COMMUNITY IMPROVEMENT DISTRICT ASSESSMENTS - MISSOURI

Real Estate Recovery, LLC v. Branson Hills Facility Infrastructure Community Improvement District

Missouri Court of Appeals, Southern District, Division One - October 14, 2020 - S.W.3d - 2020 WL 6054606

Real Estate Recovery, LLC ("RER") appealed from the trial court's summary judgment in favor of Branson Hills Facility Infrastructure Community Improvement District ("the District"). RER argues that the trial court erred in entering summary judgment in favor of the District, in that the District's assessments did not survive the post-third-offering sale at which RER purchased the four parcels of real estate ("the Parcels")

This case derived from the Taney County Collector's ("the Collector") post-third offering for delinquent community improvement district ("CID") assessments levied by the District against the Parcels, which RER purchased at the offering. RER subsequently filed a petition to quiet title. Thereafter, RER and the District both filed motions for summary judgment. RER argued (in relevant part) that, pursuant to the Community Improvement District Act (the "CID Act") and the Jones-Munger Act, RER's Collector's Deeds terminated all District special assessments as to the Parcels.

The District—also relying on the Jones-Munger Act and the CID Act—argued that the sale did not impair the District's power or authority to impose and levy "future … special assessments" within the boundaries of the District, and that either RER's Collector's Deeds were invalid or RER owed the delinquent 2015 assessment amount, as RER was required (and failed) to pay that sum before receiving its Collector's Deeds.

The trial court entered summary judgment in favor of the District, and against RER. RER appealed.

In the appeal, the Court of Appeals noted that the sole and narrow issue before it was whether — in light of the controlling provisions of the CID Act and the Jones-Munger Act — assessments levied or imposed by the District against the Parcels after the post–third-offering sale survive, such as to impose a continuing lien on the Parcels (and a corresponding obligation on RER to remit payment for such subsequently levied or imposed assessments).

The Court of Appeals held that assessments levied or imposed by the District against the Parcels after the post–third-offering sale survive, such as to impose a continuing lien on the Parcels.

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