

HEIRS' PROPERTY:

Understanding the
Legal Issues in
Missouri

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Introduction

The purpose of this factsheet is to prevent the loss of land owned as heirs' property in Missouri. It examines state laws that are relevant to heirs' property owners in Missouri, and outlines steps they can take to resolve property issues before seeing an attorney.

It also explains relevant legal issues, including:

- 1. how to identify the legal heirs of the original ancestor who owned the land,**
- 2. state partition law,**
- 3. state law that permits the sale of land due to unpaid property taxes, and**
- 4. state law addressing adverse possession and condemnation**
(these terms are defined in the glossary, below).

This resource may be useful to professionals assisting heirs' property owners, such as lawyers, nonprofit and community development advocates, and cooperative extension agents.



For a glossary of legal terms used in this factsheet, refer to page 12.

What is Heirs' Property?

Heirs' property (sometimes known as family land) is property that has been transferred to multiple family members by inheritance, usually without a will. Typically, it is created when land is transferred from someone who dies without a will to that person's spouse, children, or other heirs who have a legal right to the property. However, even if the person who died had a will, they may still create heirs' property if they leave land to multiple heirs without specifying which heirs get which section of the land.

When heirs' property is created, the heirs own all the property together (in legal terms, they own the property as "tenants in common"). In other words, they each own an interest in the undivided land rather than each heir owning an individual lot or piece of the land. In addition, unless the heirs go to the appropriate administrative agency or court in their jurisdiction and have the title or deed to the land changed to reflect their ownership, the land will remain in the name of the person who died.

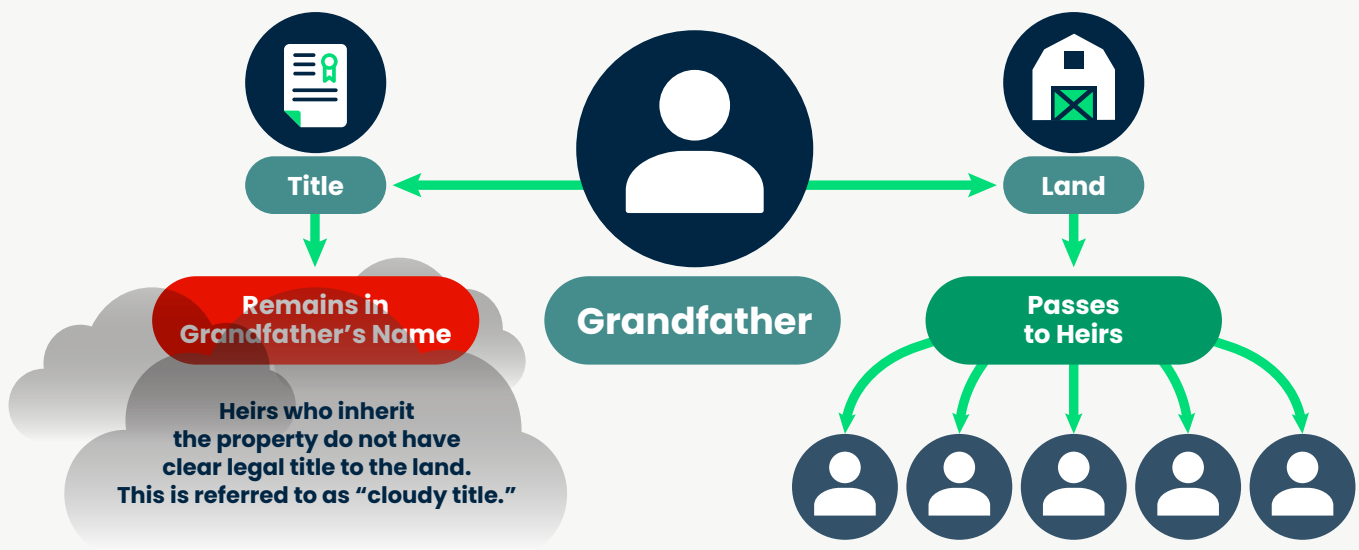
For the heirs, owning property as tenants in common without a clear title can lead to many challenges. Because it is difficult for heirs to prove ownership, they may be unable to access loans and mortgages, apply for USDA grants or loans, and build wealth from the land by engaging in commercial activity, such as selling timber or other resources—all of which require proof of ownership. It also leaves the property vulnerable to being acquired by real estate developers and unscrupulous actors.



Learn More Using the Farmland Access Legal Toolkit

For a more comprehensive overview of heirs' property issues, visit farmlandaccess.org/heirs-property.

Find additional advice for heirs' property owners, including how to proactively avoid and address legal challenges, at farmlandaccess.org/suggestions-for-heirs-property-owners.



Identifying Heirs

To resolve heirs' property issues, an important first step is tracing the ownership of the land from the original titled owner to the current owners. Many practitioners encourage heirs' property owners to build a family tree identifying all the heirs, deceased and living. Specifically, heirs' property owners will want to collect:

1. **the heirs' birth and death dates,**
2. **county of death,**
3. **proof of whether they died with a will, and**
4. **any current contact information for living heirs.**

The goal is to gather information about anyone who may have at any time held any interest in the land, so it is important to identify all the heirs, all of whom might be entitled to an interest in the land.

When a person dies with a valid will, they die "testate" and their will determines who inherits their property.¹ When a person dies without a will, or their will is not submitted to probate within one (1) year of the decedent's death, they die "intestate" and state law governing intestate succession determines who inherits that person's real estate and other assets, unless the person's are passed to their heirs outside of probate (e.g. beneficiary deed, trust, etc.).² Who inherits a person's land by intestate succession varies depending on which family members survive the decedent.

There are generally a number of types of living heirs entitled to inherit from a decedent, including: the spouse of the decedent, biological and adopted children, and their descendants, parents of the decedent, siblings of the decedent, and if they have died, their descendants (the decedent's nieces and nephews), and grandparents and cousins.



Finding the Family (Genealogy) and Land Records

Resources to help identify and locate heirs and build the family tree include genealogists and family history sites such as [ancestry.com](https://www.ancestry.com), [myheritage.com](https://www.myheritage.com), and [familysearch.org](https://www.familysearch.org). Family bibles and public or online obituaries can be a good source of information and can sometimes be used to show heirs. Local libraries can also be a great resource for genealogical records and research help.³

Additional helpful online resources for Missouri genealogy include:

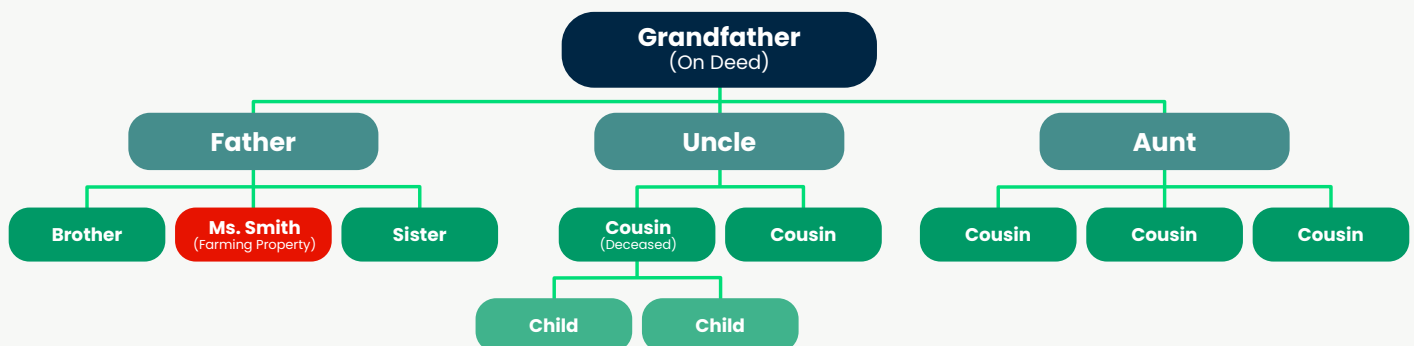
The State Historical Society of Missouri:
shsmo.org

Library of Congress List of Missouri Genealogy Resources:
loc.gov

Missouri Secretary of State – Missouri Death Certificates 1910–1971:
si.sos.mo.gov

Individuals can visit the county recorder of deeds in the county where the real estate was situated to trace land ownership. Additionally, individuals can find probate filings by searching records in the circuit where the decedent died.⁴

An example of a simple family tree for Ms. Smith



Intestate Succession in Missouri

The following chart describes some of the many possibilities under Missouri’s intestate succession laws.⁵ If there are multiple generations involved, it is likely going to be important to work with an attorney to successfully identify all the current owners.

If a person dies with:	Here’s what happens:
children but no spouse	the children inherit everything.
a spouse but no descendants	the spouse inherits everything.
a spouse and children with that spouse only	the spouse inherits first \$20,000 of decedent’s intestate property, plus 1/2 of the balance; the children inherit everything else.
a spouse and children from someone other than that spouse	the spouse inherits one-half (1/2) of decedent’s intestate property; the children inherit everything else.
parents and siblings but no spouse or descendants	the parents and siblings, or their descendants, inherit the intestate property in equal shares.
children born outside of marriage	children are presumed to belong to the mother that birthed them, absent evidence of adoption, so they inherit if their mother is the decedent. Children inherit from a deceased man if the birth mother and decedent father were married at the time of the child’s birth or a few months thereafter; or if paternity is legally established before or after his death by clear and convincing proof. ⁶

Establishing Ownership of Heirs' Property Outside of Probate

Heirship Affidavits

In most states, an individual must file an action in probate court and trace ownership of the property from the ancestor listed on the title to the current heirs to establish current ownership of heirs' property. Missouri's laws also allow individuals to determine heirs by affidavit outside of probate court. By law, ownership of the decedent's property passes immediately upon their death to people named in their will. Or, in the absence of a will, the decedent's property passes immediately to the heirs entitled to inherit their property according to the laws of intestate succession.⁷ The probate process can make it easy to transfer decedents' assets to their rightful heirs. It also creates a forum for competing heirs to litigate claims and provides creditors the opportunity to make claims against a decedent's estate. Importantly, all creditor claims must be made within one year after a decedent's death.

Under Missouri law, an affidavit of heirship can be used when a probate proceeding is not required to transfer title to the relevant heirs.⁸ These affidavits are generally accepted as proof of ownership by title companies operating within Missouri and can be a valuable tool to update ownership records in heirs' property cases. Affidavits can be recorded with the county recorder of deeds. This updates the land records so that third parties can determine who owns the property.

Adverse Possession Claims by Co-owners

An heir claiming long-term, exclusive, and uncontested ownership of a property can use the doctrine of adverse possession to gain title to the property in their name through an affidavit or a lawsuit. Under Missouri law, a person can claim title to property by adverse possession if they have exercised actual, adverse, hostile, open, continuous, exclusive, notorious, clear, and unequivocal possession, dominion, and control over the entirety of the property in such a way that they are clearly denying the rights of any other owners. Other co-owner heirs have 10 years to bring a legal action against the possessor-heir to reclaim possession of their interest in the property.

The Missouri Supreme Court has long held that co-owners of property can prove title to their property by adverse possession.⁹ Strong proof is required, however, to overcome the presumption that a claimant holds possession of the property for their co-tenants.¹⁰ Under certain circumstances, a co-owner of heirs' property who lives on the property can invoke the Missouri statute governing adverse possession to gain clear title defeat any claims of co-tenants.¹¹

Understanding Partition Law

Heirs who inherit land intestate (without a will) own it as tenants in common.¹² Tenants in common each own an *undivided* interest in the whole parcel of land, which means that none of the heirs can claim any specific piece of land. As tenants in common, each heir has equal rights to use and occupy the land.

Heirs' property owners are especially vulnerable to losing their land because they are subject to partition actions to physically divide or sell the land.

As co-owners of the property, any of the tenants in common can bring an action in court asking for partition of the property.

There are two ways a court can partition or divide the property: partition in kind or partition by sale. If a court orders partition in kind, the land must be physically divided equitably and proportionate to the fractional interest and value of each co-owner's share. If the court orders partition by sale, it triggers a process that requires the property to be sold.

Historically, when a court ordered partition by sale, the entire property was sold to the public, usually by forced sale at an auction. Property owners lost their family legacies and generally received a small percentage of what the land was worth—far below the property's fair market value.¹³ This has resulted in a tremendous amount of land loss among African Americans in the United States. Since 2010, there have been efforts to pass legislation at the state level to ensure that heirs' property owners have certain due process rights, including that if the property is sold in a partition action, it is sold for fair market value and not at auction. That legislation, drafted by the Uniform Law Commission, is called the **Uniform Partition of Heirs Property Act** (UPHPA). It provides a more equitable system for partition actions of heirs' property.

The Uniform Partition of Heirs Property Act (UPHPA) was developed by the Uniform Law Commission in 2010, and it has been adopted in more than twenty (20) states. In Missouri, the state legislature enacted the Save the Family Farm Act in August 2019.¹⁴ The law restructured the way partition sales occur, and made several major reforms to partition law in Missouri, as below.

- 1. If a co-owner brings a partition action in court, the court must provide an opportunity to the other co-owners to buy out the co-owner who brought the partition action.**
- 2. If there is no buyout, rather than sell the entire property the new law requires the court to order a partition in kind, unless a partition in kind will result in great prejudice to the co-tenants.**
- 3. If a partition in kind is not ordered, the Save the Family Farm Act requires the court to sell the property at a market sale, unless not economically advantageous to the co-tenants, and sets forth a process for the property to be fairly appraised and sold.**

Court actions for partition should be avoided if possible. If a physical partition of the land is desired by all co-owners, they should attempt to divide the property voluntarily by agreement with the help of a surveyor and real estate attorney. If an heir receives a notice of a partition action, they should immediately consult an attorney to protect their rights in the land. Historically, partition sales have been devastating to African American landowners, resulting in forced sales of millions of acres of property and the loss of a tremendous amount of land, wealth, and family legacy.

Avoiding Tax Sales

It is very important for heirs' property owners to make sure property taxes are paid in full because tax sales can lead to loss of land. Property becomes subject to a tax sale when a landowner fails to pay annual property taxes on time. The overdue amount generally becomes a tax lien, which may cause the local government authority to begin a process to sell the land.

Heirs' property owners should not wait to clear title to the property (see definition in the glossary) before paying the property taxes.

Note that in many families, one or more of the heirs pays the total amount of the annual property taxes due, including the portions owed by other co-owners. Ideally, the other co-owners reimburse the family members who cover their share. If they do not, the co-owner who paid the taxes can get reimbursed through voluntary repayment, distribution of income received from the property, or sale proceeds if the land is sold. Importantly, payment of taxes does not increase a co-owner's ownership interest. Rather, it creates a claim for reimbursement from any co-owner who is not paying the taxes. Anyone who pays taxes on the property should keep tax bills and receipts so that they can request or claim reimbursement.

How Tax Sales Work in Missouri

When a landowner in Missouri does not pay their property taxes, the unpaid total turns into a lien on the property.¹⁵ Once the taxes are delinquent by at least a year, county collectors can begin to send notices to the landowner alerting them that they intend to sell the tax lien to recover the taxes, interest, and other relevant costs. The notice should also include information about when and where the sale will take place.

The publicly recorded owner of record will receive only two notices. The first notice is sent by first class mail and the second by certified mail, return receipt requested.¹⁶ The tax collector will also publish a weekly notice in the local newspaper for three consecutive weeks.¹⁷ To stop the sale of the tax lien, Missouri law permits anyone to pay the delinquent taxes, penalties, interests, and costs at any time before the sale.

Once the tax lien is sold at auction, Missouri landowners have an opportunity to "redeem" the property or prevent the lien buyer from foreclosing. Redemption can occur by payment of all unpaid taxes, interest and penalties, and all costs and fees, within 12 months after the sale of the lien if it is sold at the first or second auction.¹⁸ If the lien is sold at a third auction, the landowner only has 90 days within which to redeem the property.

If no redemption occurs, the purchaser of the tax lien can request a deed from the county where the lien was sold and may file a quiet title lawsuit to obtain title to the property.¹⁹

When a tax lien is offered for three consecutive years without a purchase, redemption rights for owners are eliminated and the county is authorized to transfer the title of the land to any buyer without additional notice.²⁰



Potential Tax Savings for Agricultural Land

Heirs' property owners of agricultural land should consider the potential for financial savings by receiving an agricultural tax exemption for property taxes due. In Missouri, agricultural land is assessed for taxes based on its productivity. Generally, this assessment is at a lower rate than most other real estate. The local tax authority determines whether the land is agricultural and how productive it is based on its assessment of the land.²¹ The State Tax Commission sets productive values of agricultural land.²²

Inaccurate tax assessments can lead to unnecessarily heavy tax burdens for families wanting to keep their land. Real estate is reassessed every two years in odd-numbered years. After receiving a notice of reassessment, property owners can appeal their assessment to their local board of equalization.²³ If they disagree with the board's decision, they can appeal to the State Tax Commission.

Avoiding Adverse Possession and Condemnation

Heirs' property owners must also manage and monitor their land to ensure the property is not taken through adverse possession or eminent domain (that is, condemned by the local, state, or federal government).

Adverse Possession

Adverse possession allows a trespasser to become the owner of land they do not own if they meet certain criteria and bring an action in court asking a judge to declare them the owner.²⁴ Failure to monitor and manage heirs' property can invite neighbors and others to develop a strong case for seeking ownership of land in this way. To avoid this, "No Trespassing" signs should be posted, and if a family member cannot check the land periodically, a manager should be hired.

A person can gain full ownership of land they do not own by occupying the land and meeting the following requirements.

The occupation of the land must be:

1. **actual;**
2. **hostile and under a claim of right (they are living or working on the land without permission, and behave as though they are the real owners);**
3. **exclusive (they must possess the land for themselves);**
4. **open and notorious; and**
5. **continuous for 10 years.**²⁵

The last requirement means that the occupation of the land must be visible and the boundaries of the occupation must be obvious. The party claiming adverse possession can only claim the land that they are actually using within a clear boundary.

Adverse Possession Claims by Co-owners

An heir claiming long-term, exclusive, and uncontested ownership of a property can use the doctrine of adverse possession to gain title to the property in their name through an affidavit or a lawsuit. Under Missouri law, a person can claim title to property by adverse possession if they have exercised actual, adverse, hostile, open, continuous, exclusive, notorious, clear, and unequivocal possession, dominion, and control over the entirety of the property in such a way that they are clearly denying the rights of any other owners. Other co-owner heirs have ten (10) years to bring a legal action against the possessor-heir to reclaim possession of their interest in the property.

The Missouri Supreme Court has long held that co-owners of property can prove title to their property by adverse possession.²⁶ Strong proof is required, however, to overcome the presumption that a claimant holds possession of the property for their co-tenants.²⁷ Under certain circumstances, a co-owner of heirs' property who lives on the property can invoke the Missouri statute governing adverse possession to gain clear title defeat any claims of co-tenants.²⁸

Condemnation and Eminent Domain

Federal, state, and local governments can take private property under “eminent domain” if they can show that doing so is necessary for a public use or purpose.²⁹

In Missouri, the entity that wishes to condemn the property must file an action in court. The property owner has the right to request a jury trial. The property owner must be compensated in the amount determined by a formula, depending on the type of property to be condemned. The amount is equal to a) the fair market value of the property; b) fair market value multiplied by 125% for a homestead taking;³⁰ or c) if the property has been in the family for more than 50 years, fair market value plus heritage value.³¹

Disinterested commissioners determine fair market value and the court determines the heritage value. The entity taking the land must demonstrate it is necessary for a public purpose. If your property is in danger of being taken under eminent domain laws, a notice will be sent to you, left on the property, or published in the local newspaper, so it is important to monitor the land for any notices.



Agricultural Mediation Services

Family disputes are unfortunately common with heirs’ property. There are often multiple generations of heirs who must come to an agreement, which can be difficult. The United States Department of Agriculture’s Farm Service Agency (FSA) runs an Agricultural Mediation Program which can be used by heirs’ property owners to mediate family disputes. The FSA provides funding to relevant state agencies to support mediation between individuals involved in many kinds of disputes related to agricultural issues. These include USDA decisions on loans, conservation programs, wetland determinations, and rural water loan programs; lease issues between landlords and tenants; family farm transition issues; farmer-neighbor disputes; and family disputes regarding heirs’ property.

If family members co-owning heirs’ property cannot reach agreement, agricultural mediation services can help.

In Missouri, families can reach out to:

Missouri Agricultural Mediation Program Missouri Department of Agriculture

PO Box 630
1616 Missouri Blvd.
Jefferson City, MO 65102
Phone: (573) 751-5520
Email: mediate@mda.mo.gov

Additional Resources

Organizations in Missouri Supporting Heirs' Property Owners

Legal Services of Eastern Missouri (St. Louis City and St. Louis County only)

4232 Forest Park Avenue

St. Louis, MO 63108

Phone: (314) 256-8778

Website: lsem.org

(Contact information is on the website)



Visit farmlandaccess.org
for more resources related
to accessing, transferring,
and conserving farmland.



For a list of national organizations helping heirs' property owners, visit farmlandaccess.org/heirs-property/#organizationsprovidingassistance.

DISCLAIMER: This document provides general legal information for educational purposes only. It is not meant to substitute, and should not be relied upon, for legal advice. Each operation and situation is unique, state laws vary, and the information contained here is specific to the time of publication. Accordingly, for legal advice, please consult an attorney licensed in your state.

Glossary

The following definitions are from multiple sources and are not specific to any particular state statute. Of course, any statutory definitions (terms defined in the laws of a particular state) would overrule these definitions in any legal proceeding.

Adverse possession

A legal doctrine that describes when someone occupies property for a period of time and then claims legal rights to it.

Ancestor

A person from whom someone is descended; a direct blood relative.

Affidavit of heirship

A document confirming the heirs of a decedent according to Missouri's law of intestate succession, which can be used to show the transfer in ownership of real estate from the decedent to their heirs when recorded in the county office where the real property is located.

Clearing title

The legal process of proving and obtaining a deed for the current owners of heirs' property.

Condemnation/eminent domain

The right of a government or its agent to take private property for a public purpose, with compensation to the property owner (such as a public utility taking land so they can build power lines).

Co-tenants

Those who own heirs' property with others. In a partition action under the Uniform Partition of Heirs Property Act, the co-tenants are all the co-owners of heirs' property, regardless of the size of the fractional interest owned. See the definition of tenants in common, below.

Decedent

A person who has died; a decedent is also often referred to as "the deceased."

Deed

A legal document, usually recorded in the office of a town or county that keeps land records, often used to show the legal owner(s) of a piece of property.

Descendant

A person related to someone who has died, either directly (parent, child, grandchild) or indirectly (aunts and uncles, cousins). This includes anyone legally adopted.

Estate

The real property (land and buildings) and personal property (clothing, furniture, cars, and so on) of a person who has died. In probate settings, the "estate" includes the total assets (things one owns) and liabilities (debts) of a person who has died.

Heirs

People who are entitled under state "intestate" law to inherit property from someone who has died.

Intestate

A person dies "intestate" when they die without a valid will.

Intestate real estate

Land and other property (such as houses or buildings) owned by the decedent when they died and not addressed in a will, and which does not pass to anyone based on language in the deed itself (such as a joint survivorship clause).

Intestate succession

State laws addressing who inherits property from someone who dies without a will (or when a will is found to be invalid), or any property that was not included in the decedent's will or disposed of through another type of non-probate transfer.

Joint tenants

Two or more owners of equal shares of property who have a right of survivorship, meaning that if one joint tenant dies their share goes to the other joint tenant(s) in equal shares.

Ouster

A co-owner of heirs' property is "ousted" when one co-owner excludes another co-owner from property they own together as tenants in common.

Probate

The legal process of proving the validity of a will in court and handling the estate of a decedent whether there is a will or not.

Real property

A parcel of land, and everything that is permanently attached to the land (i.e., house and other buildings).

Quiet title action

A lawsuit to determine a person's rights and interests in real property.

Tax lien

A state or local government's right to keep real estate for payment of some debt or obligation.

Tax sale

A legal process used by a county or town to take the property of a landowner who has not paid their property taxes in full and sell it to recover the unpaid taxes. In some jurisdictions this may allow for a sale of the tax delinquent land directly, while in others the debt is sold to a buyer who may foreclose on the land to satisfy the debt.

Tenants in common

People who each own an individual, undivided interest in property (also known as co-owners), but not necessarily equal interests. See the definition of co-tenants, above.

Testate

A person dies "testate" when they have a valid will.

Title

Refers to ownership rights in land. As a legal concept, title exists even without any documents, but a deed is the most common way to determine who has title in land. (See definition of deed, above.) Sometimes a will or an affidavit may be used to document ownership rights.

Undivided interest

An interest in property that is held in common with others in a single property. These interests can be unequal; that is, the value of each interest can vary.

Acknowledgments

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About CAFS



farmlandaccess.org

Vermont Law and Graduate School's Center for Agriculture and Food Systems (CAFS) uses law and policy to build a more sustainable and just food system. With local, regional, national, and international partners, CAFS addresses food system challenges related to food justice, food security, farmland access, animal welfare, worker protections, the environment, and public health, among others. CAFS works closely with its partners to provide legal services that respond to their needs and develops resources that empower the communities they serve. Through CAFS' Food and Agriculture Clinic and Research Assistant program, students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system.

Please visit www.vermontlaw.edu/cafs to learn more.

Endnotes

- 1 It is important to file a deceased person's will along with a petition to probate the will with the local probate court where the person resided and where the property is located as soon as possible after the person has died. In Missouri, if the will not filed with the probate court within one year, it is invalid, and the rules of intestate succession apply.
- 2 Estate planning and will making are critical to avoid the challenges for heirs' property owners outlined in this factsheet. For more information on the importance of wills and estate planning see the Farmland Access Legal Toolkit. *Heir's Property*, CNTR. AGRIC. & FOOD SYSS., <https://farmlandaccess.org/heirs-property/#challenges> (last visited Oct. 25, 2022); *Wills*, CNTR. AGRIC. & FOOD SYSS., <https://farmlandaccess.org/wills/> (last visited Oct. 25, 2022).
- 3 The Missouri public library system can be found on the Secretary of State Website. *Search for a Library*, Mo. SECRETARY OF STATE, <https://s1.sos.mo.gov/library/molli/> (last visited Jan. 22, 2023).
- 4 Probate filings can be found in the Missouri Courts Website. *Services*, Mo. CTS., <https://www.courts.mo.gov/> (last visited Jan. 22, 2023).
- 5 Mo. REV. STAT. § 474.010 et seq. (1996).
- 6 Mo. REV. STAT. § 210.822 et seq. (1998).
- 7 Mo. REV. STAT. § 474.260 (1996).
- 8 A probate proceeding may not be necessary when decedent had no will no assets besides real property (so the only thing being passed to their heirs is real property). If the decedent's estate is complex, or if there is a will, the heirs are likely going to want to bring a probate proceeding to get final determination regarding all the decedent's assets.
- 9 *Saucier v. Kremer*, 297 Mo. 461, 466 (Mo. 1923).
- 10 *See Cash v. Gilbreath*, 507 S.W.2d 931, 934 (Mo. Ct. App. 1974); *Russell v. Russell*, 540 S.W.2d 626, 634 (Mo. Ct. App. 1976); *see also* Mo. ANN. STAT. § 516.010 (1939); Mo. ANN. STAT. § 516.070 (1939).
- 11 *See Wunderlich v. Baumgarth*, 437 S.W.2d 78, 81 (Mo. 1969); *Peterson v. Laik*, 24 Mo. 541, 544 (Mo. 1857).
- 12 Heirs who inherit property through a valid will may also own the land as tenants in common if it is left to them without designation of the specific land each heir receives.
- 13 Thomas W. Mitchell, *Historic Partition Law Reform: A Game Changer for Heirs' Property Owners*, TEXAS A&M UNIV. SCH. L. 74 (June 12, 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3403088.
- 14 Mo. REV. STAT. § 528.700 et seq. (2019).
- 15 Jackson County, Missouri and St. Louis City operate under different statutes for the collection of delinquent property taxes, respectively Sections 141.210, et seq. (2016) and 92.700, et seq. (Supp. 2022). Both alternate tax collection methods are judicial deed sale systems, and the notice provisions are more involved than the administrative lien system contemplated by Chapter 140.
- 16 Mo. REV. STAT. § 140.150 (2013).
- 17 Mo. REV. STAT. § 140.170 (2022).
- 18 Mo. REV. STAT. § 140.340 (2015).
- 19 Mo. REV. STAT. § 140.405–420 (2015).
- 20 Mo. REV. STAT. § 140.250 (2016).
- 21 Mo. REV. STAT. § 137.015–018 (1945); Mo. REV. STAT. § 137.021 (2018).
- 22 *Agriculture Land Assessment*, BOONE CNTY. GOV'T, <https://www.showmeboone.com/assessor/real-property/ag-land-assessment.asp> (last visited Jan. 22, 2023).
- 23 Mo. REV. STAT. § 137.385 (2020).
- 24 See the section above regarding when a co-owner is permitted to claim adverse possession against another co-owner.
- 25 Mo. REV. STAT. § 516.010 et seq. (1939).
- 26 *Saucier v. Kremer*, 297 Mo. 461, 466 (Mo. 1923).
- 27 *See Cash v. Gilbreath*, 507 S.W.2d 931, 934 (Mo. Ct. App. 1974); *Russell v. Russell*, 540 S.W.2d 626, 634 (Mo. Ct. App. 1976); *see also* Mo. ANN. STAT. § 516.010 (1939); Mo. ANN. STAT. § 516.070 (1939).
- 28 *See Wunderlich v. Baumgarth*, 437 S.W.2d 78, 81 (Mo. 1969); *Peterson v. Laik*, 24 Mo. 541, 544 (Mo. 1857).
- 29 Mo. REV. STAT. § 523.010 et seq. (2022).
- 30 Homestead generally means a house and adjoining land where a person primarily resides.
- 31 Mo. REV. STAT. § 523.039 (2022); Mo. REV. STAT. § 523.061 (2022).