IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
16TH JUDICIAL CIRCUIT, STATE OF MISSOURI

In re: Extension of Suspension of Issuance and Enforcement of Writs of Restitution, Writs of Replevin, Writs of Attachment, Writs of Garnishment and any other Writs of Execution

Administrative Order No. 2020-082

ORDER

WHEREAS, the Centers for Disease Control and Prevention have declared that the spread of COVID-19 has become a worldwide pandemic; and

WHEREAS, the State of Missouri, Jackson County and various Mayors of cities in Jackson County have previously entered stay at home Orders and other emergency Orders requiring residents to remain at home except for activities essential to health and safety, and requiring businesses to cease operations unless they are considered essential businesses; and

WHEREAS, the previously entered stay at home Orders and emergency Orders have been lifted or terminated and have been replaced with Orders allowing for the phased and gradual re-opening of society, businesses and communities, while also including restrictions to minimize the potential spread of COVID-19; and

WHEREAS, the Missouri Supreme Court has issued several Orders regarding court operations, the most recent of which includes Operational Directives related not only to considering strategies to prevent the spread of COVID-19, but also directives toward easing restrictions related to court operations, with a clear intent to move toward more complete court operations; and

WHEREAS, the Coronavirus Aid, Relief and Economics Security Act ("CARES Act") was enacted as part of the laws of the United States; and

WHEREAS, the CARES Act placed a temporary moratorium on certain legal actions to recover possession of specifically described covered dwellings for the nonpayment of rent for the 120 day period ending on July 25, 2020; and

WHEREAS, it is necessary to determine if a dwelling is subject to the temporary moratorium established by the CARES Act; and

WHEREAS, circumstances regarding COVID-19 have changed dramatically since the Court's issuance of prior Administrative Orders related to the suspension of the

issuance of certain identified writs including replevin, attachment, garnishment, eviction and execution. As a result of these changed circumstances, it is proper to again extend the current suspension of issuance of said writs for a short period of time, recognizing however the clear intent of the Missouri Supreme Court, the State of Missouri and Jackson County to begin re-opening society, businesses and communities and resume more complete operations; and

WHEREAS, it is imperative that the Court take steps to protect the health and safety of the 16th Judicial Circuit, all judicial officers, all employees, all parties with business before the Court and all members of the general public; and

WHEREAS, pursuant to Section 478.240.2 R.S.Mo. and Section 15 of the Missouri Constitution, the Presiding Judge has general administrative authority over all judicial personnel and court officials in the Circuit.

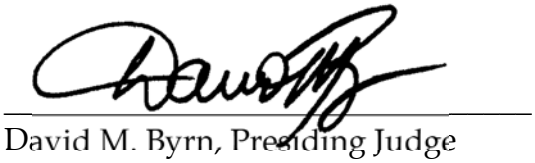
IT IS, THEREFORE, ORDERED THAT:

1. The Court Clerk is directed to delay issuing writs of restitution, writs of replevin, writs of attachment, writs of garnishment and any other writ of execution not specified in this Order up through and including the end of the day on Sunday, May 31, 2020, and the Director of Civil Process is directed to refrain from executing any pending writs of restitution, writs of replevin, writs of attachment, writs of garnishment and any other writ of execution not otherwise specified in this Order up through and including the end of the day on Sunday, May 31, 2020. Unless the gradual re-opening of society, businesses and communities pursuant to the current "re-opening" plans results in a significant elevation of COVID-19 infections, regression in the return to normal operations or other significant changes in circumstances that would warrant an extension of this stay of issuance of writs, service and execution of said writs may commence after the date set forth hereinabove, *provided however* that the verification referenced in paragraph 2 below has been filed with the Court.

2. Beginning on the date of this Administrative Order and continuing until July 25, 2020, before any existing, pending, previously filed or newly filed writ of execution seeking to recover possession of covered dwellings for the nonpayment of rent may be issued and/or served, a verification of compliance with the CARES Act, in substantially the same form/format attached hereto, shall be completed and filed with the Court in the casefile. No writ of execution to recover possession of covered dwellings for the nonpayment of rent will be served and/or executed unless and until a completed verification of compliance is filed.

3. This Administrative Order supersedes prior Administrative Orders 2020-062 and 2020-072.

IT IS SO ORDERED.



May 7, 2020
Date

David M. Byrn, Presiding Judge

cc: Court Administrator
All 16th Circuit Judges and Commissioners
Deputy Court Administrator - Family Court
Deputy Court Administrator – Circuit Court/Jury Supervisor
Director, Civil Process
Director, Civil Records
Legal Counsel
County Executive
County Legislators
County Administrator

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

Plaintiff	**Defendant**	**Case Number**

Attorney Name, Address, Bar#

VERIFICATION OF COMPLIANCE WITH CARES ACT

NOW COMES the Plaintiff and states as follows:

The plaintiff is seeking to recover possession of the following described premises:

The undersigned has reviewed Section 4024 of Public Law 116-136, the Coronavirus Aid, Relief and Economic Security Act (the CARES Act), and herby certifies that the above listed premises is not subject to the CARES Act moratorium because:

☐The premises is not a covered dwelling as defined by Sec. 4024(a)(1) of the CARES Act; or

☐The premises is a covered dwelling as defined by Sec. 4024(a)(1) of the CARES Act and the case was initiated prior to March 27, 2020 and the plaintiff is not seeking to charge fees, penalties, or other charges related to nonpayment of rent ; or

☐The premises is a covered dwelling as defined by Sec. 4024(a) (1) of the CARES Act and the plaintiff does not seek possession of the dwelling based upon the nonpayment of rent or other fees.

I declare under the penalties of perjury that this verification has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

_____ _____

Date Plaintiff/Attorney

CARES ACT
Public Law 116-136
Explanation of Terms

Sec. 4024 TEMPORARY MORATORIUM ON EVICTION FILINGS.

(a) DEFINITIONS.—in this section:

(1) COVERED DWELLING. — The term "covered dwelling" means a dwelling that—
(A) is occupied by a tenant— (i) pursuant to a residential lease; or (ii) without a lease or with a lease terminable under State law; and
(B) is on or in a covered property.

(2) COVERED PROPERTY.—The term "covered property" means any property that—
(A) participates in—
(i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a))); or
(ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or
(B) has a—
(i) Federally backed mortgage loan; or
(ii) Federally backed multifamily mortgage loan.

(3) DWELLING.—The term "dwelling"—
(A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and (B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

(4) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan (other than temporary financing such as a construction loan) that —
(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term "Federally backed multifamily mortgage loan" includes any loan (other than temporary financing such as a construction loan) that—
(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.