

WFG Underwriting Bulletin



To: All Missouri Policy Issuing Agents of WFG National Title Insurance Company

From: WFG Underwriting Department

Date: January 25, 2024

Bulletin No.: MO 2024-01

Subject: Missouri State Income Tax Lien Statute of Limitations Change

The Missouri Department of Revenue has recently taken the position that Certificates of Tax Liens for unpaid state income taxes filed in the Circuit Court do not have a statute of limitations and remain a lien against any and all property the taxpayer owns until satisfied.

Under Missouri Statute 143.902 (See full statute [here](#)), there are two remedies provided for the collection of unpaid income taxes through Certificates of Tax Liens: Filing with the county recorder or filing in the Circuit Court.

Under Section 143.902(1), if the Certificate is filed with the County Recorder then the lien has a 10 year statute of limitations and may be refiled for another 10 years.

If the Certificate is instead filed in the Circuit Court then under Section 142.902(2), the lien “shall have the full force and effect of a default judgment of the circuit court until satisfied.”

We’ve recently been advised that as of late in reliance on Section 143.902(2) the Missouri DOR has been starting to attempt collections on Certificate of Tax Liens filed in the Circuit Court that would have been considered long expired under Section 143.902(1). As such, to combat risk going forward, we will be implementing the following guidelines:

1. If the Certificate of Tax Lien for unpaid state income taxes is only filed/recorded with the County Recorder, the lien expires as a lien on the debtor’s property 10 years from the filing date or, if refiled, 20 years.
2. If the Certificate of Tax Lien for unpaid state income taxes is filed with the Circuit Court, it remains a lien on the debtor’s property until satisfied.
3. If the Certificate of Tax Lien for unpaid state income taxes is filed with both the County Recorder and filed in the Circuit Court, it remains a lien on the debtor’s property until satisfied.

The above guidelines apply to any property owned by the debtor at the time the lien is filed as well as any property acquired after the filing.

If you have any further questions relating to this or other bulletins, please contact Rachel Richardson at (313) 949-9379 (richardson@wfgtitle.com), or Kimberly Fields at (312) 590-7556 (kfields@wfgtitle.com).

NOTE: The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company’s Underwriting Department. The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.