purchasing at tax sales, § 72:9
- Redemption from tax sale, § 72:8
- Tax sales, § 72:9

### **LIMITS**

- Easements and licenses, § 29:8

### **LISTING AGREEMENTS**

- Commission, earning of, § 12:4
- Implied listing agreements, § 12:7

### **MATERIALMEN**

- Mechanic's liens, § 73:8

### **MECHANIC'S LIENS**

- Accrual of indebtedness, § 73:17
- Materialmen, § 73:8

### **MERGER**

- Sales contract, § 10:20
- Warranties, actions for breach of, § 48:3

### **MISSOURI MERCHANDISING PRACTICES ACT**

- Breach of contract, legal actions, § 46:16
- Real estate brokers, § 11:9

### **MISTAKE OF FACT**

- Rescission, § 47:13

### **MORTGAGES**

- Deed of trust, definition, § 16:1
- Parties, § 16:1
- Penalty for failure to release, § 14:6
- Satisfaction and release of mortgages
  - Penalty for failure to release, § 14:6

### **NECESSITY**

- Easement by, § 28:5

### **NEIGHBORS, DISPUTES BETWEEN**

- Lateral support, § 78:1

**OPERATION OF LAW**

Easements and licenses, § 28:5

**ORDINANCES**

Zoning, § 25:5

**OWNERS AND OWNERSHIP**

Relativity of and bona fide purchaser status, § 4:6

**PARTIES**

Mortgages, § 16:1

Sale contract basics, § 9:1

**PARTITION**

Sale in partition, § 69:10

**PENALTIES**

Mortgages, § 14:6

**PERMISSION**

Adverse possession, defense, § 66:4

**PLATTED EASEMENTS**

Easements and licenses, § 29:10

**PRESCRIPTION, EASEMENT BY**

Adverse use, § 67:3

**PRESUMPTIONS**

Adverse possession, §§ 28:11, 67:3

**PROMISSORY NOTES, SUITS ON**

Truth-in-Lending Act, § 55:14

**PROPERTY**

Description

Sales contract, § 9:3

**REAL ESTATE BROKERS**

Licensure questions, § 11:3

Missouri Merchandising Practices Act, § 11:9

**REAS**

Covenants, § 23:3

Subdivision indenture, § 23:4

**RECEIVER AND RECEIVERSHIP**

Alternative dispute resolution, controls on litigation, § 43:9

Appeal and review of order denying motion to stay litigation, § 44:2

Default of secured obligation, foreclosure pre-sale process, § 59:2

Deterioration of security, § 18:3

Guaranties, evaluating liability claims, § 56:9

Leased property, § 17:8

Mortgage covenants, § 17:1

Rent assignments, § 17:11

INDEX

**RECEIVER AND RECEIVERSHIP—Cont'd**

Repairs and waste, clauses relating to security, § 18:2

Tenant claims against landlord, § 52:17

**REDEMPTION**

Tax sale, redemption from, § 72:8

**REDEVELOPMENT INCENTIVES**

Abandoned property statute, § 26:10

Eminent domain, § 26:9

**RESTRICTIVE COVENANTS**

Deed transfers, §§ 3:2, 23:3

**RIGHT OF FIRST REFUSAL**

Generally, §§ 35:12-35:15

**ROADS, STREETS, OR DRIVES**

Generally, §§ 30:1-30:10

**ROFR**

Right of first refusal, § 35:12

**SALE OR TRANSFER OF PROPERTY**

Partition sales, § 69:10

Tax sales, §§ 72:8, 72:9

**SALES CONTRACTS AND CONVEYANCES**

Acceptance of offer, § 9:2

Merger, § 10:20

Parties, § 9:1

Property description, § 9:3

**SPECIFIC USE RESTRICTIONS**

Subdivision disputes, § 68:15

**STATUTE OF FRAUDS**

Vendor and purchaser actions, §§ 47:2, 47:3

**SUBDIVISIONS**

Amendment of restrictions, § 23:7

Arbitrary requirements, contesting of, § 22:12

Constitutional law, § 22:11

Disputes

Specific use restrictions, § 68:15

Successor associations, § 68:3

Indentures

Amendment of restrictions, § 23:7

Covenants, § 23:3

**TAX SALES**

Liens, §§ 72:8, 72:9

**TITLE AND OWNERSHIP**

Bona fide purchaser status, relativity of ownership, § 4:6

**TORT CLAIMS INVOLVING REAL ESTATE**

Lateral support, § 78:1

**TRESPASS AND TRESPASSERS**

Adverse possession, § 66:6

**VENDOR AND PURCHASER ACTIONS**

Generally, §§ 46:1-49:10

Clarity of contract in specific performance actions, § 47:2

**WARRANTIES, ACTIONS FOR BREACH OF**

Current rule as to implied warranties, § 48:5

Merger, § 48:3

**WATER RIGHTS**

Nuisance, § 77:4

**WAY OF NECESSITY**

Generally, §§ 28:13, 30:3, 64:28

**ZONING AND PLANNING**

Authority for zoning, § 25:1

Constitutional law, generally, § 24:1

Judicial review of zoning decisions

Jurisdiction, § 63:1

Ordinances, § 25:5

Procedural unconstitutionality of zoning, § 24:7

Redevelopment areas, § 62:17

Special use permits, §§ 62:11-62:15

Substantive unconstitutionality of zoning, § 24:5