

July 4, 2015

Instructions for Abandonment Procedure

When a tenant has abandoned rental property, you do not know the tenant's whereabouts, and you want to be able to re-take possession of the unit without liability to the tenant, there is a special statutory procedure available under §441.065 RSMo. to deal with the situation. In order to use the procedure, these two requirements must be met:

1. **Rent must have been unpaid for at least 30 days.**
2. **You must have a reasonable belief**, based on whatever investigation you are able to do (such as entering the premises or at least looking through windows, checking with neighbors, checking whether utilities are still on, etc.), **that the tenant has moved out and abandoned the premises.**

If these conditions are met, you can serve the form titled "Notice of Abandonment of Leased Premises" which we have provided to you. You should follow these steps:

1. At the top, fill out the date, premises address, tenant name(s), and landlord name and address.
2. On the line above the landlord signature line, insert the date of mailing and posting.
3. Before signing, make 3 photocopies. Then sign the original and all 3 copies.
4. Post one copy on the door of the premises (actually tape it to the door).
5. Mail one copy to the tenant by first-class mail. Use the premises address if you do not have a forwarding address.
6. Mail one copy to the tenant by certified mail, return receipt requested. Again, use the premises address if you do not have a forwarding address.
7. Keep the remaining copy for your file. Staple the certified mail receipt to this copy. (Maintain this copy in your file for at least five years, which is the statute-of-limitations period within which the tenant could possibly sue you for disposing of the tenant's property.)

If the tenant does not respond within 10 days after you posted and mailed the notice, you can take possession of the premises and dispose of any property left by the tenant in any manner you deem fit.

However, if the tenant responds within 10 days by either (a) paying the rent or (b) stating that the tenant does not intend to abandon the premises, you should not take possession of the premises and should not dispose of the tenant's property left in the premises. In this situation, we recommend that you consult with us for further advice.