

Trustee's Sale

NOTICE OF TRUSTEE'S SALE

For default under the terms of the Deed of Trust executed by Joe Stoeppler and Christine M. Stoeppler, Husband and Wife, dated November 23, 2004, recorded on December 3, 2004, as Document No. 2004-30298, Office of the Recorder of Deeds, Franklin County, Missouri, the undersigned Successor Trustee will on Thursday, November 1, 2012, at 10:30 A.M. at the Main Front Door of the Franklin County Courthouse, 401 E. Main St. in Union, Missouri, sell at public vendue to the highest bidder for cash:

All of Lot seventy-nine (79) of SILVER LAKES ESTATES, a subdivision as shown by plat on file in the Recorder's Office of Franklin County, Missouri, in Plat Book P, Pages 478 and 479, to satisfy said debt and costs. Martin, Leigh, Laws & Fritzen, P.C. Successor Trustee Richard L. Martin, Vice President (816) 221-1430 www.mllfpc.com (Stoeppler, 5788.970, Publication Start: 10/10/2012)

MARTIN, LEIGH, LAWS & FRITZLEN, P.C., AS SUCCESSOR TRUSTEE, IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. Publish in The Missouriian October 10, 17, 24 and 31, 2012.

NOTICE OF TRUSTEE'S SALE

Default having been made in the payment of the note described in and secured by Deed of Trust dated November 25, 2009, executed by Sara M. Huff, a single person, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, on November 25, 2009, in Document No. 0923091, and conveying to the undersigned Trustee the following property in Franklin County, Missouri, to-wit: LOT 13, BLOCK 3 OF CLAIRTOWN SUBDIVISION IN THE CITY OF ST. CLAIR, AS PER PLAT OF RECORD IN PLAT BOOK H, PAGE 18 IN THE OFFICE OF THE RECORDER OF DEEDS.

at the request of the legal holder of said note who has elected to declare the entire indebtedness due and payable, and in accordance with the provisions of the said Deed of Trust, the undersigned Trustee will on FRIDAY, NOVEMBER 2, 2012, between the hours of 9:00 a.m. and 5:00 p.m., sell said property at public vendue to the highest bidder for cash at the Southwest front door of the Franklin County Judicial Center, 401 East Main Street, in the City of Union, County of Franklin, State of Missouri, to satisfy said note and costs. SALE WILL COMMENCE AT 1:00 P.M. MIDWESTERN TRUSTEE CORPORATION BY: /s/ Dale Cottrell Dale Cottrell, Secretary Trustee

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian October 10, 17, 24 and 31, 2012.

AMENDED TRUSTEE'S SALE

IN RE: Cheryl Gean Conaway and Roman Conaway, Wife and Husband, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Cheryl Gean Conaway and Roman Conaway, Wife and Husband, dated January 13, 2009, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Document Number 0902367, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Thursday, November 1, 2012, between the hours of 9:00 a.m. and 5:00 p.m., at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: PARCEL ONE: PART OF THE EAST HALF OF THE NORTHWEST QUARTER IN SECTION THIRTY-THREE (33), TOWNSHIP FORTY-ONE (41) NORTH, RANGE TWO (2) WEST OF THE 5TH P.M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE THEREOF WHICH IS SOUTH 1 DEGREE 52 MINUTES WEST 1,008.72 FEET

will on Thursday, November 1, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 4:50 P.M.), at the North Front Door of the Court House, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: THE FOLLOWING DESCRIBED REAL ESTATE, SITUATED IN THE COUNTY OF FRANKLIN AND STATE OF MISSOURI, TO-WIT: LOTS SIX (6) OF QUAIL CREEK PLAT THREE, A RE-SUBDIVISION OF QUAIL CREEK PLATS 1 AND 2, AND PART OF THE EAST HALF OF THE NORTH-EAST QUARTER OF SECTION THIRTY (30), TOWNSHIP FORTY-THREE (43) NORTH, RANGE ONE (1) WEST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK N PAGE 620 IN THE OFFICE OF THE RECORDER OF DEEDS.

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 138278.110112.293204 FC

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian October 10, 17, 24 and 31, 2012.

TRUSTEE'S SALE

IN RE: Edwin W. Macgill, Jr. and Candace Macgill, husband and wife, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Edwin W. Macgill, Jr. and Candace Macgill, husband and wife, dated August 6, 1998, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, in Book 1109, Page 449, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Monday, November 5, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 11:20 A.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: UNIT 702 OF WESTMOOR PLACE PLAT 7, A CONDOMINIUM, IN THE CITY OF PACIFIC, TOGETHER WITH A [AN] INTEREST IN THE COMMON ELEMENTS THEREOF, AS MORE FULLY DESCRIBED ON PLAT OF RECORD IN PLAT BOOK M PAGE 783 AND PLAT BOOK N, PAGE 126, AND IN "THE WESTMOOR PLACE DECLARATION OF CONDOMINIUM" OF RECORD IN BOOK 371, PAGE 961 IN THE OFFICE OF THE RECORDER OF DEEDS [FRANKLIN COUNTY, MISSOURI]

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 139454.110512.283881 FC

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian October 10, 17, 24 and 31, 2012.

TRUSTEE'S SALE

IN RE: Joel Clark and Melissa Clark, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Joel Clark and Melissa Clark dated January 13, 2009, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Document No. 0902372, the undersigned Successor Trustee, at the request of the legal holder of said Note

FEET SOUTHWARDLY FROM THE NORTHEAST CORNER OF SAID BLOCK, THENCE WESTWARDLY PARALLEL WITH THE SOUTH LINE OF FOURTH STREET 112 FEET 9 INCHES, THENCE SOUTHWARDLY PARALLEL WITH THE WEST LINE OF FULTON STREET 64 FEET TO THE SOUTH LINE OF SAID LOT 5, THENCE EASTWARDLY ALONG THE SOUTH LINE OF LOT 5, 70 FEET 9 INCHES, THENCE NORTHWARDLY PARALLEL WITH FULTON STREET 7 FEET, THENCE EASTWARDLY PARALLEL WITH THE SOUTH LINE OF LOT 5, 42 FEET TO THE WEST LINE OF FULTON, THENCE NORTHWARDLY ALONG SAID STREET 57 FEET TO THE PLACE OF BEGINNING.

Commonly known as: 605 Fulton Street, Washington, Missouri 63090 for the purpose of satisfying said indebtedness and the costs of executing this trust. CSM Foreclosure Trustee Corp. Successor Trustee (800) 652-4080 4X 10/10, 10/17, 10/24 and 10/31 CSM File 26-10-01905 Publish in The Missouriian October 10, 17, 24 and 31, 2012.

TRUSTEE'S SALE

In re: Douglas F. McIntyre; Peggy J. McIntyre; Mark McIntyre; Allison McIntyre, husband and wife

TRUSTEE'S SALE — Default having been made in the payment of the promissory note described in and secured by a certain deed of trust executed by Douglas F. McIntyre; Peggy J. McIntyre; Mark McIntyre; Allison McIntyre, husband and wife, dated April 5, 2007, and recorded May 10, 2007, as Document No. 0710846, in the Office of the Recorder of Deeds of the County of Franklin, State of Missouri, the undersigned trustee at the request of the legal holder of said note, will on Monday, October 29, 2012, between the hours of 9:00 a.m. and 5:00 p.m. (At the specific time of 10:00 a.m.) at the North Front door of the old Franklin County Courthouse, at 300 E. Main St., in the City of Union in the said County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash, the following real estate described in said deed of trust and situated in the County of Franklin, State of Missouri, to-wit: Part of the West half of the Northwest qr. in Section 14, Township 43 North, Range 1 East of the 5th P.M., described as follows: Beginning at the Northeast corner of Hillcrest Subdivision to the Town Villa Ridge, plat of which is of record in Plat Book C Page 45 in the Office of the Recorder of Deeds, thence South 89 degrees East 630 feet, more or less, to a point in the West right of way line of the Chicago Rock Island and Pacific Railroad, thence Southwestwardly on the West line of said railroad to the intersection with the East line of Whitsett and Merten's Addition to the Town of Villa Ridge, plat of which is of record in Plat Book B Page 69, in the office of the Recorder of Deeds, thence North on the East line of said Whitsett and Merten's Addition 180 feet, more or less, to the Northeast corner of said Addition, thence West on the North line of said Whitsett and Merten's Addition 500 feet to the Southeast corner of said Hillcrest Subdivision, thence North on the East line of Hillcrest Subdivision 390 feet to the point of beginning.

For the purpose of satisfying said indebtedness and the cost of executing this trust. Sandy A. Anderson, Trustee (636) 390-9944

NOTICE

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TRUSTEE'S SALE

IN RE: Gary L. Hartle and Alice F. Hartle, husband and wife, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Gary L. Hartle and Alice F. Hartle, husband and wife, dated July 21, 2006, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Reference #0616893 the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Thursday, October 25, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 4:50 P.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: TRACT I LOT TWELVE (12), BLOCK TEN (10) OF LAKE THUNDERBIRD, A SUBDIVISION IN THE NORTHWEST QR. IN SECTION 5, TOWNSHIP 41 NORTH, RANGE 1 EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK L, PAGE 1 IN THE OFFICE OF THE RECORDER OF DEEDS, [FRANKLIN COUNTY, MISSOURI] TRACT II LOT THIRTEEN (13), BLOCK TEN (10) OF LAKE THUNDERBIRD, A SUBDIVISION IN THE NORTHWEST QR. IN SECTION 5, TOWNSHIP 41 NORTH, RANGE 1 EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK L, PAGE 1 IN THE OFFICE OF THE RECORDER OF DEEDS, [FRANKLIN COUNTY, MISSOURI] [THE INFORMATION CONTAINED IN BRACKETS HAS BEEN ADDED TO MORE ACCURATELY REFLECT THE LEGAL DESCRIPTION]

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 146625.102512.292184 FC

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian October 3, 10, 17 and 24, 2012.

TRUSTEE'S SALE

IN RE: David E. Borgmann and Leslie S. Borgmann, husband and wife, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by David E. Borgmann and Leslie S. Borgmann, husband and wife, dated March 31, 2007, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Reference No. 0707634, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Thursday, October 25, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 4:50 P.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: LOT SEVENTY-THREE (73) OF HOLLY HILLS PLAT 2, IN THE CITY OF WASHINGTON, PER PLAT FILED AS DOCUMENT 2003-10173 IN THE OFFICE OF THE RECORDER OF DEEDS, FRANKLIN COUNTY, MISSOURI.

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 108600.101512.292205 FC

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

TRUSTEE'S SALE

IN RE: Nancy Cates, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Nancy Cates dated January 26, 2007, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Reference Number #0702266, and as modified pursuant to Judgment obtained in Cause Number 10AB-CC00300, recorded on December 20, 2010, as Document Number #1021714, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Monday, October 15, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 11:20 A.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: THE FOLLOWING LAND SITUATED IN FRANKLIN COUNTY, MISSOURI [MISSOURI], TO-WIT: LOT TWENTY-FOUR (24) AND THE NORTHWEST HALF OF LOT TWENTY-FIVE (25), BLOCK THREE (3) OF LAKE SERENE SUBDIVISION, IN PART OF THE NORTH HALF IN SECTION TWO (2) AND PART OF THE NORTH HALF IN SECTION THREE (3), TOWNSHIP FORTY-TWO (42) NORTH, RANGE TWO (2) EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK G, PAGE 35 [25] IN THE OFFICE OF THE RECORDER OF DEEDS. [THE INFORMATION CONTAINED IN BRACKETS HAS BEEN ADDED TO MORE ACCURATELY REFLECT THE LEGAL DESCRIPTION.]

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 108600.101512.292205 FC

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 146625.102512.292184 FC

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian October 3, 10, 17 and 24, 2012.

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian October 3, 10, 17 and 24, 2012.

NOTICE OF TRUSTEE'S SALE

Default having been made in the payment of the note described in and secured by Deed of Trust dated October 23, 2008, executed by George Michael Maramba, a single person, and Diana Lynn Douglas, a single person, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, on October 29, 2008, in Document No. 0819661, and conveying to the undersigned Trustee the following property in Franklin County, Missouri, to-wit: LOT ONE (1) OF RAMEY'S SUBDIVISION PLAT 2 IN PART OF THE EAST HALF OF THE NORTHWEST FRACTIONAL QR. IN SECTION 4, TOWNSHIP 41 NORTH, RANGE 1 EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN DOCUMENT NO. 0813253 IN THE OFFICE OF THE RECORDER OF DEEDS.

at the request of the legal holder of said note who has elected to declare the entire indebtedness due and payable, and in accordance with the provisions of the said Deed of Trust, the undersigned Trustee will on FRIDAY, OCTOBER 26, 2012, between the hours of 9:00 a.m. and 5:00 p.m., sell said property at public vendue to the highest bidder for cash at the Southwest front door of the Franklin County Judicial Center, 401 East Main Street, in the City of Union, County of Franklin, State of Missouri, to satisfy said note and costs. SALE WILL COMMENCE AT 1:00 P.M. MIDWESTERN TRUSTEE CORPORATION BY: /s/ Dale Cottrell Dale Cottrell, Secretary Trustee

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

TRUSTEE'S SALE

IN RE: Nancy Cates, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Nancy Cates dated January 26, 2007, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Reference Number #0702266, and as modified pursuant to Judgment obtained in Cause Number 10AB-CC00300, recorded on December 20, 2010, as Document Number #1021714, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Monday, October 15, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 11:20 A.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: THE FOLLOWING LAND SITUATED IN FRANKLIN COUNTY, MISSOURI [MISSOURI], TO-WIT: LOT TWENTY-FOUR (24) AND THE NORTHWEST HALF OF LOT TWENTY-FIVE (25), BLOCK THREE (3) OF LAKE SERENE SUBDIVISION, IN PART OF THE NORTH HALF IN SECTION TWO (2) AND PART OF THE NORTH HALF IN SECTION THREE (3), TOWNSHIP FORTY-TWO (42) NORTH, RANGE TWO (2) EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK G, PAGE 35 [25] IN THE OFFICE OF THE RECORDER OF DEEDS. [THE INFORMATION CONTAINED IN BRACKETS HAS BEEN ADDED TO MORE ACCURATELY REFLECT THE LEGAL DESCRIPTION.]

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 108600.101512.292205 FC

(636) 537-0110 File No: 146813.102512.292631 FC

NOTICE

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TRUSTEE'S SALE

In re: Danny Baublitz and Jennifer Baublitz, husband and wife

TRUSTEE'S SALE — Default having been made in the payment of that certain note secured by a certain deed of trust executed by Danny Baublitz and Jennifer Baublitz, husband and wife, dated June 24, 2006, and recorded July 6, 2006, as Document No. 0615073, in the Office of the Recorder of Deeds of the County of Franklin, State of Missouri, the successor trustee will on Thursday, October 18, 2012, between the hours of 9:00 a.m. and 5:00 p.m., more particularly at 10:30 a.m., at the North front door of the Franklin County Courthouse, Courthouse Square, 300 East Main Street, in the City of Union, State of Missouri, sell at public vendue to the highest bidder for cash, the following real estate: LOT EIGHTY-TWO (82) OF UNION HILLS SUBDIVISION #3, IN THE CITY OF UNION, AS PER PLAT OF RECORD IN PLAT BOOK J, PAGE 9, IN THE OFFICE OF THE RECORDER OF DEEDS. COMMONLY KNOWN AS: 82 KENNEDY STREET, UNION, MO 63084

For the purpose of satisfying said indebtedness and the cost of executing this trust. Centre Trustee Corp., Successor Trustee St. Louis, Missouri www.centretrustee.com

NOTICE

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TRUSTEE'S SALE

IN RE: Nancy Cates, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Nancy Cates dated January 26, 2007, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Reference Number #0702266, and as modified pursuant to Judgment obtained in Cause Number 10AB-CC00300, recorded on December 20, 2010, as Document Number #1021714, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Monday, October 15, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 11:20 A.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: THE FOLLOWING LAND SITUATED IN FRANKLIN COUNTY, MISSOURI [MISSOURI], TO-WIT: LOT TWENTY-FOUR (24) AND THE NORTHWEST HALF OF LOT TWENTY-FIVE (25), BLOCK THREE (3) OF LAKE SERENE SUBDIVISION, IN PART OF THE NORTH HALF IN SECTION TWO (2) AND PART OF THE NORTH HALF IN SECTION THREE (3), TOWNSHIP FORTY-TWO (42) NORTH, RANGE TWO (2) EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK G, PAGE 35 [25] IN THE OFFICE OF THE RECORDER OF DEEDS. [THE INFORMATION CONTAINED IN BRACKETS HAS BEEN ADDED TO MORE ACCURATELY REFLECT THE LEGAL DESCRIPTION.]

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 108600.101512.292205 FC

NOTICE

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TRUSTEE'S SALE

IN RE: Nancy Cates, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Nancy Cates dated January 26, 2007, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Reference Number #0702266, and as modified pursuant to Judgment obtained in Cause Number 10AB-CC00300, recorded on December 20, 2010, as Document Number #1021714, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Monday, October 15, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 11:20 A.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: THE FOLLOWING LAND SITUATED IN FRANKLIN COUNTY, MISSOURI [MISSOURI], TO-WIT: LOT TWENTY-FOUR (24) AND THE NORTHWEST HALF OF LOT TWENTY-FIVE (25), BLOCK THREE (3) OF LAKE SERENE SUBDIVISION, IN PART OF THE NORTH HALF IN SECTION TWO (2) AND PART OF THE NORTH HALF IN SECTION THREE (3), TOWNSHIP FORTY-TWO (42) NORTH, RANGE TWO (2) EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK G, PAGE 35 [25] IN THE OFFICE OF THE RECORDER OF DEEDS. [THE INFORMATION CONTAINED IN BRACKETS HAS BEEN ADDED TO MORE ACCURATELY REFLECT THE LEGAL DESCRIPTION.]

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 108600.101512.292205 FC

NOTICE

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TRUSTEE'S SALE

IN RE: Nancy Cates, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Nancy Cates dated January 26, 2007, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Reference Number #0702266, and as modified pursuant to Judgment obtained in Cause Number 10AB-CC00300, recorded on December 20, 2010, as Document Number #1021714, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Monday, October 15, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 11:20 A.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public vendue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit: THE FOLLOWING LAND SITUATED IN FRANKLIN COUNTY, MISSOURI [MISSOURI], TO-WIT: LOT TWENTY-FOUR (24) AND THE NORTHWEST HALF OF LOT TWENTY-FIVE (25), BLOCK THREE (3) OF LAKE SERENE SUBDIVISION, IN PART OF THE NORTH HALF IN SECTION TWO (2) AND PART OF THE NORTH HALF IN SECTION THREE (3), TOWNSHIP FORTY-TWO (42) NORTH, RANGE TWO (2) EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK G, PAGE 35 [25] IN THE OFFICE OF THE RECORDER OF DEEDS. [THE INFORMATION CONTAINED IN BRACKETS HAS BEEN ADDED TO MORE ACCURATELY REFLECT THE LEGAL DESCRIPTION.]

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 108600.101512.292205 FC

NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

Continued on Page



# PUBLIC NOTICES

## "BECAUSE THE PEOPLE MUST KNOW"



Continued from Page

### Trustee's Sale

#### NOTICE OF TRUSTEE'S SALE

For default under the terms of the Deed of Trust executed by Leslie Oberkramer, unmarried, dated May 17, 2001, recorded on August 23, 2001, as Document No. 221488, in Book 1352, Page 0355, Office of the Recorder of Deeds, Franklin County, Missouri, the undersigned Successor Trustee will on Thursday, October 25, 2012, at 10:30 A.M. at the Main Front Door of the Franklin County Courthouse, 401 E. Main St. in Union, Missouri, sell at public venue to the highest bidder for cash:

Lot forty-six (46) of HAWTHORNE PLAT 5, a subdivision in the City of Pacific, Franklin County, Missouri, as per plat of record in Plat Book N, Page 422 in the Office of the Recorder of Deeds,

to satisfy said debt and costs. Martin, Leigh, Laws & Fritzen, P.C.

Successor Trustee Richard L. Martin Vice President (816) 221-1430 www.mllfpc.com (Oberkramer, 5788.847, Publication Start: 09/01/2012 10/03/2012)

MARTIN, LEIGH, LAWS & FRITZLEN, P.C., AS SUCCESSOR TRUSTEE, IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Publish in The Missouriian October 3, 10, 17 and 24, 2012.

#### NOTICE OF TRUSTEE'S SALE

Default having been made in the payment of that certain note secured by Deed of Trust executed by Jason L. Ingle, An Unmarried Man, Sally A. Zufall, An Unmarried Woman, dated April 29, 2005, and recorded on May 10, 2005, as Document No. 2005-11085, Office of Recorder of Deeds, Franklin County, Missouri. The Successor Trustee will on October 25, 2012, between the hours of 9:00 o'clock A.M. and 5:00 P.M. more particularly at 10:00 A.M., at the Franklin County Courthouse, Old Courthouse, 300 E. Main St., North Front door, Union, MO 63084, sell at public venue to the highest bidder for cash, the following real estate:

All that part of the Southeast quarter of the Northwest quarter, lying West of the County Road, of Section Twenty-Three (23), Township Forty-Two (42) North, Range One (1) East of the 5th P.M., Franklin County, Missouri. Excepting Therefrom 0.714 of an acre conveyed to Edward J. Stiebel and Sandra D. Stiebel, his wife, by Instrument of Record in Book 375, Page 797, Franklin County, Missouri.

1049 Old Cove Rd., Saint Clair, MO 63077

For the purpose of satisfying said indebtedness and the costs of executing this trust.

S&W Foreclosure Corporation Successor Trustee Pub Commences October 3, 2012

S&W File No. 12-019555

By: Shapiro & Weisman, L.C. www.shapiroattorneys.com/mo Purported address: 1049 Old Cove Rd., Saint Clair, MO 63077

Publish in The Missouriian October 3, 10, 17 and 24, 2012.

#### TRUSTEE'S SALE

IN RE: Ronald Hinson, a single person, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Ronald Hinson, a single person, dated March 31, 2011, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Document No. 1105015, the undersigned Successor Trustee, at the request of the legal holder of said Note will on Thursday, October 25, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 4:50 P.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public venue to the highest bidder for cash (certified funds only), the following real estate:

THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE COUNTY OF FRANKLIN, AND STATE OF MISSOURI, TO-WIT: ALL OF LOT ONE (1), BEING THE ONLY LOT, OF CRUM'S COUNTRY LIFE ACRES, A SUBDIVISION IN PART OF THE WEST HALF OF LOT ONE (1) OF THE NORTHWEST Q.R. IN SECTION THREE (3), TOWNSHIP FORTY-ONE (41) NORTH, RANGE TWO (2) EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK N PAGE 986 IN THE OFFICE OF THE RECORDER OF DEEDS OF FRANKLIN COUNTY.

BEING ALL AND THE SAME LANDS AND PREMISES CONVEYED TO JAMES A. MARTIN AND BRANDA L. MARTIN, HUSBAND AND WIFE AND PATRICIA A. RUSH, A SINGLE PERSON BY DEBORAH K. SCHUMACHER, FORMERLY KNOWN AS DEBORAH K. CRUM, AND WILLIAM SCHUMACHER IN A GENERAL WARRANTY DEED EXECUTED 7/6/2001 AND RECORDED 7/20/2001 IN BOOK 1344, PAGE 0742 OF THE FRANKLIN COUNTY, MISSOURI LAND RECORDS.

LESS AND EXCEPT THE LAND AND PREMISES CONVEYED TO COUNTY OF FRANKLIN IN THE STATE OF MISSOURI BY JAMES A. MARTIN AND BRANDA L. MARTIN AND PATRICIA A. RUSH IN A QUIT CLAIM DEED EXECUTED 11/1/2001

FC

#### NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

Publish in The Missouriian October 3, 10, 17 and 24, 2012.

#### TRUSTEE'S SALE

IN RE: Terry K. Hensley, and Marietta J. Hensley, Husband and wife, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Terry K. Hensley, and Marietta J. Hensley, Husband and wife, dated October 8, 2008, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Document Number: 0818971 and re-recorded October 29, 2008, Document Number: 0819649, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Thursday, October 25, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 4:50 P.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit:

LOT THIRTY-FOUR (34) OF COUNTRYSIDE SUBDIVISION, IN THE CITY OF SULLIVAN, AS PER PLAT OF RECORD IN PLAT BOOK M, PAGE 104 IN THE OFFICE OF THE RECORDER OF DEEDS, FRANKLIN COUNTY MISSOURI.

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 144770.102512.292952

FC

#### NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

Publish in The Missouriian October 3, 10, 17 and 24, 2012.

#### NOTICE OF TRUSTEE'S SALE

A default has accrued on a certain note secured by a deed of trust executed by James Andrew Martin, aka James A. Martin and Branda L. Martin dated 11/21/2008, and recorded on 12/10/2008, as Document Number 0821902, in the Recorder's office for Franklin County, Missouri. The successor trustee will on October 18, 2012, between the hours of 9:00 am and 5:00 p.m., more particularly at 10:30 A.M., at the Main Front Door of the Franklin County Courthouse, 401 E. Main Street, Union, Missouri, sell at public venue to the highest bidder for cash (certified funds only), the following real estate:

THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE COUNTY OF FRANKLIN, AND STATE OF MISSOURI, TO-WIT: ALL OF LOT ONE (1), BEING THE ONLY LOT, OF CRUM'S COUNTRY LIFE ACRES, A SUBDIVISION IN PART OF THE WEST HALF OF LOT ONE (1) OF THE NORTHWEST Q.R. IN SECTION THREE (3), TOWNSHIP FORTY-ONE (41) NORTH, RANGE TWO (2) EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK N PAGE 986 IN THE OFFICE OF THE RECORDER OF DEEDS OF FRANKLIN COUNTY.

BEING ALL AND THE SAME LANDS AND PREMISES CONVEYED TO JAMES A. MARTIN AND BRANDA L. MARTIN, HUSBAND AND WIFE AND PATRICIA A. RUSH, A SINGLE PERSON BY DEBORAH K. SCHUMACHER, FORMERLY KNOWN AS DEBORAH K. CRUM, AND WILLIAM SCHUMACHER IN A GENERAL WARRANTY DEED EXECUTED 7/6/2001 AND RECORDED 7/20/2001 IN BOOK 1344, PAGE 0742 OF THE FRANKLIN COUNTY, MISSOURI LAND RECORDS.

AND RECORDED 4/30/2003 IN DOCUMENT NO. 2003-05798 OF THE FRANKLIN COUNTY, MISSOURI LAND RECORDS.

LESS AND EXCEPT THE LAND AND PREMISES CONVEYED TO COUNTY OF FRANKLIN IN THE STATE OF MISSOURI BY JAMES A. MARTIN AND BRANDA L. MARTIN AND PATRICIA A. RUSH IN A QUIT CLAIM DEED EXECUTED 11/1/2004 AND RECORDED 12/10/2004 IN DOCUMENT NO. 2004-30953 OF THE FRANKLIN COUNTY, MISSOURI LAND RECORDS.

Commonly known as: 1603 Hendricks Road, Robertsville, Missouri 63072

for the purpose of satisfying said indebtedness and the costs of executing this trust.

CSM Foreclosure Trustee Corp. Successor Trustee (800) 652-4080 4X 9/26, 10/3, 10/10 and 10/17 CSM File 26-09-01273

Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

#### TRUSTEE'S SALE

IN RE: Alonzo Savage and Regina K. Savage, husband and wife, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Alonzo Savage and Regina K. Savage, husband and wife, dated August 26, 2009, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Doc. #0917976 the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Thursday, October 11, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 4:50 P.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit:

LOT 95 OF HAWTHORNE PLAT 8, A SUBDIVISION IN THE CITY OF PACIFIC, IN PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 14, TOWNSHIP 43 NORTH, RANGE 2 EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK "O", PAGE 327 IN THE OFFICE OF THE RECORDER OF DEEDS [FRANKLIN COUNTY, MISSOURI]. [THE INFORMATION CONTAINED IN BRACKETS HAS BEEN ADDED TO MORE ACCURATELY REFLECT THE LEGAL DESCRIPTION.]

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 145386.101112.288903

FC

#### NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

#### NOTICE OF TRUSTEE'S SALE

Default having been made in the payment of that certain note secured by Deed of Trust executed by Darrell W. Jackson and Tiffany L. Jackson, Husband and Wife, dated May 2, 2007, and recorded on May 14, 2007, as Document No. 0711118, Office of Recorder of Deeds, Franklin County, Missouri. The Successor Trustee will on October 15, 2012, between the hours of 9:00 o'clock A.M. and 5:00 P.M. more particularly at 10:00 A.M., at the Franklin County Courthouse, Old Courthouse, 300 E. Main St., North Front door, Union, MO 63084, sell at public venue to the highest bidder for cash, the following real estate:

Lot Ten (10) of Martin's Field, a subdivision in the Northwest Qr., of the Northwest Qr., of Section 14, Township 43 North, Range 1 East of the 5th PM, according to the Plat thereof recorded in Plat Book P, Page 507 of the Franklin County Records.

354 Martin Field Ct., Villa Ridge, MO 63089

For the purpose of satisfying said indebtedness and the costs of executing this trust.

S&W Foreclosure Corporation Successor Trustee Pub Commences September 19, 2012 S&W File No. 12-018734 By: Shapiro & Weisman, L.C. www.shapiroattorneys.com/mo Purported address: 354 Martin Field Ct., Villa Ridge, MO 63089

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

TRUSTEE'S SALE IN RE: Lisa K. Rice, a married person, and Karen S. Stovall, a single person, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Lisa K. Rice a married person, and Karen S. Stovall, a single person, dated September 24, 2002, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, in Book 1465, Page 00878, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Friday, October 12, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 11:15 A.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit:

LOT TWO (2) OF YODEL HOLLER IN PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER IN SECTION 7 TOWNSHIP 42 NORTH, RANGE 1 EAST OF THE 5TH P.M., AS PER PLAT OF RECORD IN PLAT BOOK M PAGE 183 IN THE OFFICE OF THE RECORDER OF DEEDS, EXCEPTING THEREFROM THAT PART CONVEYED TO THE COUNTY OF FRANKLIN FOR ROAD WIDENING AS RECORDED IN BOOK 1310 PAGE 1288.

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 141112.101212.291124

FC

#### NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

#### TRUSTEE'S SALE

IN RE: David E. Mitchell and Linda Mitchell, Husband and Wife, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by David E. Mitchell and Linda Mitchell, Husband and Wife, dated November 19, 2004, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Document Number: 2004-30113, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Thursday, October 11, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 4:50 P.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit:

LOT THREE HUNDRED NINETY NINE (399) OF HAWTHORNE PLAT 1, A SUBDIVISION IN THE CITY OF PACIFIC, AS PER PLAT RECORD IN PLAT BOOK M, PAGE 92 IN THE OFFICE OF THE RECORDER OF DEEDS, FRANKLIN COUNTY, MISSOURI.

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 138703.101112.291549

FC

#### NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

#### TRUSTEE'S SALE

IN RE: Charlene L. Allen, A Single Person, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Charlene L. Allen, A Single Person, dated December 21, 2007, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as Document No.: 0800006, the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Monday, October 15, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 11:20 A.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated

in Franklin County, State of Missouri, to-wit:

LOT THREE (3) OF LORA VALLEY ESTATES, A SUBDIVISION AS SHOWN BY PLAT OF RECORD IN PLAT BOOK N, PAGE 69 IN THE OFFICE OF THE RECORDER OF DEEDS IN FRANKLIN COUNTY, MISSOURI. LESS AND EXCEPTING THEREFROM THAT PORTION OF SUBJECT PROPERTY CONVEYED TO THE COUNTY OF FRANKLIN FOR RIGHT-OF-WAY PURPOSES, ACCORDING TO INSTRUMENT RECORDED IN BOOK 885, PAGE 730. SUBJECT TO RESTRICTIONS, EASEMENTS, CONDITIONS AND ZONING REGULATIONS OF RECORD, IF ANY.

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 141106.101512.292033

FC

#### NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

#### TRUSTEE'S SALE

IN RE: Vicki L. Harvey and William H. Harvey, Trustee's Sale:

For default in payment of debt and performance of obligation secured by Deed of Trust executed by Vicki L. Harvey and William H. Harvey, dated April 21, 2008, and recorded in the Office of the Recorder of Deeds of Franklin County, Missouri, as reference #0812868 the undersigned Successor Trustee, at the request of the legal holder of said Note, will on Thursday, October 11, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 4:50 P.M.), at the North Front Door of the Courthouse, City of Union, County of Franklin, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit:

LOT FIFTEEN (15) OF DAWN VALLEY SUBDIVISION, BEING PART OF THE EAST HALF OF THE SOUTHEAST QUARTER IN SECTION TWENTY-SEVEN (27), TOWNSHIP FORTY-FOUR (44) NORTH, RANGE ONE (1) WEST OF THE 5TH P.M., AS PER PLAT OF RECORDER IN PLAT BOOK J, PAGE 30, IN THE OFFICE OF THE RECORDER OF DEEDS IN FRANKLIN COUNTY, MISSOURI

to satisfy said debt and cost. MILLSAP & SINGER, P.C., Successor Trustee 612 Spirit Drive St. Louis, MO 63005 (636) 537-0110 File No: 101801.101112.289209

FC

#### NOTICE

Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692c(b), no information concerning the collection of this debt may be given without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction. The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

#### NOTICE OF TRUSTEE'S SALE

Default having been made in the payment of that certain note secured by Deed of Trust executed by Paul Chavers and Amy Chavers, Husband and Wife, dated September 16, 2002, and recorded on November 5, 2002, in Book 1477, Page 1478, Office of Recorder of Deeds, Franklin County, Missouri. The Successor Trustee will on October 15, 2012, between the hours of 9:00 o'clock A.M. and 5:00 P.M. more particularly at 10:00 A.M., at the Franklin County Courthouse, Old Courthouse, 300 E. Main St., North Front door, Union, MO 63084, sell at public venue to the highest bidder for cash, the following real estate:

A certain tract or parcel of land in Franklin County, in the State of Missouri, described as follows: Lot one (1) of Meteor Hill, a subdivision in part of the West half of the Northeast qr. in Section 17, Township 43 North, Range 1 East of the 5th P.M., as per plat of record in Plat book P, page 1156 in the office of Recorder of Deeds.

5846 Gildehaus Rd., Villa Ridge, MO 63089

For the purpose of satisfying said indebtedness and the costs of executing this trust.

S&W Foreclosure Corporation Successor Trustee Pub Commences September 19, 2012 S&W File No. 11-014903 By: Shapiro & Weisman, L.C. www.shapiroattorneys.com/mo Purported address: 5846 Gildehaus Rd., Villa Ridge, MO 63089

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

#### NOTICE OF TRUSTEE'S SALE

A default has accrued on a certain note secured by a deed of trust executed by Dena M. Peth dated 9/25/2003, and recorded on 9/26/2003, as Document Number 2003-24521, in the Recorder's office for Franklin County, Missouri. The successor trustee will on October 18, 2012, between the hours of 9:00 am and 5:00 pm, more particularly at 10:30 A.M., at the Main Front Door of the Franklin County Courthouse, 401 E. Main Street, Union, Missouri, sell at public venue to the highest bidder for cash (certified funds only), the following real estate:

LOT FORTY-EIGHT (48) OF UNION HILLS SUBDIVISION NO. 2 IN THE CITY OF UNION, AS PER PLAT OF RECORD IN PLAT BOOK I, PAGE 50 IN THE OFFICE OF THE RECORDER OF DEEDS.

Commonly known as: 48 Frank Street, Union, Missouri 63084

for the purpose of satisfying said indebtedness and the costs of executing this trust.

CSM Foreclosure Trustee Corp. Successor Trustee (800) 652-4080 4X 9/26, 10/3, 10/10 and 10/17 CSM File 26-12-00486

Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

#### NOTICE OF TRUSTEE'S SALE

Default having been made in the payment of that certain note secured by Deed of Trust executed by Marla Britton and Jason Britton, Wife and Husband, dated October 3, 2006, and recorded on October 16, 2006, as Document No. 0623604, Office of Recorder of Deeds, Franklin County, Missouri. The Successor Trustee will on October 15, 2012, between the hours of 9:00 o'clock A.M. and 5:00 P.M. more particularly at 10:00 A.M., at the Franklin County Courthouse, Old Courthouse, 300 E. Main St., North Front door, Union, MO 63084, sell at public venue to the highest bidder for cash, the following real estate:

Lot Four (4) of L.M. Wiese Subdivision Plat 2 in the City of Sullivan, as per plat records in Plat Book P, Page 80 in the Office of the Recorder of Deeds.

1153 Pat Street, Sullivan, MO 63080

For the purpose of satisfying said indebtedness and the costs of executing this trust.

S&W Foreclosure Corporation Successor Trustee Pub Commences September 19, 2012 S&W File No.11-015278 By: Shapiro & Weisman, L.C. www.shapiroattorneys.com/mo Purported address: 1153 Pat Street, Sullivan, MO 63080

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

#### NOTICE OF TRUSTEE'S SALE

In Re: Corridor Missouri Properties, LLC:

TRUSTEE'S SALE: For default in the payment of debt and performance of obligations secured by that certain Deed of Trust executed by Corridor Missouri Properties, LLC, dated October 10, 2007, and recorded on November 5, 2007, at Document No. 0724796, in the Office of the Recorder of Deeds, Franklin County, Missouri, the undersigned Co-Successor Trustee, at the request of the legal holder of said Note, will on Wednesday, October 10, 2012, between the hours of 9:00 a.m. and 5:00 p.m., (at the specific time of 9:30 a.m.), at the southwest front door of the Franklin County Judicial Center, 401 E. Main, City of Union, County of Franklin, State of Missouri, sell at public venue to the highest bidder for cash the following described real estate, described in said Deed of Trust, and situated in Franklin County, State of Missouri, to-wit:

Lot One (1) of Midwest Industrial Park in the City of Pacific, as per plat of record in Plat Book P, Page 369 in the office of the Franklin County Records.

The Real Property or its address is commonly known as 1422 Hoelzer Court, Pacific, Missouri 63069. The Real Property tax identification number is 19-623-0-0-007-003-300

to satisfy said indebtedness and costs and the costs of executing this trust. Jeffrey A. Cohen Andrew H. Westbrook Co-Successor Trustees Capes Sokol Goodman & Sarachan, PC

7701 Forsyth Blvd., 12th Floor St. Louis, Missouri 63105 (314) 721-7701

Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

Continued on Page

#### Newsletters in Education

Call for more information

636-390-3029



Continued from Page

**Letters Granted**

**IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI**  
**Judge or Division: PROBATE**  
**Case Number: 12AB-PR00146**  
 In the Estate of **CAROL MUELLER, Deceased.**

**NOTICE OF LETTERS TESTAMENTARY GRANTED**

(Independent Administration)  
**To All Persons Interested in the Estate of CAROL MUELLER, Decedent:**

On October 3, 2012, the last will of the decedent having been admitted to probate, the following individual was appointed the personal representative of the estate of Carol Mueller, decedent, by the Probate Division of the Circuit Court of Franklin County, Missouri. The personal representative may administer the estate independently without adjudication, order, or direction of the Probate Division of the Circuit Court, unless a petition for supervised administration is made to and granted by the court. The name, business address and phone number of the personal representative is:

**JAMES A. FELTMANN SR,**  
 1135 WEST MAIN STREET,  
 WASHINGTON, MO 63090

The personal representative's attorney's name, business address and phone number is:

**CHRISTOPHER W. JENSEN,**  
 30 S. MCKINLEY, UNION, MO  
 63084, 636-583-5103.

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after the decedent's death, as provided in Section 473.444, RSMo, or any other applicable limitation periods. Nothing in Section 473.033, RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: 02-MAY-2012  
 Dates of Publication: October 10, 17, 24 and 31  
 Scarlett Borgmann  
 Clerk  
 Publish in The Missouriian October 10, 17, 24 and 31, 2012.

**IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI**  
**Judge or Division: PROBATE**  
**Case Number: 10AB-PR00278**  
 In the Estate of **WILLIAM R. ELLIS, Deceased.**

**NOTICE OF LETTERS TESTAMENTARY GRANTED**

(Independent Administration)  
**To All Persons Interested in the Estate of WILLIAM R. ELLIS, Decedent:**

On OCTOBER 4, 2012, the last will of the decedent having been admitted to probate, the following individual(s) was(were) appointed the personal representative of the estate of WILLIAM R. ELLIS, decedent, by the Probate Division of the Circuit Court of Franklin County, Missouri. The personal representative may administer the estate independently without adjudication, order, or direction of the Probate Division of the Circuit Court, unless a petition for supervised administration is made to and granted by the court. The name, business address and phone number of the personal representative is:

**CATHERINE A. BAYER,** 2540 REAVE-TEL COURT, SAINT LOUIS, MO 63125

The personal representative's attorney's name, business address and phone number is:

**LAURA MARIE SHEARIN,**  
 P.O. BOX 51, PACIFIC, MO  
 63069, 636-334-3030.

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after the decedent's death, as provided in Section 473.444, RSMo, or any other applicable limitation periods. Nothing in Section 473.033,

RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: 31-JAN-2010

Dates of publication: OCTOBER 10, 17, 24 and 31  
 Scarlett Borgmann  
 Clerk

Receipt of this notice by mail should not be construed by the recipient to indicate that the recipient necessarily has a beneficial interest in the estate. The nature and extent of any person's interest, if any, can be determined from the files and records of this estate in the Probate Division of the above referenced Circuit Court.

Publish in The Missouriian October 10, 17, 24 and 31, 2012.

**IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI**  
**Judge or Division: V**  
**DAVID B TOBBEN**  
**Case Number: 11AB-PR00197**  
 In the Estate of **IRENE KATHRYN HODGE, Deceased.**

**NOTICE OF LETTERS TESTAMENTARY GRANTED**

(Supervised Administration)  
**To All Persons Interested in the Estate of IRENE KATHRYN HODGE, Decedent:**

On September 27, 2012, the last will of the decedent having been admitted to probate, the following individual was appointed personal representative of the estate of IRENE KATHRYN HODGE, decedent by the Probate Division of the Circuit Court of Franklin County, Missouri. The name and business address of the personal representative is:

**CAROLYN S. MEYER,** 168812 FALLING TIMBERS BLUFF, MARTHASVILLE, MO 63357

The personal representative's attorney's name and business address is:

**STEVEN P. KUENZEL JR,** 200 WEST MAIN ST. 2ND FL., P.O. BOX 228, WASHINGTON, MO 63090.

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after the decedent's death, as provided in Section 473.444, RSMo, or any other applicable limitation periods. Nothing in Section 473.033, RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: 06-SEP-2010

Dates of Publication: October 10, 17, 24 and 31  
 Scarlett Borgmann  
 Clerk  
 Publish in The Missouriian October 10, 17, 24 and 31, 2012.

**IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI**  
**Judge or Division: V**  
**PROBATE**  
**Case Number: 12AB-PR00190**  
 In the Estate of **JOHN WILLIAM CLOUD JR., Deceased.**

**NOTICE OF LETTERS TESTAMENTARY GRANTED**

(Independent Administration)  
**To All Persons Interested in the Estate of JOHN WILLIAM CLOUD JR., Decedent:**

On SEPTEMBER 25, 2012, the last will of the decedent having been admitted to probate, the following individual was appointed the personal representative of the estate of JOHN WILLIAM CLOUD JR., decedent, by the Probate Division of the Circuit Court of Franklin County, Missouri. The personal representative may administer the estate independently without adjudication, order, or direction of the Probate Division of the Circuit Court, unless a petition for supervised administration is made to and granted by the court. The name and business address of the personal representative is:

**DENISE M. CLIFTON,** 4331

WEATHERSTONE, PALMYRA, MO 63461.

The personal representative's attorney's name and business address is:

**DANIEL M. BUESCHER,** 214 ELM ST., SUITE 102, WASHINGTON, MO 63090.

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after the decedent's death, as provided in Section 473.444, RSMo, or any other applicable limitation periods. Nothing in Section 473.033, RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: 03-JUL-2012

Dates of publication: OCTOBER 3, 10, 17 and 24, 2012  
 BILL D. MILLER  
 Clerk  
 Phyllis Shafferkoetter  
 Deputy Clerk  
 Date of first publication: OCTOBER 3, 2012

Receipt of this notice by mail should not be construed by the recipient to indicate that the recipient necessarily has a beneficial interest in the estate. The nature and extent of any person's interest, if any, can be determined from the files and records of this estate in the Probate Division of the above referenced Circuit Court.

Publish in The Missouriian October 3, 10, 17 and 24, 2012.

**IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI**  
**Judge or Division: PROBATE**  
**Case Number: 12AB-PR00098**  
 In the Estate of **FRANK JOHN LAENEN, Deceased.**

**NOTICE OF GRANT OF LETTERS OF ADMINISTRATION WITH WILL ANNEXED**

(Supervised Administration)  
**To All Persons Interested in the Estate of FRANK JOHN LAENEN, Decedent:**

On AUGUST 1, 2012, the last will of the decedent having been admitted to probate, the following individual was appointed the personal representative of the estate of FRANK JOHN LAENEN, decedent, by the Probate Division of the Circuit Court of Franklin County, Missouri. The personal representative's business address and phone number is:

**JENNIFER LAENEN,** 16719 KEHRS MILL RD., CHESTERFIELD, MO 63005

The personal representative's attorney's name, business address and phone number is:

**MICHAEL HOWARD IZSAK,** 1505 S. BIG BEND BLVD., RICHMOND HEIGHTS, MO 63117

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after the decedent's death, as provided in Section 473.444, RSMo, or any other applicable limitation periods. Nothing in Section 473.033, RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: 27-FEB-2012

Dates of publication: OCTOBER 3, 10, 17 & 24, 2012  
 Bill D. Miller  
 Clerk

Receipt of this notice by mail should not be construed by the recipient to indicate that the recipient necessarily has a beneficial interest in the estate. The nature and extent of any person's interest, if any, can be determined from the files and records of this estate in the Probate Division of the above referenced Circuit Court.

Publish in The Missouriian October 3, 10, 17 and 24, 2012.

**IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI**  
**Judge or Division: V**  
**PROBATE**  
**Case Number: 12AB-PR00230**  
 In the Estate of **VICTOR W. KAPPELMANN, Deceased.**

**NOTICE OF LETTERS TESTAMENTARY GRANTED**

(Independent Administration)  
**To All Persons Interested in the Estate of VICTOR W. KAPPELMANN, Decedent:**

On SEPTEMBER 20, 2012, the last will of the decedent having been admitted to probate, the following individual was appointed the personal representative of the estate of VICTOR W. KAPPELMANN, decedent, by the Probate Division of the Circuit Court of Franklin County, Missouri. The personal representative may administer the estate independently without adjudication, order, or direction of the Probate Division of the Circuit Court, unless a petition for supervised administration is made to and granted by the court. The name and business address of the personal representative is:

**KARLA A. BECKER,** 514 STAFFORD STREET, WASHINGTON, MO 63090

The personal representative's attorney's name and business address is:

**WILLIAM R. STAHLHUTH,** 808 JEFFERSON ST., WASHINGTON, MO 63090, 636-239-0408.

**NOTICE OF LETTERS TESTAMENTARY GRANTED**

(Independent Administration)  
**To All Persons Interested in the Estate of VICTOR W. KAPPELMANN, Decedent:**

On SEPTEMBER 20, 2012, the last will of the decedent having been admitted to probate, the following individual was appointed the personal representative of the estate of VICTOR W. KAPPELMANN, decedent, by the Probate Division of the Circuit Court of Franklin County, Missouri. The personal representative may administer the estate independently without adjudication, order, or direction of the Probate Division of the Circuit Court, unless a petition for supervised administration is made to and granted by the court. The name and business address of the personal representative is:

**KARLA A. BECKER,** 514 STAFFORD STREET, WASHINGTON, MO 63090

The personal representative's attorney's name and business address is:

**WILLIAM R. STAHLHUTH,** 808 JEFFERSON ST., WASHINGTON, MO 63090, 636-239-0408.

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after the decedent's death, as provided in Section 473.444, RSMo, or any other applicable limitation periods. Nothing in Section 473.033, RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: 09-JUL-2012

Dates of publication: OCTOBER 3, 2012  
 BILL D. MILLER  
 Deputy Clerk  
 Phyllis Shafferkoetter  
 Deputy Clerk

Receipt of this notice by mail should not be construed by the recipient to indicate that the recipient necessarily has a beneficial interest in the estate. The nature and extent of any person's interest, if any, can be determined from the files and records of this estate in the Probate Division of the above referenced Circuit Court.

Publish in The Missouriian October 3, 10, 17 and 24, 2012.

**IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI**  
**Judge or Division: PROBATE**  
**Case Number: 12AB-PR00226**  
 In the Estate of **HADLEY HECHT, Deceased.**

**NOTICE OF LETTERS TESTAMENTARY GRANTED**

(Independent Administration)  
**To All Persons Interested in the Estate of HADLEY HECHT, Decedent:**

On SEPTEMBER 14, 2012, the last will of the decedent having been admitted to probate, the following individual was appointed the personal representative of the estate of HADLEY HECHT, decedent, by the Probate Division of the Circuit Court of Franklin County, Missouri. The personal representative may administer the estate independently without adjudication, order, or direction of the Probate Division of the Circuit Court, unless a petition for supervised administration is made to and granted by the court. The name, business address and phone number of the personal representative is:

**STEPHEN HECHT,** 56 DRUCKER LANE, OLD MONROE, MO 63369

The personal representative's attorney's name, business address and phone number is:

**MICHAEL G. SCHATTE,** 423 WOODLAWN AVE., OFALLON, MO 63366-2809.

All creditors of said decedent are notified to file claims in court within six months from the date of the first publication of this notice or if a copy of this notice was mailed to, or served upon, such creditor by the personal representative, then within two months from the date it was mailed or served, whichever is later, or be forever barred to the fullest extent permissible by law. Such six-month period and such two-month period do not extend the limitation period that would bar claims one year after the decedent's death, as provided in Section 473.444, RSMo, or any other applicable limitation periods. Nothing in Section 473.033, RSMo, shall be construed to bar any action against a decedent's liability insurance carrier through a defendant ad litem pursuant to Section 537.021, RSMo.

Date of the decedent's death: 01-JUN-2012

Dates of publication: SEPTEMBER 26, 2012 and OCTOBER

BER 3, 10 and 17, 2012  
 Scarlett Borgmann  
 Clerk

Receipt of this notice by mail should not be construed by the recipient to indicate that the recipient necessarily has a beneficial interest in the estate. The nature and extent of any person's interest, if any, can be determined from the files and records of this estate in the Probate Division of the above referenced Circuit Court.

Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

**Notice to Bidders**

Commission Order No. 2012-126  
**COMMISSION ORDER**  
 STATE OF MISSOURI )  
 ) ss.  
 County of Franklin )  
 Fourth Quarter, 2012

In the County Commission of said County, on the 2nd day of October, 2012, the following among other proceedings, were had, viz.:

**IN THE MATTER OF PUBLIC NOTICE TO BIDDERS FOR THE CONSTRUCTION OF A BRIDGE ON BUCKLICK SCHOOL ROAD FEDERAL PROJECT NO. STP-5490(612) FRANKLIN COUNTY, MISSOURI**

IT IS ORDERED by the Franklin County Commission that the following Public Notice to Bidders be published in the Washington Missouriian in its editions of October 10, 17 and 24, 2012.

Sealed Proposals for the Franklin County Bridge Replacement Program, Bridge No. F-31 consisting of: Construction of a single span, 85 foot single span pre-stressed concrete girder bridge and associated roadway over Bucklick Creek; and

Bids will be received by the County Clerk, at the Franklin County Government Center, 400 East Locust Street, Room 201, Union, Missouri, and opened publicly at the office of the County Commission, 2nd floor of the Franklin County Government Center, Union, Missouri, at 10:00 A.M. on Tuesday, October 30, 2012.

Any and all bids received after the time specified above will be returned unopened.

The wage rate applicable to this project have been predetermined as required by law and are set forth in the bid proposal. When Federal wage rates are applicable and included, this contract is subject to the "Work Hours Act" of 1962: (P.L. 87-581; 76 Stat. 357) and implementing regulations.

The prime contractor must be on MODOT's approved contractor listing. This requirement includes that the contractor has submitted to MODOT a Contractor Questionnaire and/or Contractor Pre-qualification Questionnaire with attachments no later than seven (7) days prior to the date and hour of the bid opening (see Section 102.2 of the Missouri Standard Specification for Highway Construction for more details). The prime contractor must perform, with its own organization, work amount to no less than 30% of the total original contract price.

Franklin County Highway Department hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority Disadvantaged Business Enterprises (DBE) 11% will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, ancestry, or national origin in consideration for an award. Only work performed by DBE subcontractors that appear on MODOT's approved listing at the time of the bid opening will be applied towards calculating the DEB goal.

Copies of the Contract Documents including drawings and specifications are on file at the office of Drexel Technologies at <http://planroom.drexeltech.com> and are open for public inspection. Copies of construction documents may be obtained from Drexel Technologies for the fee listed online.

The character and amount of security to be furnished by bidders is stated in the contract documents mentioned above.

Proposals must be on forms provided and all unit price bids, extensions and totals provided thereon shall be fully completed.

The Franklin County Commission reserves the right to reject any and all bids.

IT IS FURTHER ORDERED that Debbie Door, County Clerk, provide a certified copy of this order to Eva Gadcke, Highway Administrator.

Publish in The Missouriian October 10, 17 and 24, 2012.

**Statement of Account**

STATE OF MISSOURI )  
 ) ss.  
 County of Franklin )  
**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT OF MISSOURI AT UNION, FRANKLIN COUNTY, MISSOURI**

IN THE ESTATE OF

BARBARA ELLEN OSBORN, AKA BARBARA H. OSBORN Estate No. 12AB-PR00055 Deceased.

**NOTICE OF FILING OF STATEMENT OF ACCOUNT AND SCHEDULE OF PROPOSED DISTRIBUTION**

TO ALL PERSONS INTERESTED IN THE ESTATE OF BARBARA ELLEN OSBORN, AKA BARBARA H. OSBORN, DECEASED:  
 You are hereby notified that the undersigned Independent Personal Representative will file a Statement of Account and Schedule of Proposed Distribution in the Circuit Court of Franklin County, Missouri, Probate Division, on the 30th day of October, 2012, or as may be continued by the court; that if no objection is filed in the court within twenty days after the filing of the Statement of Account, the Independent Personal Representative will distribute in accordance with the Schedule of Proposed Distribution contained in the Statement of Account.  
 The Independent Personal Representative will petition the court for an Order of Complete Settlement which will be heard on November 20, 2012, being more than twenty days after filing of the Statement of Account, or as continued by the Court, and such Order of Complete Settlement will discharge the Independent Personal Representative from further claim or demand of any interested party.  
 /s/ Barbara J. Nealis  
 Personal Representative  
 WEGMANN, STEWART, TES-REAU, SHERMAN, EDEN, MI-KALE & BISHOP, P.C.  
 Attorneys for Estate  
 P.O. Box 740  
 Hillsboro, Missouri 63050  
 797-2665 or 296-5769  
 jstewart@wegmannlaw.com  
 BY: /s/ Jack C. Stewart 19030  
 Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

**Change of Name**

**CHANGE OF NAME IN THE CIRCUIT COURT OF FRANKLIN, MISSOURI**

In Re the Matter of: **Kurt Thomas Dedert, Petitioner.**  
**Case No. 12AB-DR00450 JUDGMENT**

Now on this day comes petitioner Kurt Thomas Dedert, *pro se*, and submits to the Court his petition filed herein, which is duly verified by affidavit, praying for a change, according to law, of said petitioner's name from Kurt Thomas Dedert to Kurt Thomas Alley and due consideration being had in the premises, and the Court being satisfied that the desired change would be proper and not detrimental to the interests of any other person, it is ordered that the prayer of said petition be granted and that said petitioner's name be, and is hereby changed from Kurt Thomas Dedert to Kurt Thomas Alley.

Court costs are taxed to petitioner.  
 It is further ordered that public notice of such change of name be given according to law.  
 (seal)  
 David L. Hoven  
 Judge  
 10-01-2012  
 Publish in The Missouriian October 3, 10 and 17, 2012.

**Public Notice**

**IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI**  
**Judge or Division: I. I. Lamke**  
**Plaintiff/Petitioner: MICHAEL DUNCAN SHERRY DUNCAN vs. Defendant/Respondent: KELLY RENEE DUNCAN JOHN DOE**  
**Nature of Suit: FC Adoption-Regular**  
**Case Number: 12AB-JU00211**  
**NOTICE UPON ORDER FOR SERVICE BY PUBLICATION**

The State of Missouri to: **JOHN DOE**  
 You are notified that an action has been commenced against you in the Circuit Court of Franklin County, Missouri, the object and general nature of which is FC Adoption-Regular.

The names of all parties in this action are stated in the caption above and the name(s) and address(es) of the attorney(s) for the plaintiff/petitioner are:  
**GERALD J. HARVATH,** 221 N. 1ST ST., PACIFIC, MO 63069, 636-271-5159

You are further notified that, unless you file an answer or other pleading or otherwise appear and defend against this action within 45 days after September 26, 2012, judgment by default will be entered against you.  
 (seal)  
 9-14-12  
 Bill D. Miller  
 Clerk  
 Karen McDonald  
 Deputy Clerk  
 Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

**Continued on Page**

Read *The Missouriian.*



Continued from Page

**Notice to Creditors**

**NOTICE TO CREDITORS**  
**TO: All persons interested in the Estate of Barbara Nelson, decedent.**

The undersigned, Donna Hrenak, is acting as Successor Trustee under the Barbara Nelson Revocable Living Trust, U/A May 16, 2011, a Trust, the terms of which provide that the debts of the decedent may be paid by the Trustee upon receipt of proper proof thereof. The address of the Successor Trustee is: Ms. Donna Hrenak c/o Buescher & White, LLC 214 Elm Street, Suite 102 Washington, MO 63090 All Creditors of the decedent are noticed to present their claims to the undersigned within six (6) months from the date of the first publication of this Notice or be forever barred. Donna Hrenak Successor Trustee Publish in The Missouriian October 3, 10, 17 and 24, 2012.

**NOTICE TO CREDITORS**  
**TO: All persons interested in the Estate of Mary Jean Emmons, decedent.**

The undersigned, John Lee Emmons, is acting as Trustee under the John H. Emmons and Mary J. Emmons Joint and Revocable Living Trust, U/A January 23, 2007, a Trust, the terms of which provide that the debts of the decedent may be paid by the Trustee upon receipt of proper proof thereof. The address of the Trustee is: Mr. John Lee Emmons c/o Buescher & White, LLC 214 Elm Street, Suite 102 Washington, MO 63090 All Creditors of the decedent are noticed to present their claims to the undersigned within six (6) months from the date of the first publication of this Notice or be forever barred. John Lee Emmons Trustee In accordance with Section 456.505 R.S.Mo., publish once a week for four (4) consecutive weeks. Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

**Public Notice**

**2012 FALL CLEAN UP, PAINT UP AND FIX UP CAMPAIGN**

WHEREAS, the Clean Up, Paint Up and Fix Up Campaign has resulted in many advantages to community life throughout the United States: In safeguarding HEALTH AND SAFETY In promoting EMPLOYMENT AND THRIFT In furthering FIRE PREVENTION In promoting BETTER HOUSING In stimulating CIVIC PRIDE In making the HOME AND CITY BEAUTIFUL NOW, THEREFORE, I, Sandy Lucy, Mayor of the City of Washington, Missouri, do hereby proclaim the week of **OCTOBER 15-19, 2012**, in said City and request all owners and tenants of property within the limits of the City cooperate in Clean Up, Paint Up and Fix Up Campaign for the betterment of our City. In order that we may rid our attics and basements of the accumulated paper and other fire hazards and our premises of rubbish, the City will furnish a truck and workers in addition to the regular refuse pickup service during this week. The large trash pickup will be the same day as your regular trash pickup. **RULES FOR USAGE:** \*Service available to City Residents only (no Businesses) \*No hazardous waste accepted \*No tires \*No demolition waste accepted \*No motor oil or paints \*No batteries \*No yard waste \*White goods, washers, dryers, stoves, refrigerators are accepted The removal of all refuse will assist in promoting the Health of the public and prevent fires, sickness and other hazards, and to make this a cleaner and better City in which to live. Sandy Lucy Mayor of Washington, Missouri **ATTEST:** Mary Trentmann City Clerk Publish in The Missouriian October 3 and 10, 2012.

**IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI JUVENILE DIVISION DAVID B. TOBBEN Associate Circuit Judge**  
 In the Matter **S.R.**  
**Case No: 11AB-JU00206 DOB: 04/03/2002 Laura Sexton, Juvenile Officer of Franklin County, Mo Petitioner,**

**Ronnell Caruthers, natural father Respondent**  
 STATE OF MISSOURI )  
 ) ss.  
 County of Franklin )  
**THE STATE OF MISSOURI TO RESPONDENT:**  
 You are hereby notified that an action has been commenced against you in the court named in the above caption, the object and general nature of which is to terminate your parental rights to S.R. The name of the father is Ronnell Caruthers. Your property is not affected.

The name of the court in which this action is pending and the name of all the parties to said suit are stated above in the caption hereof and the name and address of the attorney for Petitioner is:  
 Corie N. Geary #62905  
 120 South Church Street  
 Union, MO 63084  
 636-583-7333  
 You are further notified that, unless you file an answer or other pleading and serve the same on the Petitioner or his attorney or shall otherwise appear and defend against the aforesaid petition within forty-five days after the 19th day of September, 2012, judgment by default will be rendered against you.

It is ordered that a copy hereof be published according to law and the provision of Section 506.160 in the Washington Missouriian, a newspaper of general circulation published in the County of Franklin, State of Missouri. A true copy from the record. Witness my hand and the seal of the said court this 11th day of September, 2012.  
**BILL MILLER**  
 Clerk of the Court  
 Carmella Kinstler  
 Deputy Clerk  
 Publish in The Missouriian September 19, 26, October 3 and 10, 2012.

**IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI JUVENILE DIVISION DAVID B. TOBBEN Associate Circuit Judge**  
 In the Matter **J.F. AND M.F. d.o.b. 12/27/1996 10/08/1998 Case No: 12AB-JU00180-181 Laura Sexton, Juvenile Officer of Franklin County, Mo Petitioner, ROBIN FALKIN, natural mother Respondent**  
 STATE OF MISSOURI )  
 ) ss.  
 County of Franklin )  
**THE STATE OF MISSOURI TO RESPONDENT:**  
 You are hereby notified that an action has been commenced against you in the court named in the above caption, the object and general nature of which is to terminate your parental rights to J.F. and M.F. The name of the mother is Robin Falkin. Your property is not affected.

The name of the court in which this action is pending and the name of all the parties to said suit are stated above in the caption hereof and the name and address of the attorney for Petitioner is:  
 Corie Geary #62905  
 120 South Church Street  
 Union, MO 63084  
 636-583-7333  
 You are further notified that, unless you file an answer or other pleading and serve the same on the Petitioner or his attorney or shall otherwise appear and defend against the aforesaid petition within forty-five days after the 26th day of September, 2012, judgment by default will be rendered against you.

It is ordered that a copy hereof be published according to law and the provision of Section 506.160 in the Washington Missouriian, a newspaper of general circulation published in the County of Franklin, State of Missouri. A true copy from the record. Witness my hand and the seal of the said court this 18th day of September, 2012.  
 (seal)  
**BILL MILLER**  
 Clerk of the Court  
 Carmella Kinstler  
 Deputy Clerk  
 Directions to Clerk  
 Carmella Kinstler  
 Deputy Clerk  
 Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

**Public Hearing**

**IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI PROBATE DIVISION DAVID B. TOBBEN Associate Circuit Judge**  
 In the Matter of: **MICKYLA ANN BRADBERRY, Minor. Estate No. 12AB-PR00218 NIKKI LYNN HAM AND RICHARD BRIAN HAM, Petitioners.**  
**NOTICE OF HEARING**  
 Notice to all persons interested in the person and estate of MICKYLA ANN BRADBERRY, minor:  
 You are hereby notified that

there has been filed in the Probate Division of the Circuit Court of Franklin County, Missouri, at Union, Missouri:

Petition for appointment of Guardian and Conservator of said minor and the court is satisfied that there is good cause for the exercise of jurisdiction as to the matters charged in said petition. Judgment by default may be rendered unless an answer or other pleading is filed or unless you otherwise appear and defend within 45 days after the date of the first publication of this notice, and all persons interested are hereby notified that said petition will be heard by the Probate Division of the Circuit Court of Franklin County, Missouri, at Union, Missouri, in the Judicial Center at 401 East Main, Union, Missouri.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said court on September 27, 2012.  
**BILL D. MILLER**  
 Clerk  
 By Phyllis Shafferkoetter, Deputy Clerk  
 Attorney:  
 Isaac Ernest Young  
 7409 Manchester  
 Maplewood, MO 63143  
 (314) 781-3122  
 Publish in The Missouriian October 3, 10, 17 and 24, 2012.

**IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI PROBATE DIVISION V DAVID B. TOBBEN Associate Circuit Judge**  
 In The Estate Of: **MONNA JEANNINE SCOFIELD, Deceased. Estate No. 12AB-PR00224 KIMBERLY SHEPARD, Petitioner.**  
**NOTICE OF HEARING**

To all persons who claim any interest in the property of Monna Jeannine Scofield, deceased, as an heir of said decedent or through any heir of said decedent:

You are hereby notified that a petition has been filed in the above court by Kimberly Shepard for the determination of the heirs of Monna Jeannine Scofield, deceased, and of their respective interests as such heirs in and with respect to the following described property owned by said decedent at the time of death, to-wit:  
 Distribution from the Charles E. Agar Revocable Trust Dated July 15, 2002, as amended, valued at \$30,000.00.

Petitioner's attorney is Sidney A. Thayer, Jr. whose business address is 113 Jefferson, Washington, MO 63090.

You are hereby required to appear to answer said petition on October 24, 2012, at 11:00 a.m. in the Probate Division of the Circuit Court of Franklin County, Missouri at 401 East Main, Union, MO, at which time and place said petition will be heard. Should you fail therein, judgment may be entered in due course upon said petition.  
**BILL D. MILLER**  
 Clerk  
 Circuit Court of Franklin County, Missouri  
 By Phyllis Shafferkoetter  
 Deputy Clerk  
 Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

**IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI PROBATE DIVISION V**  
 In The Estate Of: **LLOYD WAYNE BORGSTEDT, Deceased. Estate No. 12AB-PR00220**  
**NOTICE OF HEARING**

Notice to the known and unknown heirs of Lloyd Wayne Borgstede, and all other persons interested in the person and estate of Lloyd Wayne Borgstede, deceased,

You are hereby notified that there has been filed in the Probate Division of the Circuit Court of Franklin County, at Union, Missouri:

Petition to Admit Lost Will to Probate in the Estate of Lloyd Wayne Borgstede, deceased, and the court being satisfied that there is good cause for the exercise of jurisdiction as to the matters charged in said petition, has set same for hearing on November 14, 2012, at 10:30 a.m. o'clock, and all persons interested are hereby notified that said petition will be heard at the courtroom of the Franklin County Probate Division at the Franklin County Judicial Center, 401 East Main Street, Union, MO 63084.

That pursuant to Rule 54.17 Supreme Court Rules of Civil Procedure, Judgment by default may be rendered unless an answer or other pleading is filed or unless you otherwise appear and defend within 45 days after the date of the first publication of this notice.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said court on: September 17, 2012.  
 (seal)  
**BILL D. MILLER, Clerk**  
 By  
 Phyllis Shafferkoetter,  
 Deputy Clerk  
 Attorney:  
 Lawrence J. Robertson  
 Publish in The Missouriian September 26, October 3, 10 and 17, 2012.

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# Proposed Amendment to the Constitution of Missouri and Statutory Propositions

To be submitted to the qualified voters of the State of Missouri at the General Election to be held Tuesday, the 6th day of November, 2012.

## CONSTITUTIONAL AMENDMENT NO. 3

[Proposed by the 96th General Assembly (Second Regular Session) SJR 51]

### OFFICIAL BALLOT TITLE

Shall the Missouri Constitution be amended to change the current nonpartisan selection of supreme court and court of appeals judges to a process that gives the governor increased authority to:

- appoint a majority of the commission that selects these court nominees; and
- appoint all lawyers to the commission by removing the requirement that the governor's appointees be nonlawyers?

There are no estimated costs or savings expected if this proposal is approved by voters.

Submitting to the qualified voters of Missouri, an amendment repealing sections 25(a) and 25(d) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to nonpartisan selection of judges.

Section A. Sections 25(a) and 25(d), article V, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 25(a) and 25(d), to read as follows:

Section 25(a). Whenever a vacancy shall occur in the office of [judge of any of the following courts of this state, to wit: The supreme court, the court of appeals, or in the office of] circuit or associate circuit judge within the city of St. Louis [and], Jackson County or any other circuit electing under section 25(b) to have their circuit and associate circuit judges appointed, the governor shall fill such vacancy by appointing one of three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided. Whenever a vacancy shall occur in the office of judge of the supreme court or the court of appeals, the governor shall fill such vacancy by appointing one of four persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided. If the governor fails to appoint any of the nominees within sixty days after the list of nominees is submitted, the nonpartisan judicial commission making the nomination shall appoint one of the nominees to fill the vacancy.

Section 25(d). Nonpartisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 25(a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of the court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of circuit judge or associate circuit judge of any circuit court subject to the provisions of sections 25(a)-(g) there shall be one such commission, to be known as "The ..... Circuit Judicial Commission", for each judicial circuit which shall be subject to the provisions of sections 25(a)-(g)[.]. The appellate judicial commission shall consist of [a judge of the supreme court selected by the members of the supreme court, and the remaining members shall be chosen in the following manner:] seven voting members and one nonvoting member. The members of the supreme court shall select a former judge, who has not lost a retention election or been removed for cause, of the court of appeals or the supreme court to serve as the nonvoting member of the commission. Nonvoting members shall be selected for terms of four years, with the first term beginning January 15, 2013. The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a voting member of said commission[, and]. The governor shall appoint [one citizen, not a member of the bar] four citizens, one from [among the residents of] each court of appeals district and one from the state at-large, to serve as [a member] voting members of said commission[, and]. The terms of appointed members and of the supreme court judge member of the appellate judicial commission serving on January 15, 2013, shall end on that day. The governor shall appoint two members to the commission for terms ending January 15, 2015, and appoint two members for terms ending January 15, 2017. The terms of all subsequently appointed commission members shall end four years after the termination of the prior term. Vacancies occurring in unexpired terms shall be filled for the remainder of the unexpired term. The voting members of the commission shall select one of [their number] the voting members to serve as chairman. Each circuit judicial commission shall consist of five members, one of whom shall be the chief judge of the district of the court of appeals within which the judicial circuit of such commission, or the major portion of the population of said circuit is situated and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit to serve as members of said commission, the members of the commission shall select one of their number to serve as chairman, and the terms of office of the members of such commission shall be fixed by law, but no

law shall increase or diminish the term of any member then in office. No member of any [such] commission other than a judge shall hold any public office, and no member shall hold any official position in a political party. Every [such] commission may act only by the concurrence of a majority of its voting members. The members of [such commission] commissions shall receive no salary or other compensation for their services but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All [such] commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

STATE OF MISSOURI  
Secretary of State

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Constitutional Amendment No. 3, to be submitted to the qualified voters of the State of Missouri at the General Election to be held the sixth day of November, 2012.

In TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri, done at the City of Jefferson, this 28th day of August, 2012.



Robin Carnahan

ROBIN CARNAHAN  
Secretary of State

### PROPOSITION A

[Proposed by Initiative Petition]

#### OFFICIAL BALLOT TITLE:

Shall Missouri law be amended to:

- allow any city not within a county (the City of St. Louis) the option of transferring certain obligations and control of the city's police force from the board of police commissioners currently appointed by the governor to the city and establishing a municipal police force;
- establish certain procedures and requirements for governing such a municipal police force including residency, rank, salary, benefits, insurance, and pension; and
- prohibit retaliation against any employee of such municipal police force who reports conduct believed to be illegal to a superior, government agency, or the press?

State governmental entities estimated savings will eventually be up to \$500,000 annually. Local governmental entities estimated annual potential savings of \$3.5 million; however, consolidation decisions with an unknown outcome may result in the savings being more or less than estimated.

Be it enacted by the people of the State of Missouri as follows:

Sections 84.010 and 84.220 are repealed, Sections 86.200, 86.213, and 105.726 are amended, and seven new sections are enacted, to be known as Sections 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, and 84.347, to read as follows:

84.341. No elected or appointed official of the state or any political subdivision thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or otherwise interfere with any member of a municipal police force established under sections 84.343 to 84.346 in the performance of his or her job duties, or with any aspect of any investigation arising from the performance of such job duties. This section shall not be construed to prevent such officials from acting within the normal course and scope of their employment or from acting to implement sections 84.343 to 84.346. Any person who violates this section shall be liable for a penalty of two thousand five hundred dollars for each offense and shall forever be disqualified from holding any office or employment whatsoever with the governmental entity the person served at the time of the violation. The penalty shall not be paid by the funds of any committee as the term "committee" is defined in section 130.011. This section shall not be construed to interfere with the punishment, under any laws of this state, of a criminal offense committed by such officials, nor shall this section apply to duly appointed members of the municipal police force, or their appointing authorities, whose conduct is otherwise provided for by law.

84.342. 1. It shall be an unlawful employment practice for an official, employee, or agent of a municipal police force established under sections 84.343 to 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate against an employee of the municipal police force for reporting to any superior, government agency, or the press the conduct of another employee that the reporting employee believes, in good faith, is illegal.

2. Any employee of the municipal

police force may bring a cause of action for general or special damages based on a violation of this section.

84.343. 1. Subject to the provisions of sections 84.344 to 84.346, any city not within a county may establish a municipal police force for the purposes of:

- (1) Preserving the public peace, welfare, and order;
  - (2) Preventing crime and arresting suspected offenders;
  - (3) Enforcing the laws of the state and ordinances of the city;
  - (4) Exercising all powers available to a police force under generally applicable state law; and
  - (5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.
2. Any person who acts as a private watchman, private detective, or private policeman in said cities without having obtained a written license from said cities is guilty of a class A misdemeanor.

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. Commissioned and civilian personnel who were previously employed by the board shall continue to be subject, throughout their employment for the city not within a county, to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing them to maintain a primary residence outside the city not within a county so long as the residence is located within a one-hour response time.

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

- (1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;
- (2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;
- (3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and
- (4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in section 84.344 is enacted, the city shall provide written notice to the board of police commissioners and the governor of the State of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.

84.345. 1. Except as required for the board of police commissioners to conclude its affairs and pursue legal claims and defenses, upon the establishment of a municipal police force, the terms of office of the commissioners of the board of police created under sections 84.020 and 84.030 shall expire, and the provisions of sections 84.010 to 84.340 shall not apply to any city not within a county or its municipal police force as of such date. The board shall continue to operate, if necessary, to wind down the board's affairs until the transfer of ownership and obligations under subsection 2 of section 84.344 has been completed. During such time, the board of police commissioners shall designate and authorize its secretary to act on behalf of the board for purposes of performing the board's duties and any other actions incident to the transfer and winding down of the board's affairs.

2. For any claim, lawsuit, or other action arising out of actions occurring before the date of completion of the transfer provided under subsection 2 of section 84.344, the state shall continue to provide legal representation as set forth in section 105.726, and the state legal expense fund shall continue to provide reimbursement for such claims under section 105.726. This subsection applies to all claims, lawsuits, and other actions brought against any commissioner, police officer, employee, agent, representative, or any individual or entity acting or purporting to act on its or their behalf.

3. Notwithstanding any other provision of law, rule, or regulation to the contrary, any city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall not be restricted or limited in any way in the selection of a police chief or chief of the division created under subsection 8 of section 84.344.

4. It shall be the duty of the sheriff for any city not within a county, whenever called upon by the police chief of the municipal police force, to act under the police chief's control for the preservation of the public peace and quiet; and, whenever the exigency or circumstances may, in the police chief's judgment, warrant it, said police chief shall have the power to assume the control and command of all local and municipal conservators of the peace of the city, whether sheriff, constable, policeman or others, and they shall act under the orders of the said police chief and not otherwise.

84.346. Any police pension system created under chapter 86 for the benefit of a police force established under sections 84.010 to 84.340 shall continue to be governed by chapter 86, and shall apply to any police force established under section 84.343 to 84.346. Other than any provision that makes chapter 86 applicable to a municipal police force established under section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be construed as limiting or changing the rights or ben-

efits provided under chapter 86.

84.347. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 84.343 to 84.346 shall be non-severable. If any provision of sections 84.343 to 84.346 is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.

86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

- (1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;
- (2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;
- (3) "Average final compensation":
  - (a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;
  - (b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;
  - (c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;
  - (d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;
  - (e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and
  - (f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;
  - (4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;
  - (5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;
  - (6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;
  - (7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;
  - (8) "DROP", the deferred retirement option plan provided for in section 86.251;
  - (9) "Earnable compensation", the annual salary which a member would earn during one year on the basis of the member's rank or position as specified in the applicable salary matrix [in section 84.160.] plus any additional compensation for academic work [as provided in subsection 7 of section 84.160, plus] and shift differential [as provided in subdivision (4) of subsection 8 of section 84.160] that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's

additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a) (17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

- (a) The last day of the plan year that includes August 28, 1995; or
- (b) December 31, 1995;
- (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;
- (11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;
- (12) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;
- (13) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;
- (14) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;
- (15) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;
- (16) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force [for which the annual salary is listed in section 84.160];
- (17) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;
- (18) "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;
- (19) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;
- (20) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;
- (21) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.213. 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.200 to 86.366 are hereby vested in a board of trustees of [ten] nine persons. The board shall be constituted as follows:

- (1) [The president of the board of police commissioners of the city, ex officio. If the president is absent from any meeting of the board of trustees for any cause whatsoever, the president may be represented by any member of the board of police commissioners who in such case shall have full power to act as a member of the board of trustees;
- (2) The comptroller of the city, ex officio. If the comptroller is absent from any meeting of the board of trustees for any cause whatsoever, the comptroller may be represented by either the deputy comptroller or the first assistant comptroller who in such case shall have full power to act as a member of the said board of trustees;
- (3) Three [2] Two members to be appointed by the mayor of the city to serve for a term of two years, except the mayor shall not appoint the police chief of the municipal police force, the city's director of public safety, or the president of the board of police commissioners of the city;
- (4) [3] Three members to be elected by the members of the retirement system of the city for a term of three years; provided, however, that the term of office of the first three members so elected shall begin immediately upon their election and one such member's term shall expire one year from the date the retirement system becomes operative, another such member's term shall expire two years from the date the retirement system becomes operative and the other such member's term shall expire three years from the date the retirement system becomes operative; provided, further, that such members shall be members of the system and hold office only while members of the system;
- (5) Two [4] Three members who shall be retired members of the retirement system to be elected by the retired members of the retirement system for a term of three years; except that, the term of office of the first two members so elected shall begin immediately upon their election and one such member's term shall expire two years from the date of election and the other such member's term shall expire three years from the date of election.

2. Any member elected chairman of the board of trustees may serve without term limitations.

3. Each commissioned elected

Continued from Page

trustee shall be granted travel time by the St. Louis metropolitan police department to attend any and all functions that have been authorized by the board of trustees of the police retirement system of St. Louis. Travel time, with compensation, for a trustee shall not exceed thirty days in any board fiscal year.

105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to abolish or waive any defense at law which might otherwise be available to any agency, officer, or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the sovereign immunity of the state of Missouri.

2. The creation of the state legal expense fund and the payment therefrom of such amounts as may be necessary for the benefit of any person covered thereby are deemed necessary and proper public purposes for which funds of this state may be expended.

3. Moneys in the state legal expense fund shall not be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against a board of police commissioners established under chapter 84, including the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other provisions of law, other employees, agents, representative, or any other individual or entity acting or purporting to act on its or their behalf. Such was the intent of the general assembly in the original enactment of sections 105.711 to 105.726, and it is made express by this section in light of the decision in Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d 275. Except that the commissioner of administration shall reimburse from the legal expense fund [any] the board of police commissioners established under [chapter 84] section 84.350, and any successor-in-interest established pursuant to section 84.344, for liability claims otherwise eligible for payment under section 105.711 paid by such [boards on an equal share basis per claim] board up to a maximum of one million dollars per fiscal year.

4. Subject to the provisions of subsection 2 of section 84.345, if [the representation of the attorney general is requested by a board of police commissioners or its successor-in-interest established pursuant to section 84.344, the attorney general shall represent, investigate, defend, negotiate, or compromise all claims under sections 105.711 to 105.726 for the board of police commissioners, its successor-in-interest pursuant to section 84.344, any police officer, other employees, agents, representatives, or any other individual or entity acting or purporting to act on their behalf. The attorney general may establish procedures by rules promulgated under chapter 536 under which claims must be referred for the attorney general's representation. The attorney general and the officials of the city which the police board represents or represented shall meet and negotiate reasonable expenses or charges that will fairly compensate the attorney general and the office of administration for the cost of the representation of the claims under this section.

5. Claims tendered to the attorney general promptly after the claim was asserted as required by section 105.716 and prior to August 28, 2005, may be investigated, defended, negotiated, or compromised by the attorney general and full payments may be made from the state legal expense fund on behalf of the entities and individuals described in this section as a result of the holding in Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d 275.

[84.010. In all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the interests and insuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the boards of police or any officer, or agent or servant thereof or their officer, or agent in any case of emergency imminently imperiling the lives, health or safety of the inhabitants of the city, the mayor may call upon and direct the chief of police of the city to provide such number of officers and patrolmen to meet the emergency as the mayor determines to be necessary and the chief of police shall continue to act under the direction of the mayor until the emergency has ceased, or until the board of police commissioners takes charge of such matter.]

[84.220. Any officer or servant of the mayor or common council or municipal assembly of the said cities, or other persons whatsoever, who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of sections 84.010 to 84.340 or relating to the same, or who shall disburse any money in violation thereof, or who shall hinder or obstruct the organization or maintenance of said board of police, or the police force therein provided to be organized and maintained, or who shall maintain or control any police force other than the one therein provided for, or who shall delay or hinder the due enforcement of sections 84.010 to 84.340 by failing or neglecting to perform the duties by said sections imposed upon him, shall be liable to a penalty of one thousand dollars for each and every offense, recoverable by the boards by action at law in the name of the state, and shall forever thereafter be disqualified from holding or exercising any office or employment whatsoever under the mayor or common council or municipal assembly of said cities, or under sections 84.010 to 84.340; provided, however, that nothing in this

section shall be construed to interfere with the punishment, under any existing or any future laws of this state, of any criminal offense which shall be committed by the said parties in or about the resistance, obstruction, hindrance, conspiracy, combination or disbursement aforesaid.]

STATE OF MISSOURI  
Secretary of State

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Proposition A, to be submitted to the qualified voters of the State of Missouri at the General Election to be held the sixth day of November, 2012.

In TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri, done at the City of Jefferson, this 28th day of August, 2012.



*Robin Carnahan*

ROBIN CARNAHAN  
Secretary of State

**PROPOSITION B**  
[Proposed by Initiative Petition]

**OFFICIAL BALLOT TITLE:**

- Shall Missouri law be amended to:**
- **create the Health and Education Trust Fund with proceeds of a tax of \$0.0365 per cigarette and 25% of the manufacturer's invoice price for roll-your-own tobacco and 15% for other tobacco products;**
  - **use Fund proceeds to reduce and prevent tobacco use and for elementary, secondary, college, and university public school funding; and**
  - **increase the amount that certain tobacco product manufacturers must maintain in their escrow accounts, to pay judgments or settlements, before any funds in escrow can be refunded to the tobacco product manufacturer and create bonding requirements for these manufacturers?**

**Estimated additional revenue to state government is \$283 million to \$423 million annually with limited estimated implementation costs or savings. The revenue will fund only programs and services allowed by the proposal. The fiscal impact to local governmental entities is unknown. Escrow fund changes may result in an unknown increase in future state revenue.**

*Be it enacted by the people of the state of Missouri:*

Section A. Sections 149.011, 149.021, 196.1003, 196.1023, and 196.1029 are amended and two new sections, to be known as sections 149.018 and 149.204, are enacted, to read as follows:

149.011. As used in this chapter, unless the context requires otherwise, the following terms mean:

- (1) "Cigar", any roll for smoking, except cigarettes, made chiefly of tobacco or any substitute therefor;
- (2) "Cigarette", [an item manufactured] any roll of tobacco [or any substitute therefor], however wrapped [in paper or any substitute therefor], weighing not to exceed [three] four pounds per one thousand cigarettes [and which is commonly classified, labeled or advertised as a cigarette];
- (3) "Common carrier", any person, association, company, or corporation engaged in the business of operating, for public use, an agency for the transportation of persons or property within the state;
- (4) "Director", the director of Missouri department of revenue;
- (5) "First sale within the state", the first sale of a tobacco product by a manufacturer, wholesaler or other person to a person who intends to sell such tobacco products at retail or to a person at retail within the state of Missouri;
- (6) "Manufacturer", any person engaged in the manufacture or production of cigarettes;
- (7) "Manufacturer's invoice price", the original net invoice price for which a manufacturer sells a tobacco product to a distributor, wholesaler or first seller in the state as shown by the manufacturer's original invoice;
- (8) "Meter machine", a type of device manufactured for the use of printing or imprinting an inked impression indicating that the cigarette tax has been paid on an individual package of cigarettes;
- (9) "Package of cigarettes", a container of any type composition in which is normally contained twenty individual cigarettes, except as in special instances when the number may be more or less than twenty;
- (10) "Person", any individual, corporation, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity;
- (11) "Retailer", any person who sells to a consumer or to any person for any purpose other than resale;
- (12) "Roll-your-own tobacco," any loose

tobacco sold for roll-your-own cigarettes or cigars or otherwise intended or expected to be smoked;

(13) "Sale" in this instance is defined to be and declared to include sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption;

(14) [(13)] "Smokeless tobacco", chewing tobacco, including, but not limited to, twist, moist plug, loose leaf and firm plug, [and] all types of snuff, including, but not limited to, moist and dry, and any other product containing tobacco intended or expected to be consumed without being combusted;

(15) [(14)] "Stamped cigarettes", an individual package, containing twenty individual cigarettes, more or less, on which appears or is affixed or imprinted thereon a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(16) [(15)] "Tax stamp", an item manufactured of a paper product or substitute thereof on which is printed, imprinted, or engraved lettering, numerals or symbols indicating that the cigarette tax has been paid on each individual package of cigarettes;

(17) [(16)] "Tobacco product", cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

(18) [(17)] "Unstamped cigarettes", an individual package containing cigarettes on which does not appear a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(19) [(18)] "Wholesaler", any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the state who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this chapter, who so sells or so distributes cigarettes or tobacco products.

149.018. For the purpose of reducing public health care expenses and deaths from tobacco-related diseases, as well as providing additional moneys to be expended and used for tobacco use prevention and quit assistance; for elementary and secondary public school funding (with an emphasis on direct classroom expenditures); and for public college and university funding (with an emphasis on training for future medical caregivers including physicians, dentists, optometrists, pharmacists, nurses, elder and hospice caregivers, and other health care providers); additional taxes are hereby imposed on the sale of cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco. On and after January 1, 2013, taxes equal to three and sixty-five hundredths cents (\$0.0365) per cigarette, twenty-five percent of the manufacturer's invoice price before discounts and deals on roll-your-own tobacco, and fifteen percent of the manufacturer's invoice price before discounts and deals on all tobacco products other than cigarettes and roll-your own tobacco shall be levied and imposed upon the sale of cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco. The taxes imposed by this section shall be in addition to other taxes imposed by law on the sale of cigarettes and tobacco products other than cigarettes and shall be collected in the same manner and at the same time as the taxes imposed by law upon the sale of cigarettes and tobacco products other than cigarettes.

2. The Health and Education Trust Fund is hereby created within the state treasury. The following accounts are hereby created within the Health and Education Trust Fund:

- (1) Tobacco Use Prevention and Quit Assistance Account;
- (2) Public Education Account;
- (3) Public Higher Education Account.

3. Beginning January 1, 2013, all moneys collected as a result of the taxes imposed by this section shall be credited to and placed in the Health and Education Trust Fund as said moneys are received. All of the moneys from the taxes imposed by this section shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury and shall be credited to and placed only in the Health and Education Trust Fund and the accounts created within the Health and Education Trust Fund. Any moneys credited to and placed in the Health and Education Trust Fund and any account created by this section shall be appropriated and used only for purposes which are authorized by this section and shall not be subject to the provisions of section 33.080, RSMo. The unexpended balances of such moneys shall remain in the Health and Education Trust Fund and in the particular account in which the moneys are placed, and such balances shall not revert to the general revenue fund. All interest which accrues upon the moneys in any account within the Health and Education Trust Fund shall be added to such account and shall not be credited to the general revenue fund.

4. (1) The additional actual costs incurred by the state in collecting and enforcing

the taxes imposed by this section may be paid from moneys appropriated from the Health and Education Trust Fund for that purpose, not to exceed one and one half of one percent (1.5%) of the total moneys collected in that fiscal year. Collection and enforcement activities and initiatives that are paid for with moneys from the Health and Education Trust Fund shall be conducted in a fiscally responsible manner in order to maximize the amounts of net proceeds available for distribution pursuant to subsection 5. Moneys appropriated from the Health and Education Trust Fund pursuant to this subdivision 4(1) shall not be used to pay costs that are not additional actual costs incurred by the state in collecting and enforcing the taxes imposed by this section.

(2) The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section;

(3) On an annual basis, the director of the department of revenue shall determine whether the taxes imposed by this section have resulted in a decrease in consumption of tobacco products and thereby directly caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the state school moneys fund pursuant to chapter 149, RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant to chapter 149, RSMo, has been directly caused by the taxes imposed by this section, an amount equal to the amount of moneys that were not collected and deposited into that fund or funds because of the taxes imposed by this section shall be transferred from the Health and Education Trust Fund to the appropriate fund or funds. The aggregate amount transferred to the fair share fund, the health initiatives fund, and the state school moneys fund from the Health and Education Trust Fund for any year shall not exceed three percent of the total moneys collected pursuant to this section during that same year.

5. The net proceeds of the taxes imposed by this section shall be monthly apportioned, distributed, and deposited in the manner described below. "Net proceeds" means the total moneys collected and deposited in the Health and Education Trust Fund pursuant to the taxes imposed by this section minus the amounts transferred from or paid out of the Health and Education Trust Fund pursuant to subsection 4 of this section.

(1) Twenty percent of the net proceeds shall be credited to and placed in the Tobacco Use Prevention and Quit Assistance Account;

(2) Fifty percent of the net proceeds shall be credited to and placed in the Public Education Account;

(3) Thirty percent of the net proceeds shall be credited to and placed in the Public Higher Education Account;

6. Except for such amounts as may be appropriated by the general assembly for the purposes described in subdivision 6(4), all moneys deposited in the Tobacco Use Prevention and Quit Assistance Account shall be appropriated to and used solely by the Missouri Healthy Families Commission for the purpose of establishing, maintaining, and enhancing activities, programs, and initiatives to promote tobacco use quit assistance and prevention, including a comprehensive statewide tobacco control program, and public health for tobacco-related diseases. The comprehensive statewide tobacco control program shall be consistent with the United States Centers for Disease Control and Prevention's, or its successor agency's, best practices and guidelines for tobacco control programs, if any, and shall be designed to be effective to prevent and reduce tobacco use, reduce the public's exposure to second-hand smoke, and identify and eliminate disparities related to tobacco use and its effects among different population groups. The components of the comprehensive statewide tobacco control program shall include, but not be limited to: state and community based interventions, health communication interventions, cessation interventions, surveillance and evaluation, and administration and management. No more than fifteen percent of the moneys in the Tobacco Use Prevention and Quit Assistance Account may be expended by the Missouri Healthy Families Commission for activities, programs, and initiatives that promote public health for tobacco-related diseases, such as programs to provide student loan forgiveness or scholarships for medical professionals who work in underserved areas of the state, but that are not part of the comprehensive statewide tobacco control program. Moneys expended by the Missouri Healthy Families Commission for the purpose of promoting public health for tobacco-related diseases shall be used solely for that purpose and shall not be used directly or indirectly for research activities.

(1) The Missouri Healthy Families Commission is hereby created and shall be responsible for conducting, coordinating, and overseeing the tobacco use quit assistance and prevention activities, programs, and initiatives funded through the Tobacco Use Prevention and Quit Assistance Account. The Missouri Healthy Families Commission is hereby authorized to expend and use funds appropriated to it for the purposes described in this subsection 6. The Missouri Healthy Families Commission shall be governed by a board of directors, who may employ such staff and may enter agreements with, provide funding to, and otherwise cooperate with other public and private entities and agencies to further the purposes described in this subsection 6. The Missouri Healthy Families Commission may promulgate reasonable rules to implement this subsection 6. The Missouri Healthy Families Commission shall be assigned to the department of health and senior services with supervision by the department of health and senior services only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the department of health and senior services shall not extend to matters relat-

(2) The Missouri Healthy Families Commission shall conduct its procurement and grantmaking activities pursuant to generally accepted standards for similar programs, and is authorized to elect by rule, but shall not be required, to follow state procurement and purchasing procedures provided by law for other state agencies.

The Missouri Healthy Families Commission shall annually provide a publicly available report on tobacco use and its related harms and costs in the state, the allocation of the Tobacco Use Prevention and Quit Assistance Account moneys, and related surveillance and evaluation findings to the general assembly and the

governor.

(4) The general assembly may appropriate up to a total of one fifth of one percent of the moneys deposited in the Tobacco Use Prevention and Quit Assistance Account in a state fiscal year to the attorney general and other state agencies for the purpose of enforcing and administering the Master Settlement Agreement and the provisions of sections 196.1000 to 196.1035, RSMo, as amended.

7. Moneys deposited in the Public Education Account shall be appropriated to and used solely by the department of elementary and secondary education for distribution to school districts in this state for purposes which include, but are not limited to, teacher recruitment, retention, salaries, or professional development; school construction, renovation, or leasing; technology enhancements, textbooks, or instructional materials; school safety; or supplying additional funding for required state and federal program Funds distributed pursuant to this subsection shall be in addition to funds distributed pursuant to the school funding formula pursuant to chapter 163, RSMo. The department of elementary and secondary education shall distribute the funds to school districts in this state on an average daily attendance basis, as such term is defined in section 163.011(2), RSMo, during any fiscal year in which the total formula appropriation under subsections 1 and 2 of section 163.031, RSMo, is insufficient to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, RSMo, for the same fiscal year. The department of elementary and secondary education shall distribute the funds to school districts in this state on a resident pupil basis, as such term is defined in section 163.011(2), RSMo, during any fiscal year in which the total formula appropriation under subsections 1 and 2 of section 163.031, RSMo, is sufficient to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, RSMo, for the same fiscal year. At least twenty-five percent of the moneys distributed to each school district pursuant to this subsection shall be used in direct classroom expenditures. During any time when a school district is not qualified to receive state aid pursuant to section 163.021, RSMo, the school district shall not be entitled to receive distributions pursuant to this subsection.

8. Moneys deposited in the Public Higher Education Account shall be appropriated to and used solely by the department of higher education for distribution to public colleges and universities in proportion to their base operating appropriations for the preceding fiscal year as provided in subdivision (1) of this subsection solely for the purposes of education, training, and development of future caregivers, faculty recruitment, retention, salaries, or professional development; facility construction, renovation, or leasing; and construction materials; classroom instructional technology and classroom instructional materials; and campus safety. The department of higher education shall ensure that at least twenty-five percent of the moneys distributed from the Public Higher Education Account are used for programs and initiatives related to the education, training, and development of future caregivers including physicians, dentists, optometrists, pharmacists, nurses, and other health care providers. All of the moneys deposited in the Public Higher Education Account are intended to be expended on activities that directly relate to the education of students and shall be used solely for the purposes identified above, and shall not be used directly or indirectly for research activities.

(1) The moneys deposited in the Public Higher Education Account during a fiscal year shall be distributed by the department of higher education to the public colleges and universities in proportion to their respective shares of the total base operating appropriations for all public colleges and universities for the preceding fiscal year. The base operating appropriation amounts for public colleges and universities shall be determined from the bill that appropriates amounts for higher education base operations as approved by the governor for the preceding fiscal year. If no such bill exists or if base operating appropriations are provided in more than one bill, the department of higher education shall determine base operating appropriation amounts using a reasonable accounting method.

(2) Each public college or university shall deposit the amounts that it receives from the Public Higher Education Account into a new or existing restricted fund. Each public college or university shall maintain the amounts received and income generated from those amounts for the purposes described in this section.

9. The state auditor shall perform an annual audit of the fund and accounts established pursuant to subsection 2 of this section, which shall include an evaluation of whether appropriations for tobacco-related programs and elementary, secondary, and higher education have increased. Such audit shall be performed on a fiscal year basis. The state auditor shall make copies of each audit available to the public and to the general assembly.

10. Except as otherwise provided in this section, the effective date of this section shall be January 1, 2013. The taxes imposed by this section on cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco shall be imposed on all cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco in the possession or under the control of any person licensed under chapter 149, RSMo on and after 12:01 a.m. on January 1, 2013. The activities, initiatives, and programs described in subsection 6 shall be implemented as soon as reasonably practicable, but at least by January 1, 2014.

11. The net proceeds from the taxes imposed by this section shall constitute new and additional funding for the activities, initiatives, and programs described in this section and shall not be

governor.

(4) The general assembly may appropriate up to a total of one fifth of one percent of the moneys deposited in the Tobacco Use Prevention and Quit Assistance Account in a state fiscal year to the attorney general and other state agencies for the purpose of enforcing and administering the Master Settlement Agreement and the provisions of sections 196.1000 to 196.1035, RSMo, as amended.

7. Moneys deposited in the Public Education Account shall be appropriated to and used solely by the department of elementary and secondary education for distribution to school districts in this state for purposes which include, but are not limited to, teacher recruitment, retention, salaries, or professional development; school construction, renovation, or leasing; technology enhancements, textbooks, or instructional materials; school safety; or supplying additional funding for required state and federal program Funds distributed pursuant to this subsection shall be in addition to funds distributed pursuant to the school funding formula pursuant to chapter 163, RSMo. The department of elementary and secondary education shall distribute the funds to school districts in this state on an average daily attendance basis, as such term is defined in section 163.011(2), RSMo, during any fiscal year in which the total formula appropriation under subsections 1 and 2 of section 163.031, RSMo, is insufficient to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, RSMo, for the same fiscal year. The department of elementary and secondary education shall distribute the funds to school districts in this state on a resident pupil basis, as such term is defined in section 163.011(2), RSMo, during any fiscal year in which the total formula appropriation under subsections 1 and 2 of section 163.031, RSMo, is sufficient to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, RSMo, for the same fiscal year. At least twenty-five percent of the moneys distributed to each school district pursuant to this subsection shall be used in direct classroom expenditures. During any time when a school district is not qualified to receive state aid pursuant to section 163.021, RSMo, the school district shall not be entitled to receive distributions pursuant to this subsection.

8. Moneys deposited in the Public Higher Education Account shall be appropriated to and used solely by the department of higher education for distribution to public colleges and universities in proportion to their base operating appropriations for the preceding fiscal year as provided in subdivision (1) of this subsection solely for the purposes of education, training, and development of future caregivers, faculty recruitment, retention, salaries, or professional development; facility construction, renovation, or leasing; and construction materials; classroom instructional technology and classroom instructional materials; and campus safety. The department of higher education shall ensure that at least twenty-five percent of the moneys distributed from the Public Higher Education Account are used for programs and initiatives related to the education, training, and development of future caregivers including physicians, dentists, optometrists, pharmacists, nurses, and other health care providers. All of the moneys deposited in the Public Higher Education Account are intended to be expended on activities that directly relate to the education of students and shall be used solely for the purposes identified above, and shall not be used directly or indirectly for research activities.

(1) The moneys deposited in the Public Higher Education Account during a fiscal year shall be distributed by the department of higher education to the public colleges and universities in proportion to their respective shares of the total base operating appropriations for all public colleges and universities for the preceding fiscal year. The base operating appropriation amounts for public colleges and universities shall be determined from the bill that appropriates amounts for higher education base operations as approved by the governor for the preceding fiscal year. If no such bill exists or if base operating appropriations are provided in more than one bill, the department of higher education shall determine base operating appropriation amounts using a reasonable accounting method.

(2) Each public college or university shall deposit the amounts that it receives from the Public Higher Education Account into a new or existing restricted fund. Each public college or university shall maintain the amounts received and income generated from those amounts for the purposes described in this section.

9. The state auditor shall perform an annual audit of the fund and accounts established pursuant to subsection 2 of this section, which shall include an evaluation of whether appropriations for tobacco-related programs and elementary, secondary, and higher education have increased. Such audit shall be performed on a fiscal year basis. The state auditor shall make copies of each audit available to the public and to the general assembly.

10. Except as otherwise provided in this section, the effective date of this section shall be January 1, 2013. The taxes imposed by this section on cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco shall be imposed on all cigarettes, roll-your-own tobacco, and tobacco products other than cigarettes and roll-your-own tobacco in the possession or under the control of any person licensed under chapter 149, RSMo on and after 12:01 a.m. on January 1, 2013. The activities, initiatives, and programs described in subsection 6 shall be implemented as soon as reasonably practicable, but at least by January 1, 2014.

11. The net proceeds from the taxes imposed by this section shall constitute new and additional funding for the activities, initiatives, and programs described in this section and shall not be

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used to replace existing funding as of July 1, 2012, for the same or similar activities, initiatives, and programs.

12. None of the funds collected, distributed, or allocated pursuant to this section shall be expended, paid or granted to or on behalf of existing or proposed activities, programs, or initiatives that involve abortion services, including performing, inducing, or assisting with abortions, as defined in section 188.015, RSMo, or encouraging patients to have abortions, referring patients for abortions not necessary to save the life of the mother, or development of drugs, chemicals, or devices intended to be used to induce an abortion.

13. None of the funds collected, distributed or allocated pursuant to this section shall be expended, paid or granted to or on behalf of existing or proposed activities, programs, or initiatives that involve human cloning or research prohibited by law.

149.021. 1. For the purpose of allowing compensation for the costs necessarily incurred in affixing the proper tax stamps to each package of cigarettes before making a sale of the cigarettes, each wholesaler purchasing stamps from the director as required by law may purchase the stamps from the director at a reduction of [three percent of the face value of each lot of stamps] one-half of one cent (\$0.005) per stamp so purchased, provided that all required reports have been made. The discount provided in this section shall be the only discount allowed to purchasers from the director. If a purchaser refuses to comply with the laws of the state of Missouri, the director shall require the full face value for stamps purchased until such time as the person has complied with the provisions of the law.

2. The director may permit the use of meter machines in lieu of stamps, for the impress of the tax stamp, and where used a one-half of one cent (\$0.005) [three percent] reduction [on the total tax] per stamp due shall be allowed. The director shall prescribe all rules and regulations governing the use of meter machines and may require a bond in a suitable amount to guarantee payment of the tax.

149.204. Notwithstanding any other provision of law, any person that, for commercial purposes, operates or maintains a machine that enables any person to process a substance that is made or derived from tobacco into a roll or tube shall be deemed to be a manufacturer of cigarettes (and the resulting product shall be deemed to be a cigarette) for purposes of this chapter and chapter 196, RSMo.

196.1003. Any tobacco product manufacturer selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the date of enactment of this Act shall do one of the following:

(a) become a participating manufacturer (as that term is defined in section II(j) of the Master Settlement Agreement) and generally perform its financial obligations under the Master Settlement Agreement; or

(b) (1) place into a qualified escrow fund [by April 15 of the year following the year in question] the following amounts, adjusted for inflation as provided in section 196.1000(a), RSMo [(as such amounts are adjusted for inflation)] —

1999: \$.0094241 per unit sold after the date of enactment of this Act;

2000: \$.0104712 per unit sold;

for each of 2001 and 2002: \$.0136125 per unit sold;

for each of 2003 through 2006: \$.0167539 per unit sold;

for each of 2007 and each year thereafter: \$.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (1) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances —

(A) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds shall be released from escrow under this subparagraph (i) in the order in which they were placed into escrow and (ii) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(B) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the state in a particular year was greater than the Master Settlement Agreement payments, as determined under Section IX(i) of that Agreement including after final determination of all adjustments. [State's allocable share of the total payments] that such manufacturer would have been required to make

on account of such units sold had it been a participating manufacturer, [in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the Inflation Adjustment) had it been a participating manufacturer,] the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(C) to the extent not released from escrow under subparagraphs (A) or (B), funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the Attorney General that it is in compliance with this subsection. The Attorney General may bring a civil action on behalf of the State against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails [in any year] to [place] make timely and complete deposits into escrow [the funds] as required under this section shall - -

(A) be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty to be paid to the State's general revenue fund in an amount not to exceed 5 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100 percent of the original amount improperly withheld from escrow;

(B) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty to be paid to the State's general revenue fund in an amount not to exceed 15 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300 percent of the original amount improperly withheld from escrow; and

(C) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed 2 years.

Each failure to make an annual deposit required under this section shall constitute a separate violation. Any tobacco product manufacturer that violates the provisions of this section shall pay the State's cost and attorney's fees incurred during a successful prosecution under this section.

(4) All escrow deposits shall be made on a quarterly basis, no less than thirty (30) days after the end of each calendar quarter in which the sales were made.

196.1023. 1. Every tobacco product manufacturer whose cigarettes are sold in this state, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, shall execute and deliver on a form prescribed by the director a certification to the director no later than the thirtieth day of April each year certifying, under penalty of perjury, that as of the date of such certification such tobacco product manufacturer is a participating manufacturer or is in full compliance with section 196.1003.

(1) A participating manufacturer shall include in its certification a list of its brand families. The participating manufacturer shall update such list thirty calendar days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the director.

(2) A nonparticipating manufacturer shall include in its certification:

(a) A list of all of its brand families and the number of units sold for each brand family that were sold in the state during the preceding calendar year;

(b) A list of all of its brand families that have been sold in the state at any time during the current calendar year, which shall indicate, by an asterisk, any brand family sold in the state during the preceding calendar year that is no longer being sold in the state as of the date of such certification; and

(c) The name and address of any other manufacturer of such brand families in the preceding or current calendar year.

The nonparticipating manufacturer shall update such list thirty calendar days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the director.

(3) For a nonparticipating manufacturer, such certification shall further certify:

the manufacturer is registered to do business in the state or has appointed a resident agent for service of process and provided notice thereof as required in this subsection;

(b) That such nonparticipating manufacturer has established, and continues to maintain, a qualified escrow fund and has executed a qualified escrow agreement, governing the qualified escrow fund, which has been reviewed and approved by the director;

(c) That such nonparticipating manufacturer is in full compliance with sections 196.1003 and 196.1020 to 196.1035 and any rules promulgated thereunder;

(d) The name, address, and telephone number of the financial institution where the nonparticipating manufacturer has established such qualified escrow fund required under section 196.1003 and all rules promulgated thereunder;

(e) The account number of such qualified escrow fund and any subaccount number for the state;

(f) The amount such nonparticipating manufacturer placed in such fund for cigarettes sold in the state during the preceding calendar year;

(g) The date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the director to confirm the foregoing; [and]

(h) The amount and date of any withdrawal or transfer of funds of the nonparticipating manufacturer made, at any time, from such fund or from any other qualified escrow fund into which it ever made escrow payments under section 196.1003 and all rules promulgated thereunder[.]; and

(i) That the nonparticipating manufacturer is in compliance with section 149.200, RSMo.

(4) A tobacco product manufacturer shall not include a brand family in its certification unless:

(a) In the case of a participating manufacturer, such participating manufacturer affirms that the brand family is deemed to be its cigarettes for purposes of calculating its payments under the master settlement agreement for the relevant year, in the volume and shares determined under the master settlement agreement; and

(b) In the case of a nonparticipating manufacturer, such nonparticipating manufacturer affirms that the brand family is deemed to be its cigarettes for purposes of section 196.1003.

Nothing in this section shall be construed as limiting, or otherwise affecting, the state's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for purposes of calculating payments under the master settlement agreement or for purposes of section 196.1003.

(5) Tobacco product manufacturers shall maintain all invoices and documentation of sales and other such information relied upon for such certification for a period of five years, unless otherwise required by law to maintain them for a greater period of time.

2. On or after January 1, 2011, the director shall issue, maintain, update when necessary but only on the first calendar day of each month, make available for public inspection and publish on its website a directory listing of all tobacco product manufacturers that have provided current and accurate certifications in compliance with the requirements of subsection 1 of this section and all brand families listed in such certifications, except:

(1) The director shall not include, or retain, in such directory the name or brand families of any nonparticipating manufacturer that fails to provide the required certification, or whose certification the director determines is not in compliance with subdivisions (2) and (3) of subsection 1 of this section, unless the director has determined that such violation has been cured to the satisfaction of the director;

(2) Neither a tobacco product manufacturer nor brand family shall be included, or retained, in the directory if the director concludes, in the case of a nonparticipating manufacturer that:

(a) Any escrow payment required under section 196.1003 for any period, for any brand family, whether or not listed by such nonparticipating manufacturer has not been fully paid into a qualified escrow fund governed by a qualified escrow agreement approved by the director; or

(b) Any outstanding final judgment, including interest thereon, for violations of section 196.1003 has not been fully satisfied for such brand family and such manufacturer;

(3) Every stamping agent shall provide, and update as necessary, an electronic mail address to the director for the purpose of receiving any notifications that may be required by sections 196.1020 to 196.1035.

3. (1) The directory issued and updated in

subsection 2 of this section shall become effective immediately but only as it applies to tobacco product manufacturers, and it shall be unlawful for any tobacco wholesaler or retailer to purchase from any tobacco product manufacturer any cigarette or brand family not listed in the directory.

(2) The directory issued in subsection 2 of this section shall become effective on the first day of the month following the month in which said directory is published or updated as it applies to tobacco wholesalers, and on the fifteenth day of the month following the month in which said directory is published or updated as it applies to tobacco retailers in order to allow wholesalers and retailers sufficient time to sell their inventory.

(3) Unless otherwise permitted herein, it shall be unlawful for any person to:

(a) Affix a stamp to a package or other container of cigarettes of a tobacco product manufacturer or brand family not included in the directory; or

(b) Sell, offer, or possess for sale in this state, or import for personal consumption in this state, cigarettes of a tobacco product manufacturer or brand family not included in the directory.

4. (1) A non-participating manufacturer shall post a bond in favor of the state of Missouri if its cigarettes were not sold in the state during any one of the four preceding calendar quarters; it or any person affiliated with it failed to make a full and timely escrow deposit due under section 196.1003, RSMo, unless the failure was not knowing or reckless and was promptly cured on notice; or, it or any person affiliated with it was removed from the state directory of any state during any of the five preceding calendar years, unless the removal was determined to have been erroneous or illegal. Entities are affiliated with each other if one directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with the other.

(2) The bond required by this subsection shall be posted at least ten days in advance of each calendar quarter as a condition to the non-participating manufacturer and its brand families being included in the state directory for that quarter. The amount of the bond shall be the greater of (i) the greatest required escrow amount due from the non-participating manufacturer or its predecessor for any of the twelve preceding calendar quarters or (ii) \$25,000. The bond shall be written in favor of the state of Missouri and shall be conditioned on the performance by the non-participating manufacturer of all of its duties and obligations under this chapter. The bond shall remain in effect for twenty-four (24) months from the date posted.

(3) If the non-participating manufacturer fails to perform the duties and obligations on which the bond is conditioned, the state shall be authorized to execute on the bond, first to recover any amounts the non-participating manufacturer failed to place into escrow as required by this chapter, then to recover penalties and attorneys' fees under this chapter.

196.1029. 1. Not later than twenty days after the end of each calendar quarter and more frequently if so directed by the director, each stamping agent shall submit such information as the director requires to facilitate compliance with sections 196.1020 to 196.1035 including but not limited to:

(1) A list by brand family of the total number of cigarettes; or

(2) In the case of roll-your-own, the equivalent stick count for which the stamping agent affixed stamps during the preceding calendar quarter or otherwise paid the tax due for such cigarettes.

The stamping agent shall maintain and make available to the director all invoices and documentation of sales of all nonparticipating manufacturer cigarettes and any other information relied upon in reporting to the director for a period of five years.

2. The director shall disclose to the attorney general any information received under sections 196.1020 to 196.1035 which is requested by the attorney general for purposes of determining compliance with and enforcing the provisions of sections 196.1020 to 196.1035. The director and attorney general shall share with each other information received under sections 196.1003 and 196.1020 to 196.1035, or corresponding laws of other states.

3. The director may, at any time, require from the nonparticipating manufacturer proof from the financial institution, in which such manufacturer has established a qualified escrow fund for the purpose of compliance with section 196.1003, of the amount of money in such fund exclusive of interest, and the amount and date of each deposit to such fund, and the amount and date of each withdrawal from such fund.

4. In addition to any other information required to be submitted under sections 196.1020 to 196.1035, the director may require a stamping agent or tobacco prod-

uct manufacturer to submit any additional information, including but not limited to samples of the packaging or labeling of each brand family, as is necessary to enable the director to determine whether a tobacco product manufacturer is in compliance with sections 196.1020 to 196.1035.

5. The director shall, on a quarterly basis, make available to the public information relating to the number of units sold by brand family of each tobacco product manufacturer.

Section B. All of the provisions of this act are severable. If any provision of this act is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this act shall be and remain valid and in full force and effect.

STATE OF MISSOURI } ss  
Secretary of State

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Proposition B, to be submitted to the qualified voters of the State of Missouri at the General Election to be held the sixth day of November, 2012.

In TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri, done at the City of Jefferson, this 28th day of August, 2012.



ROBIN CARNAHAN  
Secretary of State

PROPOSITION E  
[Proposed by the 96th General Assembly (Second Regular Session) SB 464]

OFFICIAL BALLOT TITLE:

Shall Missouri law be amended to prohibit the Governor or any state agency, from establishing or operating state-based health insurance exchanges unless authorized by a vote of the people or by the legislature?

No direct costs or savings for state and local governmental entities are expected from this proposal. Indirect costs or savings related to enforcement actions, missed federal funding, avoided implementation costs, and other issues are unknown.

To amend chapter 376, RSMo, by adding thereto one new section relating to the authority for creating and operating health insurance exchanges in Missouri, with a referendum clause.

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1186, to read as follows:

376.1186. 1. No state-based health benefit exchange may be established, created, or operated within this state in order to implement Section 1311 of the federal health care act, 42 U.S.C. Section 18031, or any other provision of the federal health care act that relates to the creation and operation of a state-based health benefit exchange, unless the authority to create or operate such an exchange is enacted into law through:

(1) A bill as prescribed by Article III of the Missouri Constitution;

(2) An initiative petition as prescribed by Article III, Section 50 of the Missouri Constitution; or

(3) A referendum as prescribed by Article III, Section 52(a) of the Missouri Constitution.

2. In no case shall the authority for establishing, administering, or operating a state-based health benefit exchange in Missouri be based upon an executive order issued by the governor of Missouri.

3. No department, agency, instrumentality or political subdivision of the state of Missouri shall establish any rule, policy, guideline or plan or change any program, rule, policy or guideline to implement, establish, create, administer or otherwise operate a state-based health benefit exchange described in the federal health care act unless such department, agency, instrumentality or political subdivision has received statutory authority to do so in a manner consistent with subsection 1 of this section. No department, agency, instrumentality or political subdivision of the state of Missouri shall act as an eligible entity as described in Section 1311(f)(3)(B) of the federal health care act to perform one or more of the responsibilities of a state-based health benefit exchange unless authorized by statute or a regulation validly promulgated pursuant to such statute.

4. No department, agency, instrumentality, or political subdivision of this state shall apply for, accept or

expend federal moneys related to the creation, implementation or operation of a state-based health benefit exchange or a federally-facilitated health benefit exchange unless such acceptance or expenditure is authorized by statute or an appropriations bill.

5. No department, agency, instrumentality, political subdivision, public officer or employee of this state shall enter into any agreement or any obligation to establish, administer, or operate a federally-facilitated health benefit exchange described in Section 1321(c)(1) of the federal health care act unless such department, agency, instrumentality, political subdivision, public officer or employee of this state has received statutory authority to enter into such agreements or obligations. No department, agency, instrumentality, political subdivision, public officer or employee of this state shall provide assistance or resources of any kind to any department, agency, public official, employee or agent of the federal government related to the creation or operation of a federally-facilitated health benefit exchange unless such assistance or resources are authorized by state statute or a regulation promulgated thereto or such assistance or resources are specifically required by federal law.

6. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against the State of Missouri or any official, department, division, agency, or political subdivision of this state which is in violation of this section in any court with jurisdiction to enforce the provisions of this section. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the taxpayer or member of the general assembly if the court finds that the provisions of this section have been violated. Such attorney's fees, court costs, and reasonable expenses shall be paid from funds appropriated to the department, division, agency, or any political subdivision of this state determined to have violated, in whole or in part, the provisions of this section. In no case shall the award of attorney's fees, court costs, or reasonable expenses be paid from the legal defense fund, nor shall any department, division, agency, or political subdivision of this state request, or be granted, additional appropriations in order to satisfy an award made under this section.

7. As used in this section, the term "federal health care act" shall mean the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments thereto, or regulations or guidance issued under such federal acts.

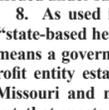
8. As used in this section, the term "state-based health benefit exchange" means a governmental agency or non-profit entity established by the state of Missouri and not the federal government that meets the applicable requirements of Section 1311 of the federal health care act and regulations promulgated thereto and makes qualified health care plans available to qualified individuals and qualified employers. The term "state-based health benefit exchange" includes regional or other interstate exchanges and subsidiary exchanges as described in Section 1311(f)(1) and (2) of the federal health care act. The term "federally-facilitated health benefit exchange" means a health benefit exchange established and operated by the Secretary of Health and Human Services under Section 1321(c)(1) of the federal health care act, either directly or through agreement with a not-for-profit entity.

Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2012, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

STATE OF MISSOURI } ss  
Secretary of State

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Proposition E, to be submitted to the qualified voters of the State of Missouri at the General Election to be held the sixth day of November, 2012.

In TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri, done at the City of Jefferson, this 28th day of August, 2012.



ROBIN CARNAHAN  
Secretary of State

