

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

IN THE MATTER OF FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES BY
ACTION IN REM: COLLECTOR OF REVENUE, BY AND THROUGH THE DIRECTOR
OF COLLECTIONS FOR JACKSON COUNTY, MISSOURI,

Respondent,

v.

TERRY HOLTON,

Appellant,

CHRISTINA McINTOSH,

Respondent.

DOCKET NUMBER WD76280

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: January 14, 2014

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Marco A. Roldan, Judge

JUDGES

Division Three: Mitchell, P.J., and Hardwick and Witt, JJ.

CONCURRING.

ATTORNEYS

Whitney S. Miller, Assistant County Counselor, Kansas City, MO

Attorney for Respondent Jackson County,

Bernard J. Rhodes, Kansas City, MO

Attorney for Appellant,

J. Casey Martin, Kansas City, MO

Attorney for Respondent McIntosh.



MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

IN THE MATTER OF FORECLOSURE)
OF LIENS FOR DELINQUENT LAND)
TAXES BY ACTION IN REM:)
COLLECTOR OF REVENUE, BY AND)
THROUGH THE DIRECTOR OF)
COLLECTIONS FOR JACKSON)
COUNTY, MISSOURI,)

Respondent,)

v.)

TERRY HOLTON,)

Appellant,)

CHRISTINA McINTOSH,)

Respondent.)

OPINION FILED:
January 14, 2014

WD76280

Jackson County

Before Division Three Judges:

Karen King Mitchell, Presiding Judge, and
Lisa White Hardwick and Gary D. Witt, Judges

Terry Holton appeals the trial court's judgment denying his Verified Motion to Vacate Judgment and Set Aside Deed. Holton claims that the trial court erred in denying his motion and confirming the sale of his condominium unit for delinquent property taxes because Jackson County failed to comply with due process requirements in that, after notices sent to Holton by mail were returned as undeliverable, the County failed to take adequate additional steps to provide notice of the tax sale to Holton. We reverse the judgment of the trial court.

REVERSED WITH DIRECTIONS.

Division Three holds:

Because the County failed to take the additional, available, practicable step of mailing a notice letter addressed to "occupant" after it became aware that previous attempts to notify

Holton of the tax foreclosure sale had failed, Holton's due process rights were violated and the trial court erred in denying Holton's motion.

Opinion by: Karen King Mitchell, Presiding Judge

January 14, 2014

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