



29 title to the mobile home. For purposes of this section, the term
30 "real property owned by that same person" shall include any
31 tenancy of a recorded leasehold interest in the real property
32 for a term of 30 years or more.

33 (2) The title to the mobile home may be retired by the
34 department if the owner of the real property records the
35 following documents in the official records of the clerk of
36 court in the county in which the real property is located:

37 a. The original title to the mobile home, or for a new
38 home the manufacturers' certificate of origin, which document
39 shall include a description of the mobile home, including model
40 year, make, width, length, and vehicle identification number,
41 and a statement by any recorded lienholder on the title that the
42 security interest in the home has been released, or that such
43 security interest will be released upon retirement of the title
44 as set forth in this section.

45 b. The legal description of the real property, and in the
46 case of a leasehold interest, a copy of the lease agreement.

47 c. A sworn statement by the owner of the real property, as
48 shown on the real property deed or lease, that he or she is the
49 owner of the mobile home and that the home is permanently
50 affixed to the real property in accordance with state law.

51 (3) The clerk of court, upon receipt of the documents set
52 forth in subsection (2), shall record said documents against the
53 real property and provide a copy of the recorded title or
54 manufacturers' certificate of origin to the owner of the real
55 property with a copy of all the documents recorded pursuant to
56 subsection (2).



57 (4) The owner of the mobile home, or lienholder as shown
58 on the certificate of title pursuant to power of attorney from
59 the owner of the mobile home, shall file an application with the
60 department for retirement of the title to the mobile home after
61 completing the requirements in subsections (2) and (3). The
62 department shall retire the title upon receipt of an application
63 from the owner of the mobile home or lienholder requesting
64 retirement of the title, accompanied by documents listed in
65 subsection (2) which have been recorded by the clerk of court
66 pursuant to subsection (3). Upon retirement of the title, the
67 department shall notify the applicant that the title has been
68 retired.

69 (5) A mobile home whose title has been retired pursuant to
70 this section shall be conveyed by deed or real estate contract
71 and shall only be transferred together with the property to
72 which it is affixed, unless procedures described in this section
73 for issuance of a new title are followed.

74 (6) The owner of the real property with a recorded and
75 retired title shall file an application with the department to
76 issue a new title to the mobile home, if the mobile home is to
77 be removed from the real property. The department shall issue a
78 new title upon receipt of an application from the owner of the
79 real property containing the following information:

80 a. An affidavit signed by the owners of the land and all
81 secured parties and other lienholders consenting to the removal
82 of the home.

83 b. A certification from a title insurance company listing
84 the owners and all secured parties and other lienholders, which



85 is dated within 10 days after the date of application for a new
86 title under this subsection.

87 (7) If the title has been retired pursuant to this
88 section, for purposes of perfecting, realizing, and foreclosure
89 of security interests, a separate security interest in the
90 mobile home shall not exist, and the mobile home shall only be
91 secured as part of the real property through a mortgage or deed
92 of trust. This section in no way modifies or changes the
93 existing common law.

94 (8) A mobile home whose title has been retired shall be
95 conveyed by deed or real estate contract and shall only be
96 transferred together with the property to which it is affixed.

97 (9) Every person who falsifies or intentionally omits
98 material information required in an affidavit, or otherwise
99 intentionally violates a material provision of this section,
100 commits a misdemeanor of the second degree.

101 (10) This section applies to the sale or transfer of
102 mobile homes occurring on or after the effective date of this
103 section, or to any person who voluntarily elects to retire the
104 title to the mobile home pursuant to this section.

105 (11) Nothing in this section shall be construed to affect
106 the taxation of mobile homes.

107 Section 2. If any provision of this act or its application
108 to any person or circumstance is held invalid, the remainder of
109 the act or the application of the provision to other persons or
110 circumstances is not affected.

111 Section 3. This act shall take effect upon becoming a law.