

# Index

## **ACCELERATION**

Preparing for sale, § 3:4

## **ACCOUNTING**

Trustee's accounting, §§ 4:29, 7:27

## **ACKNOWLEDGMENT**

Redemption, acknowledgment of, forms, § 7:23

## **ADJOURNMENT**

Sale, adjournment of, § 4:8

## **ADVERTISEMENT**

Preparing for Sale, this index

## **AFFIDAVITS**

Estoppel affidavit for deed in lieu of foreclosure, forms, § 7:31

Forms, §§ 7:6, 7:8, 7:10, 7:11, 7:31

Holder's affidavit, forms, § 7:8

No military service affidavit, forms, § 7:11

Second mortgagee affidavit, forms, § 7:10

Successor trustee's appointment by circuit court, forms, § 7:6

Trustee's affidavit of mailing

postsale, form, § 7:29

presale, form, § 7:25

## **ALTERNATE REMEDIES**

Ancillary and Alternate Remedies of Mortgagee, this index

## **ANCILLARY AND ALTERNATE REMEDIES OF MORTGAGEE**

Generally, §§ 5:1 to 5:8

Appointment of receiver, § 5:3

Attorney fees, recovery of, § 5:6

Casualty loss, § 5:7

Deeds in lieu of foreclosure, § 5:4

Default, right to possession after, § 5:1

Deficiency, § 5:5

Fees, recovery of attorney fees, § 5:6

Foreclosure

Casualty loss, § 5:7

deeds in lieu of foreclosure, § 5:4

judicial foreclosure, § 5:8

Judicial foreclosure, § 5:8

Possession after default, right to, § 5:1

Possession after foreclosure, securing, § 5:2

**ANCILLARY AND ALTERNATE REMEDIES OF MORTGAGEE—Cont'd**

Receiver, appointment of, **§ 5:3**  
Recovery of attorney fees, **§ 5:6**  
Securing possession after foreclosure, **§ 5:2**

**ANSWER**

Forms, §§ **7:38, 7:46**  
Mechanic's lien claimant, forms, **§ 7:46**  
Redemption, forms, **§ 7:38**

**APPOINTMENT**

Receivers, §§ **5:3, 7:40, 7:41**  
Successor Trustee, this index

**APPROVAL**

Forms, §§ **7:21, 7:22**  
Notice of hearing on motion for approval of bond, forms, **§ 7:21**  
Order approving redemption bond, forms, **§ 7:22**  
Remedies of mortgagor, approval of bond, **§ 6:9**

**ASSIGNMENT**

Leases and rents and security agreement, **§ 7:2**

**ATTORNEY FEES**

Ancillary and alternate remedies of mortgagee, recovery of attorney fees, **§ 5:6**

**AUTOMATIC STAY**

Remedies of mortgagor, automatic stay of bankruptcy, **§ 6:12**

**BANKRUPTCY**

Generally, §§ **6:12 to 6:14**  
Automatic stay, **§ 6:12**  
Fraudulent transfer, **§ 6:13**  
Voidable preference, **§ 6:14**

**BIDDING**

Chilled bidding, **§ 4:10**  
Lender strategy, **§ 4:17**

**BONA FIDE PURCHASER**

Sale, **§ 4:23**

**BONDS**

Forms  
liability on bond, order extinguishing, **§ 7:24**  
notice of hearing on motion for approval of bond, **§ 7:21**  
order approving redemption bond, **§ 7:22**  
redemption bond, §§ **7:19, 7:20, 7:22**  
Hearings  
notice of hearing on motion for approval of bond, forms, **§ 7:21**  
statutory redemption, **§ 6:9**  
Liability on bond, order extinguishing, forms, **§ 7:24**  
Notice of hearing on motion for approval of bond, forms, **§ 7:21**

## INDEX

### **BONDS—Cont'd**

Receivers, § 7:43

Redemption bond

    forms, §§ 7:19, 7:20, 7:22

    motion for renewal, forms, § 7:20

    order approving, forms, § 7:22

Statutory redemption

    hearing on bond, § 6:9

    sufficiency of bond, § 6:8

Sufficiency of bond, statutory redemption, § 6:8

### **BREACH OF DUTY BY TRUSTEE**

Forms

    seeking to enjoin removal from property and to quiet title, § 7:57

### **BULK SALE**

Generally, § 4:14

### **CALAMITY**

Mortgagor, calamity of, § 4:1

### **CASUALTY**

Insured casualty loss, § 5:7

### **CERTIFICATE OF SALE**

Forms, § 7:18

### **CERTIFIED MAIL**

Notice of sale by certified mail, § 3:12

### **CHECKLIST OF TRUSTEE**

Generally, § App. B

### **CHILLED BIDDING**

Sale, § 4:10

### **CIRCUIT COURT**

Affidavit for appointment of successor trustee by circuit court, forms, § 7:6

### **CLAIMS**

Priority of, § 4:21

### **CLEANUP**

Toxic waste cleanup, potential liability for, § 4:25

### **COLLATERAL**

Notice of disposition of collateral under UCC Article 9, forms, § 7:14

### **COMPENSATION**

Trustee, § 2:5

### **CONDOMINIUMS**

Foreclosure, § 4:30

MISSOURI FORECLOSURE MANUAL—MISSOURI PRACTICE SERIES

**CONFIRMATION OF SALE**

Forms, order of confirmation of sale, § 7:54

**CONFLICT OF INTEREST**

Trustee, § 2:8

**CONSUMER PROTECTION**

Remedies of mortgagor, § 6:21

**CONTENT OF DEED OF TRUST**

Generally, § 1:2

**CONTRACTS**

Decree of foreclosure of contract for deed, forms, § 7:36

Petition for judicial foreclosure of contract for deed, forms, § 7:35

**CORONAVIRUS**

Sale moratorium, § 4:4

**CO-TRUSTEES**

Generally, § 2:11

**COUNTERCLAIM**

Mechanic's lien claimant, forms, § 7:46

Redemption, forms, § 7:38

**COVID-19**

Sale moratorium, § 4:4

**CROPS**

Sale, § 4:26

**DAMAGES**

Statutory redemption, damages recoverable, § 6:11

**DEATH**

Mortgagor's death, § 4:2

**DEFAULT**

Notice of default, second mortgage, forms, § 7:9

Preparing for sale, § 3:1

Right to possession after default, § 5:1

**DEFENDANT OWNER**

Notice of sheriff's sale by plaintiff to defendant owner, forms, § 7:51

**DEFICIENCY**

Ancillary and alternate remedies of mortgagee, § 5:5

**DELEGATION OF POWER**

Trustee, § 2:6

**DISABILITY**

Mortgagor, disability of, § 4:1

## INDEX

### **DISBURSEMENT OF PROCEEDS**

Trustee, § 2:9

### **DISCLOSURE**

Remedies of mortgagor, bankruptcy, § 6:15

### **DISPOSITION**

Collateral, notice of disposition under UCC Article 9, forms, § 7:14

### **DRUGS AND NARCOTICS**

Meth lab, sale of property used as, § 4:12

### **EQUITABLE MORTGAGE**

Recharacterization of purported sale as, § 6:19

### **EQUITY, REDEMPTION IN**

Generally, §§ 6:2 to 6:4

Laches, waiver, and estoppel, effect of, § 6:3

Parties, § 6:4

### **ESTOPPEL**

Remedies of mortgagor, redemption in equity, § 6:3

### **EXECUTION**

Forms, sheriff's deed on sale under execution, § 7:55

### **FANNIE MAE**

Uniform instruments, § App. E

### **FEDERAL FAIR DEBT COLLECTION PRACTICES ACT**

Trustee, § 2:4

### **FEDERAL LIENS**

Junior Federal Tax Liens, this index

### **FEDERALLY RELATED LOANS**

Fannie Mae and Freddie Mac uniform instruments, § App. E

Preparing for sale, foreclosure of federally related loans, § 3:14

### **FEES**

Attorney fees, recovery of, § 5:6

### **FIERI FACIAS**

Writ of execution fieri facias, forms, § 7:34

### **FIXTURES**

Sale, § 4:26

### **FORMS**

Accounting by trustee, § 7:27

Affidavit of mailing

postsale, § 7:29

presale, § 7:25

Answer, §§ 7:38, 7:46

Appointment of receiver, motion, § 7:40

**FORMS—Cont'd**

Approval, §§ 7:21, 7:22

Bonds, this index

Breach of duty by trustee

    seeking to enjoin removal from property and to quiet title, § 7:57

Certificate of sale, § 7:18

Collateral, notice of disposition under UCC Article 9, § 7:14

Confirmation of sale, § 7:54

Contracts for deed, petition for judicial foreclosure of contract for deed, § 7:35

Counterclaim, §§ 7:38, 7:46

Decree of foreclosure of contract for deed, § 7:36

Decree of foreclosure of mortgage, § 7:33

Deed of trust, § 7:1

    assignment of leases and rents and security agreement, § 7:2

Default of second mortgage, § 7:9

Estoppel affidavit for deed in lieu of foreclosure, § 7:31

Execution, sheriff's deed on sale under execution, § 7:55

Fannie Mae uniform instruments, § App. E

Fieri facias, writ of execution fieri facias, § 7:34

Freddie Mac uniform instruments, § App. E

Hearings, notice of hearing on motion for approval of bond, § 7:21

Holder's affidavit, § 7:8

Intention to redeem, § 7:17

Judgment of foreclosure and ranking claims, § 7:47

Judicial foreclosure

    contract for deed, petition for, § 7:35

    petition for judicial foreclosure, §§ 7:32, 7:37, 7:45

    reformation and judicial foreclosure, petition for, § 7:48

Judicial Foreclosure, this index

Junior federal tax lien, notice of sale to Internal Revenue Service holding, § 7:15

Liability on bond, order extinguishing, § 7:24

Lis pendens notice, § 7:49

Mechanic's lien claimant, § 7:46

Memorandum

    in support of mortgagee's motion to dismiss petition to set aside foreclosure, § 7:61

Motion

    by mortgagee

        to dismiss petition to set aside foreclosure, § 7:60

        for extension of time, unopposed, § 7:59

No military service affidavit, § 7:11

Notice, this index

Notice of removal

    action to set aside foreclosure, § 7:58

Occupancy Termination Agreement, remedies of mortgagor, § 7:56

Orders, this index

Receivers, this index

Redemption, this index

## INDEX

### **FORMS—Cont'd**

- Redemption bond, §§ **7:19, 7:20, 7:22**
- Redemption period, decree fixing redemption period, § **7:39**
- Reformation and judicial foreclosure, §§ **7:48, 7:50**
- Release of right of redemption by IRS, § **7:30**
- Report, sheriff's report of sale, § **7:53**
- Request for sale, notice of, § **7:16**
- Resignation of trustee, § **7:3**
- Sale, this index
- Scrip for trustee's sale of real estate to be read prior to sale, § **7:26**
- Second mortgagee affidavit, § **7:10**
- Sheriff's deed on sale under execution, § **7:55**
- Sheriff's sale by plaintiff to defendant owner, notice, § **7:51**
- Successor Trustee, this index
- Trustee's accounting, § **7:27**
- Trustee's affidavit of mailing
  - postsale, § **7:29**
  - presale, § **7:25**
- Trustee's deed under sale, § **7:28**
- Trustee's sale (long form), § **7:12**
- Trustee's sale (short form), § **7:13**
- Trustee's scrip for trustee's sale of real estate to be read prior to sale, § **7:26**

### **FRAUDULENT TRANSFER**

- Remedies of mortgagor, bankruptcy, § **6:13**

### **FREDDIE MAC**

- Uniform instruments, § **App. E**

### **GRAMM-LEACH-BLILEY ACT**

- Privacy considerations, § **4:32**

### **HEARINGS**

- Notice of hearing on motion for approval of bond, forms, § **7:21**
- Statutory redemption, hearing on bond, § **6:9**

### **INJUNCTION OF SALE**

- Remedies of mortgagor, § **6:1**

### **INSURANCE**

- Title Insurance, this index

### **INTERNAL REVENUE SERVICE (IRS)**

- Notice of sale to IRS holding junior federal tax lien, forms, § **7:15**
- Release of right of redemption by IRS, forms, § **7:30**

### **JUDGMENT OF FORECLOSURE AND RANKING CLAIMS**

- Form, § **7:47**

### **JUDICIAL FORECLOSURE**

- Ancillary and alternate remedies of mortgagee, § **5:8**
- Contract for deed, petition for judicial foreclosure of, forms, § **7:35**

MISSOURI FORECLOSURE MANUAL—MISSOURI PRACTICE SERIES

**JUDICIAL FORECLOSURE—Cont'd**

Forms

- mortgage, petition for judicial foreclosure of, § 7:32
- petition for judicial foreclosure, forms, §§ 7:37, 7:45
- petition for judicial foreclosure of contract for deed, § 7:35
- reformation and judicial foreclosure, petition for, § 7:48

Mortgage, petition for judicial foreclosure of, forms, § 7:32

Petition for judicial foreclosure, forms, §§ 7:37, 7:45

Reformation and judicial foreclosure, petition for, forms, § 7:48

**JUNIOR FEDERAL TAX LIENS**

- Forms, notice of sale to Internal Revenue Service holding junior federal tax lien, § 7:15
- Preparing for sale, notice requirements, § 3:13
- Sale, right to redeem, § 4:27

**LACHES**

- Remedies of mortgagor, redemption in equity, § 6:3

**LAW FIRMS**

- Trustee, law firm as trustee, § 2:13

**LIABILITY**

- Forms, order extinguishing liability on bond, § 7:24
- Order extinguishing liability on bond, forms, § 7:24
- Sale, this index
- Tax, § 4:24
- Toxic waste cleanup, potential liability for, § 4:25

**LIEN THEORY**

- Deed of trust, § 1:4

**LIENS AND LIENHOLDERS**

- Forms, answer and counterclaim of mechanic's lien claimant, § 7:46
- Junior Federal Tax Liens, this index
- Sale, this index
- Vendors' and vendees' liens, § 4:22

**LIMITATION OF ACTIONS**

- Remedies of mortgagor, statutory redemption, § 6:10

**LIMITATIONS**

- Deed of trust, § 1:5

**LIS PENDENS**

- Forms, notice of lis pendens, § 7:49

**LOANS**

- Personalty, loan secured partly by, § 4:13

**LOCATION**

- Customary times and places of sale by county, § App. A

## INDEX

### **LULLING**

Generally, § 4:9

### **MAIL**

Sale, notice by certified mail, § 3:12

Trustee's affidavit of mailing

  postsale, form, § 7:29

  presale, form, § 7:25

### **MANUFACTURED HOME**

Foreclosure, § 4:31

### **MARSHALLING ASSETS**

Sale, § 4:15

### **MECHANIC'S LIEN**

Forms, answer and counterclaim of mechanic's lien claimant, § 7:46

### **MEMORANDUM**

Forms

  in support of mortgagee's motion to dismiss petition to set aside foreclosure, § 7:61

### **MERELY VOIDABLE SALE**

Sale, § 4:19

### **METH LABS**

Sale of property used as, § 4:12

### **MILITARY SERVICE**

Affidavit of no military service, forms, § 7:11

Moratorium on sale, § 4:3

### **MISSOURI FORECLOSURE STATUTES AND RULES**

Generally, § App. C

### **MISTAKE**

Relief from mistake in sales, § 4:18

### **MORATORIUM ON SALE**

Sale, this index

### **MORTGAGE**

Forms

  motion by

  for extension of time, unopposed, § 7:59

### **MORTGAGOR'S REMEDIES**

Remedies of Mortgagor, this index

### **MOTION**

Forms

  by mortgagee

  to dismiss petition to set aside foreclosure, § 7:60

  for extension of time, unopposed, § 7:59

**NEWSPAPER**

Preparing for sale, advertisement, § 3:10

**NO MILITARY SERVICE**

Affidavit of no military service, forms, § 7:11

**NON-REVENUE LIEN**

Property is subject to non-revenue lien in favor of U.S., procedure when, § 3:16

**NOTICE**

Certified mail, notice of sale by, § 3:12

Debtors of defendant, notice to, § 7:43

Default of second mortgage, forms, § 7:9

Disposition of collateral under UCC Article 9, forms, § 7:14

Forms

    approval, hearing on motion for approval of bond, § 7:21

    debtors of defendant, notice to, § 7:43

    default of second mortgage, § 7:9

    disposition of collateral under UCC Article 9, § 7:14

    hearing on motion for approval of bond, § 7:21

    intention to redeem, § 7:17

    junior federal tax lien, sale to IRS holding, § 7:15

    lis pendens, § 7:49

    removal

        action to set aside foreclosure, § 7:58

    request for sale, § 7:16

    sheriff's sale by plaintiff to defendant owner, § 7:51

    trustee's sale (long form), § 7:12

    trustee's sale (short form), § 7:13

Hearing on motion for approval of bond, forms, § 7:21

Intention to redeem, forms, § 7:17

Junior federal tax liens, § 3:13

Lis pendens notice, forms, § 7:49

Postforeclosure notice to tenant of residential property, § 4:34

Preparing for Sale, this index

Remedies of Mortgagor, this index

Sheriffs, this index

Trustee's Sale, this index

**NOTICE OF REMOVAL**

Forms

    action to set aside foreclosure, § 7:58

**OATH**

Receivers, § 7:42

**OCCUPANCY TERMINATION AGREEMENT**

Remedies of mortgagor, form, § 7:56

**ORDERS**

Confirmation of sale, forms, § 7:54

## INDEX

### **ORDERS—Cont'd**

#### Forms

- confirmation of sale, § 7:54
- liability on bond, order extinguishing, § 7:24
- receiver, appointment of, § 7:41
- redemption bond approval, § 7:22
- successor trustee, order appointing, § 7:7
- Liability on bond, order extinguishing, forms, § 7:24
- Receiver, appointment of, § 7:41
- Redemption bond approval, forms, § 7:22
- Successor trustee, order appointing, forms, § 7:7

### **OWNERSHIP**

- Mortgage note, remedies of mortgagor, § 6:17

### **PARCELS**

- Sale in parcels, § 4:14

### **PARTIES**

- Equity, redemption in, § 6:4

### **PERSONALTY**

- Loan secured partly by personalty, § 4:13

### **PLACE**

- Sale, place of, § 4:7

### **POSSESSION**

- Mortgage note, remedies of the mortgagor, § 6:17

### **POSSESSION AFTER DEFAULT**

- Ancillary and alternate remedies of mortgagee, § 5:1

### **POSSESSION AFTER FORECLOSURE**

- Ancillary and alternate remedies of mortgagee, § 5:2

### **POWER OF SALE**

- Deed of trust, § 1:3

### **PREPARING FOR SALE**

#### Generally, §§ 3:1 to 3:16

#### Acceleration, § 3:4

#### Advertisement

- contents, § 3:9

- irregularity, § 3:11

- newspaper, § 3:10

- requirements, § 3:8

- Applicability of statutes, second mortgages, § 3:5

- Certified mail, notice of sale by, § 3:12

- Contents, advertisement, § 3:9

- Default, § 3:1

- Federally related loans, foreclosure of, § 3:14

- Irregularity, advertisement, § 3:11

MISSOURI FORECLOSURE MANUAL—MISSOURI PRACTICE SERIES

**PREPARING FOR SALE—Cont'd**

Junior federal tax liens, notice requirements, **§ 3:13**  
Newspaper, advertisement, **§ 3:10**  
Non-revenue lien in favor of U.S., procedure when property is subject to, **§ 3:16**  
Notice  
certified mail, sale by, **§ 3:12**  
junior federal tax liens, **§ 3:13**  
Ownership of indebtedness, common problems associated with, **§ 3:15**  
Pre-foreclosure duties under RESPA, **§ 3:2**  
Records search, **§ 3:7**  
Second mortgages  
applicability of statutes, **§ 3:5**  
statutory requirements, **§ 3:6**  
Statutory requirements, second mortgages, **§ 3:6**  
Tender, **§ 3:3**

**PRICE**

Sale price, **§ 4:16**

**PRIORITIES**

Sale, **§ 4:21**

**PRIVACY**

Gramm-Leach-Bliley Act, **§ 4:32**

**QUALIFICATIONS**

Trustee, **§ 2:1**

**REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)**

Pre-foreclosure duties imposed under, **§ 3:2**

**RECEIPT**

Forms, redemption, receipt and acknowledgment, **§ 7:23**

Redemption, receipt and acknowledgment, forms, **§ 7:23**

**RECEIVERS**

Appointment of receiver, **§§ 5:3, 7:40, 7:41**

Bond of receiver, **§ 7:43**

Forms

bond of receiver, **§ 7:43**

motion for appointment of receiver, **§ 7:40**

oath of receiver, **§ 7:42**

order appointing receiver, **§ 7:41**

Oath of receiver, **§ 7:42**

**RECORDS SEARCH**

Preparing for sale, **§ 3:7**

**RECOVERY**

Attorney fees, **§ 5:6**

**REDEMPTION**

Answer and counterclaim for redemption, forms, **§ 7:38**

## INDEX

### **REDEMPTION—Cont'd**

- Bonds, this index
- Equity, Redemption in, this index
- Forms
  - answer and counterclaim for redemption, § 7:38
  - notice of intention to redeem, § 7:17
  - receipt and acknowledgment of redemption, § 7:23
  - release of right of redemption by Internal Revenue Service, § 7:30
- Junior federal tax liens, right to redeem, § 4:27
- Notice of intention to redeem, forms, § 7:17
- Receipt and acknowledgment of redemption, forms, § 7:23
- Redemption bond. Bonds, this index
- Release of right of redemption by Internal Revenue Service, forms, § 7:30
- Statutory Redemption, this index

### **REDEMPTION BONDS**

- Bonds, this index

### **REDEMPTION PERIOD**

- Forms, decree fixing redemption period, § 7:39

### **REFORMATION**

- Decree of reformation and foreclosure, forms, § 7:50
- Petition for reformation and judicial foreclosure, forms, § 7:48

### **RELEASE**

- Right of redemption by Internal Revenue Service, forms, § 7:30

### **REMEDIES OF MORTGAGEE**

- Ancillary and Alternate Remedies of Mortgagee, this index

### **REMEDIES OF MORTGAGOR**

- Generally, §§ 6:1 to 6:21
- Bankruptcy, this index
- Borrower's rescission right under TILA, § 6:20
- Equity, Redemption in, this index
- Injunction of sale, § 6:1
  - Occupancy Termination Agreement, form, § 7:56
  - Ownership and possession of the note, standing, § 6:17
  - Recharacterization of purported sale as equitable mortgage, § 6:19
  - Sale, injunction of, § 6:1
  - Short sale, § 6:18
    - Standing, ownership and possession of the note, § 6:17
    - Statutory Redemption, this index
  - Unfair trade practices, § 6:21
  - Workouts and short sales, § 6:18
  - Wrongful foreclosure, § 6:15

### **RENEWAL**

- Motion for approval of redemption bond, forms, § 7:20

**REPORT**

Sheriff's report of sale, forms, **§ 7:53**

**RESCISSION**

Foreclosure, borrower's rescission right under TILA, **§ 6:20**

**RESIGNATION**

Trustee's resignation, form, **§ 7:3**

**REVERSE MORTGAGES**

Special risks, **§ 4:35**

**SALE**

Generally, **§§ 4:1 to 4:35**

Accounting of trustee, **§§ 4:29, 7:27**

Adjournment of sale, **§ 4:8**

Bona fide purchaser, **§ 4:23**

Bulk, sale in, **§ 4:14**

Calamity of mortgagor, **§ 4:1**

Certificate of sale, forms, **§ 7:18**

Chilled bidding, **§ 4:10**

Claims, priority of, **§ 4:21**

Cleanup, potential liability for toxic waste, **§ 4:25**

Condominiums, foreclosure on, **§ 4:30**

Confirmation of sale, order of, forms, **§ 7:54**

Coronavirus, **§ 4:4**

COVID-19, **§ 4:4**

Crops and fixtures, **§ 4:26**

Customary times and places of sale by county, **§ App. A**

Day of sale, **§ 4:5**

Death of mortgagor, **§ 4:2**

Deeds

power of sale, deed of trust, **§ 1:3**

sheriff's deed on sale under execution, **§ 7:55**

trustee's deed, below

Disability of mortgagor, **§ 4:1**

Fixtures and crops, **§ 4:26**

Forms

certificate of sale, **§ 7:18**

confirmation of sale, order of, **§ 7:54**

junior federal tax lien, notice of sale to Internal Revenue Service holding,  
**§ 7:15**

notice of request for sale, **§ 7:16**

notice of sale, request for, **§ 7:16**

sheriff's deed on sale under execution, **§ 7:55**

sheriff's notice of sale (for publication), **§ 7:52**

sheriff's report of sale, **§ 7:53**

trustee's deed under sale, **§ 7:28**

Gramm-Leach-Bliley Act privacy considerations, **§ 4:32**

Injunction of sale, remedies of mortgagor, **§ 6:1**

## INDEX

### **SALE—Cont’d**

- Insurance, title insurance, **§ 4:33**
- Junior federal tax liens, right to redeem, **§ 4:27**
- Junior lienholders, **§ 4:20**
- Lender bidding strategy, **§ 4:17**
- Liability
  - tax, **§ 4:24**
  - toxic waste cleanup, potential liability for, **§ 4:25**
- Liens and lienholders
  - junior federal tax liens, right to redeem, **§ 4:27**
  - vendors’ and vendees’ liens, **§ 4:22**
- Loan secured partly by personalty, **§ 4:13**
- Lulling, **§ 4:9**
- Manufactured home, foreclosure on, **§ 4:31**
- Marshalling assets, **§ 4:15**
- Merely voidable sale, **§ 4:19**
- Meth lab, property used as, **§ 4:12**
- Military service, moratorium on sale, **§ 4:3**
- Mistake, relief from, **§ 4:18**
- Moratorium on sale
  - calamity or disability of mortgagor, **§ 4:1**
  - coronavirus, **§ 4:4**
  - COVID-19, **§ 4:4**
  - death of mortgagor, **§ 4:2**
  - military service, **§ 4:3**
- Notice
  - junior federal tax lien, sale to Internal Revenue Service holding, forms, **§ 7:15**
  - request for sale, notice of, forms, **§ 7:16**
  - trustee’s sale (long form), **§ 7:12**
  - trustee’s sale (short form), **§ 7:13**
- Parcels, sale in, **§ 4:14**
- Personalty, loan secured partly by, **§ 4:13**
- Place of sale, **§ 4:7**
- Postforeclosure notice to tenant of residential property, **§ 4:34**
- Potential liability for Missouri taxes, **§ 4:24**
- Power of sale, deed of trust, **§ 1:3**
- Preparing for Sale, this index
- Price, sale price, **§ 4:16**
- Priorities, **§ 4:21**
- Privacy considerations, Gramm-Leach-Bliley Act, **§ 4:32**
- Redemption, right to redeem junior federal tax liens, **§ 4:27**
- Reverse mortgages, **§ 4:35**
- Sheriff
  - deed on sale under execution, **§ 7:55**
  - forms, **§§ 7:51 to 7:53, 7:55**
  - notice of sale (for publication), **§ 7:52**
  - report of sale, **§ 7:53**

MISSOURI FORECLOSURE MANUAL—MISSOURI PRACTICE SERIES

**SALE—Cont’d**

Sheriff—Cont’d

sale by plaintiff to defendant owner, notice, forms, § 7:51

Taxes

Junior Federal Tax Liens, this index

state, § 4:24

Time of sale, § 4:6

Title insurance, § 4:33

Toxic waste cleanup, potential liability for, § 4:25

Trustees

accounting, §§ 4:29, 7:27

deed. Trustee’s deed, below

notice of trustee’s sale (long form), § 7:12

notice of trustee’s sale (short form), § 7:13

Trustee’s deed

generally, § 4:28

forms, deed under sale, § 7:28

Vendors’ and vendees’ liens, § 4:22

Void or merely voidable sale, § 4:19

**SCRIP**

Trustee’s scrip for trustee’s sale of real estate to be read prior to sale, § 7:26

**SECOND MORTGAGE**

Forms, notice of default, second mortgage, § 7:9

Preparing for sale, this index

**SECOND MORTGAGEE**

Forms, affidavit of second mortgagee, § 7:10

**SECURING POSSESSION AFTER FORECLOSURE**

Ancillary and alternate remedies of mortgagee, § 5:2

**SHERIFF**

Sale, this index

Trustee, sheriff as, § 2:12

**SHORT SALES**

Remedies of the mortgagor, § 6:18

**STANDING**

Remedies of mortgagor, ownership and possession of the note, § 6:17

**STATE TAXES**

Sale, § 4:24

**STATUTE OF LIMITATIONS**

Remedies of mortgagor, statutory redemption, § 6:10

**STATUTES**

Missouri foreclosure statutes and rules, § App. C

## INDEX

### **STATUTORY REDEMPTION**

Generally, §§ 6:5 to 6:11  
Approval of bond, § 6:9  
Bonds, this index  
Damages recoverable, § 6:11  
Hearing on bond, § 6:9  
Notice  
    hearing and approval of bond, § 6:9  
    intention to redeem, § 6:7  
Tolling of period, § 6:10  
Who may redeem, § 6:6

### **STAY**

Remedies of mortgagor, automatic stay of bankruptcy, § 6:12

### **SUCCESSOR TRUSTEE**

Affidavit for appointment of successor trustee by circuit court, forms, § 7:6  
Appointment  
    generally, § 2:10  
    advertisement, appointment of successor trustee after commencement of, § 7:5  
    affidavit for appointment of successor trustee by circuit court, forms, § 7:6  
    mortgagee's appointment of successor trustee, form, § 7:4  
    order appointing successor trustee, forms, § 7:7  
Forms  
    advertisement, appointment of successor trustee after commencement of, § 7:5  
    affidavit for appointment of successor trustee by circuit court, § 7:6  
    mortgagee's appointment of successor trustee, § 7:4  
    successor trustee, appointing, §§ 7:4 to 7:7  
Order appointing successor trustee, forms, § 7:7

### **SUFFICIENCY OF BOND**

Remedies of mortgagor, statutory redemption, § 6:8

### **TAXATION**

Junior Federal Tax Liens, this index  
Potential liability for Missouri tax, § 4:24  
Sale, this index  
State taxes, § 4:24

### **TENDER**

Preparing for sale, § 3:3

### **TIME**

Customary times and places of sale by county, § App. A  
Day of sale, § 4:5  
Sale, § 4:6  
Tolling of period, statutory redemption, § 6:10

### **TITLE INSURANCE**

Generally, § 4:33

**TITLE INSURANCE COMPANY FORECLOSURE REQUIREMENT**

Generally, § App. D

**TOLLING OF PERIOD**

Remedies of mortgagor, statutory redemption, § 6:10

**TORTS**

Prima facie tort, § 6:16

**TOXIC WASTE CLEANUP**

Potential liability for toxic waste cleanup, § 4:25

**TRUSTEE**

Generally, §§ 2:1 to 2:13

Accounting, §§ 4:29, 7:27

Affidavit for appointment of successor trustee by circuit court, forms, § 7:6

Appointment

    affidavit for appointment of successor trustee by circuit court, forms, § 7:6

    successor, § 2:10

    successor trustee, appointment by mortgagee, form, § 7:4

Authority, § 2:2

Checklist of trustee, § App. B

Compensation, § 2:5

Conflict of interest, § 2:8

Co-trustees, § 2:11

Deed

    generally, § 4:28

    forms, trustee's deed under sale, § 7:28

Delegation of power, § 2:6

Disbursement of proceeds, § 2:9

Duties, § 2:3

Federal Fair Debt Collection Practices Act, § 2:4

Forms

    affidavit for appointment of successor trustee by circuit court, § 7:6

    notice of trustee's sale (long form), § 7:12

    notice of trustee's sale (short form), § 7:13

    resignation, § 7:3

    successor trustee, appointment by mortgagee, § 7:4

    trustee's deed under sale, § 7:28

Law firm as trustee, § 2:13

Notice of trustee's sale

    long form, § 7:12

    short form, § 7:13

Oneself, trustee purchasing from, § 2:7

Qualifications, § 2:1

Resignation, form, § 7:3

Sale. Notice of trustee's sale, above

Sheriff as trustee, § 2:12

Successor Trustee, this index

## INDEX

### **TRUTH IN LENDING**

Borrower's rescission right under TILA, **§ 6:20**

### **UCC ARTICLE 9**

Forms, notice of disposition of collateral under UCC Article 9, **§ 7:14**

Notice of disposition of collateral under UCC Article 9, forms, **§ 7:14**

### **UNFAIR TRADE PRACTICES**

Remedies of mortgagor, **§ 6:21**

### **VOID SALE**

Generally, **§ 4:19**

### **VOIDABLE PREFERENCE**

Remedies of mortgagor, bankruptcy, **§ 6:14**

### **WAIVER**

Redemption in equity, **§ 6:3**

### **WORKOUTS**

Remedies of mortgagor, **§ 6:18**

### **WRITS**

Writ of execution fieri facias, forms, **§ 7:34**

### **WRONGFUL FORECLOSURE**

Remedies of mortgagor, **§ 6:15**