

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting sections 9030., 9031., 9032., 9033., 9034., and 9035., Jackson County Code, 1984, relating to the filing of certificates of value on real estate transactions, with a penalty provision and an effective date.

ORDINANCE # 3343, February 24, 2003

INTRODUCED BY Scott Burnett, Rhonda L. Shoemaker, Robert A. Stringfield, Bob Spence, and Fred Arbanas, County Legislators

WHEREAS, the Chief Financial Officer has recommended that Jackson County implement a requirement that anyone who files with the Department of Records an instrument providing for the transfer of title to real estate contemporaneously file a certificate which sets forth the monetary consideration involved in the transfer; and,

WHEREAS, such a requirement would assist the Assessment Department in ensuring that the assessment rolls are as fair and accurate as possible; and,

WHEREAS, the adoption of such a requirement is in the best interests of the health, welfare, and safety, of the citizens of the County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Sections 9030., 9031., 9032., 9033., and 9034., Jackson

County Code, 1984, are hereby enacted, to read as follows:

9030. Certificate of Value, Required When.

At the same time as any deed or other instrument providing for the transfer of title to real estate is presented to the Director of the Department of Records for recordation, there shall also be filed with the director a certificate of value. The filed certificates of value shall be transmitted to and retained by the Director of the Department of Assessment for reference.

9031. Certificate of Value, Contents.

The certificate of value shall be prepared on a form approved and supplied without charge by the Director of the Department of Records and shall contain sufficient information to determine the following together with such other information as the director may require.

- a. the full consideration for the property, splitting out any personal property and/or business value;
- b. the intended use of the property;
- c. the type of financing, points paid and by whom, and any other financing concessions affecting the sale price; and
- d. whether the transaction was at arm's length.

The grantee may add such additional information pertaining to the true value of the property as he or she desires.

9032. Certificate of Value, Disclosure of Consideration Not Required, When.

Information concerning sales price and other consideration is not required to be included in a certificate of value accompanying transfer of title:

- a. to or from the United States, the State of Missouri, or any instrumentality, agency, or political subdivision thereof.
- b. made solely for the purpose of confirming, correcting, modifying or supplementing a deed previously recorded, and without additional consideration;
- c. made solely for the purpose of releasing security for a debt or other obligation;
- d. on a sale for delinquent taxes;
- e. to a cemetery lot;
- f. by lease or other transfer of severed mineral interests;
- g. by order of any court;
- h. by deed between husband and wife, parent and child, without actual consideration; deeds to or from a family corporation or partnership when all shares of stock are owned by members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred,

and their spouses, for no consideration;

i. by deed of partition;

j. by deed made pursuant to merger, consolidation, sale, or transfer of the assets of a corporation pursuant to a plan of merger or consolidation filed with the Missouri Secretary of State;

k. by executory contract for deed;

l. by deed of distribution executed by a personal representative conveying to devisees or heirs property passing by testate or interstate succession;

m. by lease or easement;

n. by deed which conveys property held in the name of any partnership, not a family, to any partner or his or her spouse.

9033. Certificate of Value, By Whom Filed.

Each and every grantee is responsible for the filing of a certificate of value. If the grantee is a corporation, partnership, or other entity, each officer and agent of the grantee is responsible for filing the certificate of value. However, any attorney, real estate agent, broker, agent of record, trustee, or title company may file the certificate of value on behalf

of the grantee. The attorney, real estate agent, or broker, and title company representing the grantee in any such transaction shall inform the grantee of the obligation to file a certificate of value. In no event shall more than one certificate of value be required to be filed for any single transfer of title.

9034. Sales Prices Not Accessible Via Internet.

Unless state or federal law should require otherwise, no sales price for any real property, that was ascertained solely from a certificate of value filed pursuant to this chapter, shall be listed, displayed, or otherwise disclosed on any internet website maintained by the county.

9035. Certificate of Value, Failure to File, Penalty.

No person shall present a deed or conveyance instrument for the transfer of title to real estate to the department of records except in compliance with sections 9030. through 9033. of this chapter. Any person who fails to file a completed certificate of value when required by this chapter or who knowingly files a false certificate of value is guilty of an infraction and shall be punished, upon conviction, by a fine of not more than one thousand dollars.

Section B. Severability Clause.

All of the sections of this ordinance shall be severable. In the event that any section of this ordinance is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining sections of this ordinance are valid unless the court finds the valid sections

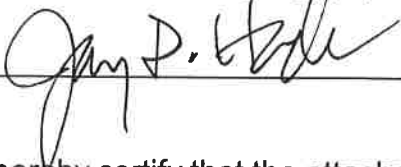
of this ordinance are so essentially and inseparably connected with and so dependent upon the void section that it cannot be presumed that the County would have enacted the valid sections without the void ones; or unless the court finds that the valid sections standing alone, are incompetent and incapable of being executed in accordance with legislative intent.

Section C. Effective Date.

This ordinance shall be effective as of January 1, 2004.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



_____ County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3343 of February 24, 2003 was duly passed on April 1, 2003 by the Jackson County Legislature. In the votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absents 0

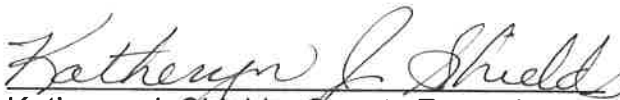
This Ordinance is hereby transmitted to the County Executive for her signature.

4-2-03
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3343.

4-4-03
Date


Katheryn J. Shields, County Executive