CHAPTER 1. FREQUENTLY ASKED QUESTIONS

§ 1:1	Rent and possession (V.A.M.S. Chapter 535)
§ 1:2	Unlawful detainer (V.A.M.S. Chapter 534)
§ 1:3	General landlord-tenant provisions (V.A.M.S. Chapter 441 and case law)
§ 1:4	Application of certain federal laws in landlord-tenant cases (15 U.S.C.A. §§ 1692 et seq., 42 U.S.C.A. § 1983, etc.)
§ 1:5	Special exemptions for military personnel (V.A.M.S. § 41.944)
§ 1:6	Sunshine Law Record Requests (V.A.M.S. § 610.010)
§ 1:7	Notice required for termination of lease: farm
	cultivator (tenant) vs. sharecropper
§ 1:8	Disability discrimination in housing
§ 1:9	Homeowners' Associations (HOA) Rights and Obligations to repair; ability to collect attorney's fees
§ 1:10	Is a tenant entitled to a portion of a commissioners' award in a condemnation proceeding?
§ 1:11	Right to counsel—Kansas City, Missouri
§ 1:12	May a Missouri Merchandising Practices Act (MMPA) claim for failure to return a Security Deposit be filed?
§ 1:13	Easement by Title/Implication/In gross/Appurtenant
§ 1:14	Must a landlord at a mobile home park accept section 8 vouchers for a tenant with disabilities as a reasonable accommodation?
§ 1:15	Does Missouri have a law allowing a document to be notarized electronically?
§ 1:16	Hancock Amendment challenge must be ruled on by the trial court
§ 1:17	Cities, Counties and other political subdivisions prohibited from imposing or enforcing moratorium on eviction proceedings

CHAPTER 2. THE RESIDENTIAL LEASE

- § 2:1 Scope note
 § 2:2 Nature of the landlord-tenant relationship
 § 2:3 Residential lease—Generally
 § 2:4 —Defined
 § 2:5 Oral versus written leases
- § 2:6 Areas to cover in a written lease

Landlord-Tenant Handbook

§ 2:7	Attorney's fees—When recoverable
§ 2:8	Prejudgment interest—When recoverable
§ 2:9	Breach of lease—Failure to comply with a subpoena
§ 2:10	Option to purchase
§ 2:11	Waiver of liability provision
§ 2:12	Liability of spouse for breach of lease
§ 2:13	Lease modification
§ 2:14	Requirement to procure insurance
§ 2:15	Effect of a settlement on previous lease terms
§ 2:16	Enforceability of lease addendums
§ 2:17	Repair provisions in a lease agreement: interior vs.
	exterior repairs
§ 2:18	Arbitration clauses in a lease
§ 2:19	Enforcement of a mechanic's lien against landlord
§ 2:20	Exercising an option to renew the lease
§ 2:21	Lease indemnity attorney's fees clause valid
§ 2:22	De novo review of lease upon appeal
§ 2:23	Commercial tenant could not be evicted for nuisance in
	common area under commercial lease
§ 2:24	Landlord is entitled to immediate possession under
	commercial lease in unlawful detainer action despite
	bad faith claim by tenant; discovery by tenant not
	allowed

FORMS

§ 2:25 Residential lease

CHAPTER 3. SUBLEASE

§ 3:1	Scope note
§ 3:2	Sublease—Generally
§ 3:3	Sublease defined
§ 3:4	Approval by landlord of sublease
§ 3:5	Liability of original tenant
§ 3:6	Liability of landlord
§ 3:7	Modification of original lease
§ 3:8	Landlord's remedies against sublessee
§ 3:9	Subletting and assignment compared
§ 3:10	Furnished property
§ 3:11	Tenant not responsible for landlord's damages after sublease under certain circumstances
§ 3:12	Motion to dismiss granted where subsequent sublease eliminated duty to pay for property damage and cleaning costs

FORMS

§ 3:13 Sublease contract

- § 3:14 Consent to sublease
 § 3:15 Letter from tenant notifying landlord of sublease
 § 3:16 Petition for breach of contract for failure to pay rent
- § 3:16 Petition for breach of contract for failure to pay under a sublease
- § 3:17 Lease amendment (sublease)
- § 3:18 Care of furniture and household appliances

CHAPTER 4. ASSIGNMENT OF LEASE

- § 4:1 Scope note
- § 4:2 Assignment—Generally
- § 4:3 —Defined
- § 4:4 Assignee—Defined
- § 4:5 Approval of assignment
- § 4:6 Modification of original lease
- § 4:7 Landlord's remedies against assignee
- § 4:8 Assignees not allowed in small claims
- § 4:9 Challenge to chapter 11 debtor's assignment of lease was not moot

FORMS

- § 4:10 Lease assignment
- § 4:11 Lease amendment
- § 4:12 Petition for breach of assignment

CHAPTER 5. SECURITY DEPOSIT LAW

- § 5:1 Scope note
- § 5:2 Security deposit—Definition
- § 5:3 Security deposit collection by landlord
- § 5:4 Where to keep the deposit
- § 5:5 Interest on security deposit accounts
- § 5:6 Landlord's licensed under V.A.M.S. Chapter 339
- § 5:7 Housing authority not subject to security deposit account requirements
- § 5:8 Carpet cleaning can be withheld from security deposit by agreement—Receipt must be mailed within 30 days
- § 5:9 Pet deposit
- § 5:10 Security deposit distribution at tenancy termination
- § 5:11 Property inspection requirement
- § 5:12 Notice of inspection
- § 5:13 Withholding the security deposit
- § 5:14 Withholding amounts for ordinary wear and tear
- § 5:15 Double damages against the landlord
- § 5:16 Actual damages in excess of the security deposit

- § 5:17 No right of tenant to apply unpaid rent against security deposit
- § 5:18 Pitfalls to avoid with security deposits

FORMS

§ 5:19 Security deposit notice of inspection

CHAPTER 6. DEMAND FOR RENT

- § 6:1 Scope note
- § 6:2 Demand for rent—Generally
- § 6:3 —Defined
- § 6:4 Requirement for demand in rent and possession to obtain judgment
- § 6:5 Requirement for demand in unlawful detainer
- § 6:6 Delivery of demand in rent and possession
- § 6:7 Delivery of demand in unlawful detainer
- § 6:8 Who may deliver demand
- § 6:9 How delivery is proven in court
- § 6:10 Filing the lawsuit is demand in rent and possession
- § 6:11 Recovery of rent not pled
- § 6:12 When the tenant must vacate
- § 6:13 Subleased property
- § 6:14 Property purchased by a new landlord
- § 6:15 Demand and an automatic renewal provision
- § 6:16 Demand for possession—Assigned property
- § 6:17 Effect of lease forfeiture provision on double damages

FORMS

- § 6:18 Demand for possession—Rent and possession
- § 6:19 —Unlawful detainer
- § 6:20 —Subleased property
- § 6:21 Right of successor to recover rent

CHAPTER 7. RENT AND POSSESSION

- § 7:1 Scope note
- § 7:2 Rent and possession cases—Generally
- § 7:3 Landlord's options upon tenant's default
- § 7:4 Procedure to recover possession in a chapter 535 rent and possession case
- § 7:5 Rent and damages only
- § 7:6 Persons who may bring action
- § 7:7 Where the petition is filed
- § 7:8 Electronic Filing in Missouri

TABLE OF CONTENTS

§	7:9	Issuance of summons
§	7:10	Service of summons
	7:11	Counterclaims not compulsory
	7:12	Illegality of lease as affirmative defense
	7:13	Victims of domestic violence, sexual assault and
o		stalking cannot be evicted/are not liable for rent
		under certain circumstances
Ş	7:14	What the court may order—Rent and possession
-	7:15	Non-party garnishee liability in rent and possession
o		case
Ş	7:16	Execution of order for removal or eviction
_	7:17	Stay of execution order for removal or eviction
-	7:18	Order to sheriff to deliver process of premises
	7:19	Appellate standard for affirming rent and possession
9	0	judgment
Ş	7:20	Garnishment of personal injury settlement checks from
•		insurer to collect rent judgment
§	7:21	Sheriff's eviction actions are within the sheriff or
		deputies' official duties
§	7:22	No collateral estoppel existed when Federal Housing
		Act federal case was filed in federal court based on
		familial status after a state rent and possession
_		judgment
§	7:23	Removal of a rent and possession action to Federal
0	5 0 4	Court
8	7:24	Rent and possession and unlawful detainer counts are
		separate and distinct claims
	FOR	MS
2	7:25	Verified complaint/petition for rent and negacian
		Verified complaint/petition for rent and possession
	7:26	Complaint/petition for rent and damages
	7:27	Notice to quit
	7:28	Summons
	7:29	Judgment for rent and possession
Š	7:30	Order staying execution of writ of restitution
(ΉΔΤ	PTER 8. UNLAWFUL DETAINER
	8:1	Scope note
	8:2	Unlawful detainer—Generally
	8:3	—Defined
-		
	8:4	Counterclaims prohibited
	8:5	No equitable defenses
	8:6	Procedure to recover possession
	8:7	Persons who may bring action
8	8:8	Unlawful detainer against a family member

LANDLORD-TENANT HANDBOOK

§ 8:9	Where the petition is filed
§ 8:10	Electronic filing in Missouri
§ 8:11	Issuance of summons
§ 8:12	Service of summons
§ 8:13	What the court may order
§ 8:14	Damages related to moving tenant's personal property after judgment for possession
§ 8:15	Surrendering possession after unlawful detainer judgment
§ 8:16	Victims of domestic violence, sexual assault and stalking cannot be evicted/are not liable for rent under certain circumstances
§ 8:17	Execution of order for removal or eviction
§ 8:18	Stay of execution order for removal or eviction
§ 8:19	Sheriff's eviction actions are within the sheriff or deputies' official duties
§ 8:20	Removal of an unlawful detainer action to Federal Court
§ 8:21	Application of Rooker-Feldman doctrine after removal to Federal Court
§ 8:22	Unlawful detainer and rent and possession counts are separate and distinct claims
§ 8:23	Attorney's fees under Chapter 534 if not provided for in lease
§ 8:24	Standard of review for unlawful detainer appeal
§ 8:25	Abatement Doctrine did not apply in Unlawful Detainer case
§ 8:26	Unlawful detainer action appropriately filed by Life Tenant
§ 8:27	Transfers of title of real property for rental properties with outstanding collectible judgments must be filed with the circuit court within thirty days after transfer of title

FORMS

- § 8:28 § 8:29 Verified complaint/petition for unlawful detainer
- Notice to quit
- § 8:30 Summons
- Judgment for unlawful detainer § 8:31
- § 8:32 Order staying execution of writ of restitution

CHAPTER 9. EJECTMENT

- § 9:1 Scope note
- Ejectment—Generally § 9:2
- "Ejectment" defined § 9:3

_	9:4	When ejectment may be brought	
-	9:5	Contents of the ejectment petition	
Ş	9:6	What plaintiff must show to recover in ejectment	
ş	9:7	What plaintiff may recover in an ejectment action	
§	9:8	Recovery where plaintiff's right to possession expires after suit	
ş	9:9	Contents of the ejectment judgment	
ş	9:10	Appeals	
ş	9:11	Ejectment after tax sale	
ş	9:12	Defendant's recovery for improvements	
ş	9:13	Conveyance by deed	
ş	9:14	When land may or may not be divided	
ş	9:15	Execution on possession and damages	
§	9:16	Specific performance of sales contract through quiet title and ejection	
ş	9:17	Ejectment action upheld because of parol evidence rule	
8	9:18	Ejectment counterclaim may be filed in quiet title by adverse possession action	
8	9:19	Partial summary judgment granted in ejectment case	
	FORMS		
ş	9:20	Petition for ejectment	
ş	9:21	Answer to petition for ejectment	
ş	9:22	Motion to add third-party defendant and order	
ş	9:23	Judgment for ejectment	
ş	9:24	Petition to recover value of improvements	
ş	9:25	Judgment for value of improvements	
ş	9:26	Notice of claim	
ş	9:27	Injunction granting stay	
ş	9:28	Warranty deed	
_	9:29	Judgment dividing property	
Ş	9:30	Writ of possession	
Ş	9:31	Execution on writ of possession	

CHAPTER 10. EXPEDITED EVICTION PROCEEDINGS

§ 10:1	Scope note
§ 10:2	Expedited eviction—Generally
§ 10:3	Expedited eviction proceedings defined
§ 10:4	Grounds for expedited eviction
§ 10:5	Tenants without knowledge of criminal activity: notice
§ 10:6	Persons who may bring action
§ 10:7	Substitution of plaintiff

LANDLORD-TENANT HANDBOOK

	LANDLORD-TENANT HANI
§ 10:8	Notice to vacate
§ 10:9	Where petition is filed
§ 10:10	Issuance of summons
§ 10:11	Affirmative defenses to eviction
§ 10:12	Discovery
§ 10:13	Protective orders
§ 10:14	Restraining orders/preliminary relief to prevent drug- related criminal activity
§ 10:15	Collection of rent during civil action
§ 10:16	Hearing
§ 10:17	Admissibility of evidence at trial
§ 10:18	Removal of persons engaged in criminal activity
§ 10:19	Criminal prosecution and cumulative remedies
§ 10:20	Order of eviction
§ 10:21	Execution of order for removal or eviction; stay; hearing
§ 10:22	Stay of execution on order of eviction
§ 10:23	Probationary tenancy
§ 10:24	Court costs
§ 10:25	Landlord's immunity from civil liability
FOI	RMS
§ 10:26	Motion for substitution of party
§ 10:27	Order substituting party
§ 10:28	Notice of proposed substitution
§ 10:29	Sample verified petition for expedited eviction
§ 10:30	Motion for protective order
§ 10:31	Protective order
§ 10:32	Order staying execution
§ 10:33	Written request to be notified of an application for stay of execution
§ 10:34	Five-day notice: Failure to comply with probation
§ 10:35	Defendant's motion stating compliance with probation and request for discharge from probation
§ 10:36	Letter to landlord for corrective action on property
CITA	DOED 11 CHOOSING THE METHOD
	PTER 11. CHOOSING THE METHOD
	EVICTION
§ 11:1	Scope note
§ 11:2	Different methods of eviction—Defined
§ 11:3	
§ 11:4	Election of remedies doctrine
§ 11:5	When to use the various methods of eviction

CHAPTER 12. SPECIAL PROCESS SERVER

- § 12:1 Scope note
- § 12:2 Special process server—Generally
- § 12:3 Special process server defined
- § 12:4 Who may serve as a special process server
- § 12:5 Appointment of a special process server
- § 12:6 Who appoints a special process server
- § 12:7 Service by a person other than the person named in the order
- § 12:8 Length of appointment of a special process server
- § 12:9 Expiration of summons versus expiration of special process server appointment
- § 12:10 Testimony of special process server at court hearing
- $\S~12:11$ Special process server costs at time of judgment
- § 12:12 Special process server costs after judgment
- § 12:13 Defects in the appointment of special process server does not render judgment void

FORMS

- § 12:14 Letter requesting service by a special process server
- § 12:15 Motion for special process server and order
- § 12:16 Motion to extend time to serve summons and order
- § 12:17 Journal notation of special process server at time of service
- § 12:18 Request for special process server fees and order

CHAPTER 13. SERVICE OF PROCESS

- § 13:1 Scope note
- § 13:2 Service of process—Generally
- § 13:3 Service of process defined
- § 13:4 Personal service requirements within Missouri
- § 13:5 Acknowledgment of service
- § 13:6 Where process may be served in Missouri
- § 13:7 Service by posting
- § 13:8 Who may serve process
- § 13:9 Out-of-state service of process
- § 13:10 Number of days process must be served before a court date
- § 13:11 Return of service
- § 13:12 Refusal to receive service
- § 13:13 Military service of process
- § 13:14 Service on incarcerated persons
- § 13:15 Death of defendant—Effect on service
- § 13:16 Quashing service of process

§ 13:17	Non est. summons and alias summons
§ 13:18	Time for service and return
§ 13:19	Amendment of process, return of service, or proof of service
§ 13:20	Return is prima facie valid
§ 13:21	Default judgment for Landlord set aside by Court is reversed—insufficient evidence to impeach presumptively valid sheriff's return
FOR	MS
§ 13:22	Summons
§ 13:23	Entry of appearance and waiver of service
§ 13:24	Sheriff's or server's return of service of summons
§ 13:25	Affidavit of service
§ 13:26	Sheriff's or server's return of service of summons (refusal)
§ 13:27	Motion for appointment of defendant ad litem and order
§ 13:28	Motion to substitute a party and order
§ 13:29	Motion to quash and order
§ 13:30	Out-of-state summons return
§ 13:31	Request for special process server
§ 13:32	Order appointing special process server
CHAP	PTER 14. POSTING
§ 14:1	Scope note
§ 14:2	Posting—Generally
§ 14:3	Posting defined
§ 14:4	Manner of posting
§ 14:5	Persons who may post
§ 14:6	Posting and publication distinguished
§ 14:7	Signature needed on order to post
§ 14:8	Time period for posting
§ 14:9	Posting in rent and possession
§ 14:10	Posting in unlawful detainer
§ 14:11	Mailing of summons required
§ 14:12	No money award
§ 14:13	Assessment of court costs
FOR	MS
§ 14:14	Letter to circuit clerk or court administrator requesting posting
§ 14:15	Summons in landlord suit for rent and possession or unlawful detainer

§ 14:16 Motion for order to post and order to post

CHAPTER 15. MOBILE HOMES: SPECIAL NOTICE REQUIREMENTS

Scope note § 15:1 Mobile home—Defined § 15:2 60-day notice of eviction § 15:3 § 15:4 Mobile home owned by the mobile home park § 15:5 Mobile home owned by tenant § 15:6 Mobile home owned by a third party § 15:7 Persons who may send notice § 15:8 Removal of mobile home from lot by landlord § 15:9 Removal of mobile home from lot by tenant § 15:10 Payment of costs to remove the mobile home Personal property in mobile home § 15:11 § 15:12 Use of Substantial Damage Estimator (SDE) admissibility

FORMS

§ 15:13

§ 15:14 60-day notice of eviction
§ 15:15 Notice Claiming Lien on Abandoned Manufactured Home
§ 15:16 Request for execution on mobile home
§ 15:17 Tenant to pay costs to move mobile home
§ 15:18 Verified complaint/petition
§ 15:19 Judgment of eviction on a mobile home lot
§ 15:20 Notice to tenant to remove personal property

Notice Required for Deficiency Judgment

CHAPTER 16. EVICTION OF A TENANT AFTER FORECLOSURE ON A DEED OF TRUST

§ 16:1 Scope note § 16:2 Eviction after a foreclosure—Generally § 16:3 After-foreclosure class defined § 16:4 Foreclosure of deed of trust defined § 16:5 Foreclosure process § 16:6 Effect of foreclosure on a written or verbal lease § 16:7 Remedy to remove tenant after foreclosure— Unlawful detainer Applicability of rent and possession and unlawful § 16:8 detainer statutes to a lessee § 16:9 Procedure to remove unknown parties after foreclosure

§ 16:10	Wrongful foreclosure followed by unlawful detainer action
§ 16:11	Suit may be brought in equity to set aside a wrongful foreclosure
§ 16:12	Proof of ownership after foreclosure
§ 16:13	No counterclaims or affirmative defenses in an unlawful detainer action
§ 16:14	Post-foreclosure deficiency
§ 16:15	"Show me the note" theory at foreclosure sale
§ 16:16	Judgment debtor in prior foreclosure action could attack that judgment as void in current action
FOR	MS
§ 16:17	No challenge to deed of trust after foreclosure through earlier action
§ 16:18	Notice of acceleration
§ 16:19	Notice of trustee's sale
§ 16:20	Trustee's deed
§ 16:21	Complaint in unlawful detainer after foreclosure
§ 16:22	Motion and order to post in unlawful detainer
§ 16:23	Notice of occupant following foreclosure
§ 16:24	30-day notice to vacate
§ 16:25	Immediate notice to vacate
§ 16:26	Complaint naming unknown parties
§ 16:27	Motion to dismiss counterclaim
§ 16:28	Motion to strike affirmative defenses
	TER 17. REMOVAL OF TENANT'S
PERS	ONAL PROPERTY
§ 17:1	Scope note
§ 17:2	"Personal property" defined
§ 17:3	When personal property of the tenant may be removed by the landlord
§ 17:4	Fixtures
§ 17:5	Requirement of the landlord to post notice
§ 17:6	Additional requirements beyond posting notice
§ 17:7	Required statutory language in notice
§ 17:8	Failure of the tenant to remove personal property after notice
§ 17:9	Disposal of the property defined
§ 17:10	Disposal of the property without notice: Conversion

Landlord not liable for disposal of tenants personal property or third parties personal property after court ordered execution

§ 17:11

- § 17:12 Breach of settlement agreement to return property
- § 17:13 Removal of property from storage area
- § 17:14 What the court may order

FORMS

- § 17:15 Notice to tenant to remove personal property
- § 17:16 Notice to third party to remove personal property
- § 17:17 Notice of tenant not to abandon premises

CHAPTER 18. TENANT'S RIGHT TO MAKE REPAIRS AND DEDUCT AMOUNT SPENT FROM RENT

- § 18:1 Scope note
- § 18:2 Landlord's duty—Generally
- § 18:3 Tenant's duty—Generally
- § 18:4 Repairs defined
- § 18:5 Repairs made with the landlord's consent
- § 18:6 Repairs made without landlord's consent
- § 18:7 V.A.M.S. § 441.234: Deducting the repair amount from the rent
- § 18:8 Amount of rent that is deductible
- § 18:9 Notice to landlord of need for repairs
- § 18:10 Tenant may authorize repairs: When
- § 18:11 Landlord's right to repair before tenant does
- § 18:12 Repairs that do not qualify for deduction under V.A.M.S. § 441.234
- § 18:13 Repairs where tenants caused damage deliberately or negligently
- $\S~18:14~$ Repairs made used as affirmative defense to offset at court hearings
- § 18:15 Landlord's duty to keep the property safe while repairs are made

FORMS

- § 18:16 Agreement between landlord and tenant for repairs on rental property
- § 18:17 Notice from tenant to landlord of repairs needed
- § 18:18 Notice from landlord to tenant in response to tenant's letter

CHAPTER 19. PRETRIAL PROPERTY LIEN AND ATTACHMENT TO COLLECT RENT

§ 19:1 Scope note

LANDLORD-TENANT HANDBOOK

	LANDLORD-1ENANT HANDBO
§ 19:2	Attachment—Generally
§ 19:3	Attachment proceedings—Defined
§ 19:4	Grounds for attachment
§ 19:5	Persons who may bring the action
§ 19:6	Petition for landlord lien and attachment
§ 19:7	Affidavit in support of a writ of attachment
§ 19:8	Issuance of writ of attachment
§ 19:9	Notice to retain or regain possession of property
§ 19:10	Attachment bond
§ 19:11	Hearing at property owner's request
§ 19:12	Dissolution of attachment
§ 19:13	Judgment of attachment
§ 19:14	Attachment of property by the sheriff
§ 19:15	Storage of property attached
§ 19:16	Prejudgment sale of property
§ 19:17	Proceeds of the sale
§ 19:18	Effect of the judgment on bond
FOR	MS
§ 19:19	Petition for landlord lien and attachment
§ 19:20	Quiet Title, not Ejectment, was appropriate to resolve property owner dispute
§ 19:21	Notice to regain or retain property
§ 19:22	Request for writ of attachment
§ 19:23	Order issuing writ of attachment
§ 19:24	Writ of attachment
§ 19:25	Judgment of attachment
§ 19:26	Motion to dissolve attachment
§ 19:27	Judgment dissolving attachment
§ 19:28	Levy on real estate
§ 19:29	Levy on tangible personal property
§ 19:30	Levy on tangible personal property where seizure is impracticable
§ 19:31	Levy on prejudgment proceeds
§ 19:32	Levy on secured stock
§ 19:33	Order for prejudgment sale of personal property
§ 19:34	Motion and order to release bond
CHAI	TER 20. THE LANDLORD'S LIEN ON
CROI	
§ 20:1	Scope note
§ 20:2	
§ 20:3	- · · · · · · · · · · · · · · · · · · ·
§ 20:4	Nature and extent of lien

TABLE OF CONTENTS

TABLE OF	CONTENTS
§ 20:5	Lien priorities
§ 20:6	Where petition is filed
§ 20:7	Enforcement of lien
§ 20:8	Court orders during litigation
§ 20:9	Waiver of lien
§ 20:10	Crops grown by subtenant
§ 20:11	Recording of instruments
§ 20:12	Purchaser of crops
§ 20:13	Oral lease on agricultural land
§ 20:14	Surrendering possession of farmland after unlawful detainer judgment
§ 20:15	Hearing
§ 20:16	Landlord's lien for money and supplies furnished to tenant
§ 20:17	Remedies of landlord
FOR	RMS
§ 20:18	Verified complaint/petition
§ 20:19	Restraining order prohibiting destruction of crops or nursery stock
§ 20:20	List of counties
§ 20:21	Letter to the recorder of deeds
§ 20:22	Petition for attachment on crops
§ 20:23	Attachment bond
§ 20:24	Judgment attaching crops
§ 20:25	Notice of attachment and hearing
CHAI	PTER 21. LANDLORD TENANT TRIAL
§ 21:1	Scope note
§ 21:2	Landlord tenant trial—Generally
§ 21:3	Date of hearing
§ 21:4	Change of judge
§ 21:5	Procedure at the hearing
§ 21:6	Evidence at trial (including business records)
§ 21:7	Evidence of rent due outside pleadings
§ 21:8	Text messages: Admissibility
§ 21:9	Evidentiary hearing required—Motion to set aside judgment
§ 21:10	Judgment or dismissal
§ 21:11	Medical records were admissible under business records exemption to hearsay rule

FORMS

§ 21:12 Entry of appearance

§ 21:13 Motion for continuance
§ 21:14 Motion for change of judge
§ 21:15 Records custodian foundation—Admission of records
§ 21:16 Statement of dismissal

CHAPTER 22. PAROL EVIDENCE AT TRIAL: ORAL VS. WRITTEN LEASES

OILA	L VS. WICHTEN LEASES
§ 22:1	Scope note
§ 22:2	Parol evidence—Generally
§ 22:3	Parol evidence defined
§ 22:4	Admissibility of parol evidence at trial
§ 22:5	When parol evidence is admissible
§ 22:6	When parol evidence is not admissible
§ 22:7	Admissibility of contrary agreements made after the contract or lease
§ 22:8	Discharge of prior and contemporaneous oral agreements
§ 22:9	Evidence offered in violation of the parol evidence rule
§ 22:10	Statute of frauds and parol evidence
§ 22:11	Statute of frauds may be waived
§ 22:12	Oral testimony is not permitted to show renewal of a lease
§ 22:13	Consideration of substantial performance of agreement after one-year did not violate statute of frauds

FORMS

§ 22:14

- § 22:15 Motion in limine to prohibit parol evidence
- § 22:16 Order prohibiting parol evidence

CHAPTER 23. IMPLIED WARRANTY OF HABITABILITY

Equitable exceptions to the statute of frauds

§ 23:1 Scope note § 23:2 Courts have discretion to require all unpaid rent and additional rent that accrues into escrow account with court § 23:3 Implied warranty of habitability defined § 23:4 History of implied warranty of habitability § 23:5 King v. Moorehead Conditions causing breach of implied warranty of § 23:6 habitability Housing code violations § 23:7

§ 23:8	How to measure damages
§ 23:9	Withholding rent by the tenant
§ 23:10	Landlord's damage recovery
§ 23:11	Negligence v. implied warranty of habitability
§ 23:12	Small claims action by tenant for breach of implied warranty of habitability
§ 23:13	Implied Warranty of Habitability counterclaims and affirmative defenses in an unlawful detainer
§ 23:14	Breach of implied warranty of habitability claim did not undermine substantial evidence tenants unlawfully detained the property
§ 23:15	Commercial Lease disclaimer of Implied Warranty of Habitability upheld
§ 23:16	Management company's legal counsel's letter alleging material breach of Implied Warranty of Habitability ruled insufficient; however, partial summary judgment for landlord granted and directed verdict for landlord and management company granted on tenants' Implied Warranty of Habitability claim
§ 23:17	Implied Warranty of Habitability case remanded from Federal Court

FORMS

§ 23:18	Motion to pay rent into court with proposed order
§ 23:19	Answer including implied warranty of habitability
	defense
§ 23:20	Notice to tenant requesting unpaid rent and
	additional rent as it accrues
§ 23:21	Notice of hearing regarding payment of unpaid rent
	and additional rent as it accrues

CHAPTER 24. RENT AND POSSESSION TRIAL DE NOVO RESTORED - NO TRIAL DE NOVO FOR UNLAWFUL DETAINER

§ 24:1	Scope note
§ 24:2	Trial de novo—Generally
§ 24:3	Trial de novo defined
§ 24:4	Trial de novo where summary judgment/ preliminary motions granted by associate circuit court
§ 24:5	Time period for a rent and possession trial de novo appeal
§ 24:6	Posttrial motions
§ 24:7	Default judgment—Motion to set aside
§ 24:8	Circuit court jurisdiction
§ 24:9	Reasserting counterclaims and affirmative defenses in circuit court

§ 24:10	Amendment of a petition or answer after appeal
§ 24:11	Trial de novo—Governed by Circuit Court practice; six person juries allowed by agreement
§ 24:12	Reasserting counterclaims and affirmative defenses
5 21.12	in circuit court
§ 24:13	Tape recording vs. court reporter
§ 24:14	Differences between circuit court and associate circuit court practice
§ 24:15	Bond requirements on trial de novo appeal
§ 24:16	Unlawful Detainer Appeal from associate circuit court and Rent and Possession Appeal from Circuit Court
FOR	MS
§ 24:17	Application for trial de novo
§ 24:18	Motion for new trial and order
§ 24:19	Motion to amend or alter judgment or, in the alternative, motion for reconsideration
§ 24:20	Notice of hearing
§ 24:21	Motion to set aside default judgment
§ 24:22	Order setting aside default judgment
§ 24:23	Motion to approve trial de novo appeal bond and
	proposed order
CHAI	PTER 25. JURY TRIAL
§ 25:1	Scope note
§ 25:2	Jury trial—Generally
§ 25:3	Trial by jury—Unlawful detainer
§ 25:4	Right to trial by jury—Rent and possession
§ 25:5	When request for jury trial must be made
§ 25:6	Untimely request for jury trial
§ 25:7	Pretrial before jury trial
§ 25:8	Jury trial procedure—Unlawful detainer action
§ 25:9	Jury instructions—Preparation
§ 25:10	—Order of submission during trial
§ 25:11	Verdict form
§ 25:12	Judgment after verdict
§ 25:13	After-trial motions
§ 25:14	Appeal requirements
§ 25:15	No appeal of default judgment without filing of motion to set aside judgment
§ 25:16	Appeal bond
§ 25:17	Grounds for dismissal of appeal

FORMS

§ 25:18 Request for jury trial

§ 25:19	Order granting request for jury trial
§ 25:20	MAI 2.01 [2010 Revision] Explanatory—Instruction for All Cases
§ 25:21	MAI 2.03 [2005 revision] Explanatory—Order of Instructions
§ 25:22	MAI 2.02 [1980 revision] Explanatory—Facts Not Assumed
§ 25:23	MAI 3.01 [1998 revision] Burden of Proof—General
§ 25:24	MAI 2.04 [1981 revision] Explanatory—Return of Verdict
§ 25:25	Verdict director—Unlawful detainer action
§ 25:26	MAI 36.01 [1980 revision]
§ 25:27	Motion for new trial and proposed order
§ 25:28	Civil Procedure Forms Promulgated by the Supreme Court of Missouri—Notice of Appeal
§ 25:29	—Appeal Bond

CHAPTER 26. DEATH OF LANDLORD OR TENANT—EFFECT ON RENT COLLECTION

§ 26:1	Scope note
§ 26:2	Death of landlord—Effect
§ 26:3	Death of tenant—Effect
§ 26:4	Death of landlord after suit is filed—Substitution of plaintiff
§ 26:5	Death of tenant after suit is filed—Defendant ad litem
§ 26:6	Probate proceedings
§ 26:7	Claim against estate
§ 26:8	Payment of rent upon landlord's death—To whom
§ 26:9	Payment of rent upon tenant's death—By whom
§ 26:10	Effect on lease of probate estate
§ 26:11	Death of joint tenant
§ 26:12	Death of joint landlord
§ 26:13	Sale of leased property after landlord's death
§ 26:14	Bond to prevent sale of real estate

FORMS

§ 26:15	Beneficary deed
§ 26:16	Suggestion of death—Plaintiff landlord
§ 26:17	—Defendant tenant
§ 26:18	Motion to substitute a party and order
§ 26:19	Motion for appointment of defendant ad litem and order
§ 26:20	Application for letters testamentary or administration with will annexed

Landlord-Tenant Handbook

§ 26:21	Small-estate affidavit
§ 26:22	Claim against estate
§ 26:23	Motion to pay rent into court and order
§ 26:24	Petition to sell real property
§ 26:25	Notice to tenant of change in landlord and change of address to make rent payments
§ 26:26	Sample bond

APPENDIX

Appendix A. Selected Missouri Landlord Tenant Statutes

Table of Laws and Rules

Table of Cases

Index