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State of Minnesota

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Page No. **353**

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **1595**

- 04/27/2011 Authored by Murdock, Davids, Cornish, Westrom and Swedzinski
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform
- 02/16/2012 Adoption of Report: Pass as Amended and re-referred to Transportation Policy and Finance
- 02/22/2012 Adoption of Report: Pass and re-referred to Ways and Means
- 03/07/2012 Adoption of Report: Pass and Read Second Time

1.1 A bill for an act
1.2 relating to real estate; providing process for unaffixing manufactured home
1.3 from real property; amending Minnesota Statutes 2010, sections 168A.01, by
1.4 adding a subdivision; 168A.02, subdivision 3; 168A.04, subdivision 1; 168A.05,
1.5 subdivisions 1, 1a, 1b; 168A.141, subdivision 1; proposing coding for new law
1.6 in Minnesota Statutes, chapter 168A.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2010, section 168A.01, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 9a. **Manufactured home.** "Manufactured home" has the meaning given
1.11 in section 327.31, subdivision 6.

1.12 **EFFECTIVE DATE.** This section is effective August 1, 2012.

1.13 Sec. 2. Minnesota Statutes 2010, section 168A.02, subdivision 3, is amended to read:

1.14 Subd. 3. **Title certificate for manufactured home.** Except as provided in
1.15 section 168A.141, a certificate of title is required for a manufactured home, ~~as defined~~
1.16 ~~in section 327.31, subdivision 6.~~ In every certificate of title issued for a manufactured
1.17 home, the department shall insert the following notice: THIS TITLE DESCRIBES A
1.18 MANUFACTURED HOME - NOT A MOTOR VEHICLE.

1.19 **EFFECTIVE DATE.** This section is effective August 1, 2012.

1.20 Sec. 3. Minnesota Statutes 2010, section 168A.04, subdivision 1, is amended to read:

1.21 Subdivision 1. **Contents.** The application for the first certificate of title of a
1.22 vehicle or manufactured home in this state, or for reissuance of a certificate of title

2.1 for a manufactured home under section 168A.142, shall be made by the owner to the
 2.2 department on the form prescribed by the department and shall contain:

2.3 (1) the first, middle, and last names, the dates of birth, and addresses of all owners
 2.4 who are natural persons, the full names and addresses of all other owners;

2.5 (2) a description of the vehicle or manufactured home including, so far as the
 2.6 following data exists, its make, model, year, identifying number in the case of a vehicle or
 2.7 serial number in the case of a manufactured home, type of body, and whether new or used;

2.8 (3) the date of purchase by applicant, the name and address of the person from whom
 2.9 the vehicle or manufactured home was acquired, the names and addresses of any secured
 2.10 parties in the order of their priority, and the dates of their respective security agreements;

2.11 (4) with respect to motor vehicles subject to the provisions of section 325E.15, the
 2.12 true cumulative mileage registered on the odometer or that the actual mileage is unknown
 2.13 if the odometer reading is known by the owner to be different from the true mileage;

2.14 (5) with respect to vehicles subject to section 325F.6641, whether the vehicle
 2.15 sustained damage by collision or other occurrence which exceeded 70 percent of the
 2.16 actual cash value; and

2.17 (6) any further information the department reasonably requires to identify the
 2.18 vehicle or manufactured home and to enable it to determine whether the owner is entitled
 2.19 to a certificate of title, and the existence or nonexistence and priority of any security
 2.20 interest in the vehicle or manufactured home.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2012.

2.22 Sec. 4. Minnesota Statutes 2010, section 168A.05, subdivision 1, is amended to read:

2.23 Subdivision 1. **Filing of application; issuance of certificate.** The department shall
 2.24 file each application received, and when satisfied as to its genuineness and regularity and
 2.25 that the applicant is entitled to the issuance of a certificate of title shall issue a certificate
 2.26 of title ~~of~~ for the vehicle or manufactured home.

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2012.

2.28 Sec. 5. Minnesota Statutes 2010, section 168A.05, subdivision 1a, is amended to read:

2.29 Subd. 1a. **Manufactured home; statement of property tax payment.** In the case
 2.30 of a manufactured home ~~as defined in section 327.31, subdivision 6~~, the department shall
 2.31 not issue a certificate of title unless the application under section 168A.04 is accompanied
 2.32 with a statement from the county auditor or county treasurer where the manufactured
 2.33 home is presently located, stating that all manufactured home personal property taxes

3.1 levied on the unit in the name of the current owner at the time of transfer have been
 3.2 paid. For this purpose, manufactured home personal property taxes are treated as levied
 3.3 on January 1 of the payable year.

3.4 **EFFECTIVE DATE.** This section is effective August 1, 2012.

3.5 Sec. 6. Minnesota Statutes 2010, section 168A.05, subdivision 1b, is amended to read:

3.6 Subd. 1b. **Manufactured home; exemption exemptions.** The provisions of
 3.7 subdivision 1a ~~shall~~ do not apply to:

3.8 (1) a manufactured home which is sold or otherwise disposed of pursuant to section
 3.9 504B.271 by the owner of a manufactured home park, as defined in section 327.14,
 3.10 subdivision 3, ~~or~~;

3.11 (2) a manufactured home which is sold pursuant to section 504B.265 by the owner
 3.12 of a manufactured home park; or

3.13 (3) a manufactured home for which a certificate of title is reissued under section
 3.14 168A.142.

3.15 **EFFECTIVE DATE.** This section is effective August 1, 2012.

3.16 Sec. 7. Minnesota Statutes 2010, section 168A.141, subdivision 1, is amended to read:

3.17 Subdivision 1. **Certificates surrendered for cancellation.** When a manufactured
 3.18 home is affixed, as defined in section 273.125, subdivision 8, paragraph (b), to real
 3.19 property, and financed by the giving of a mortgage on the real property, the owner of the
 3.20 manufactured home shall surrender the manufacturer's certificate of origin or certificate of
 3.21 title to the department for cancellation. The owner of the manufactured home shall give
 3.22 the department the address and legal description of the real property. The department may
 3.23 require the filing of other information. The department must not issue a certificate of title
 3.24 for a manufactured home under chapter 168A if the manufacturer's certificate of origin
 3.25 is or has been surrendered under this subdivision, except as provided in section 168A.142.

3.26 Upon surrender of the manufacturer's certificate of origin or the certificate of title, the
 3.27 department shall issue notice of surrender to the owner, and the manufactured home is
 3.28 deemed to be an improvement to real property. The notice ~~to~~ of surrender may be recorded
 3.29 in the office of the county recorder or with the registrar of titles if the land is registered
 3.30 but need not contain an acknowledgment.

3.31 **EFFECTIVE DATE.** This section is effective August 1, 2012.

3.32 Sec. 8. **[168A.142] MANUFACTURED HOME UNAFFIXED FROM REALTY.**

4.1 Subdivision 1. **Certificate of title requirements.** The department shall issue
4.2 an initial certificate of title or reissue a previously surrendered certificate of title for a
4.3 manufactured home to an applicant if:

4.4 (1) for the purpose of affixing the manufactured home to real property, the owner of
4.5 the manufactured home, or a previous owner, surrendered the manufacturer's certificate of
4.6 origin or certificate of title to the department as provided in section 168A.141, subdivision
4.7 1 or 2;

4.8 (2) the applicant provides written proof specified in subdivision 2 that the applicant
4.9 owns (i) the manufactured home and (ii) the real property to which the manufactured
4.10 home was affixed as provided under section 273.125, subdivision 8, paragraph (b);

4.11 (3) the applicant provides proof that no liens exist on the manufactured home,
4.12 including through liens on the real property to which it is affixed; and

4.13 (4) the owner of the manufactured home meets the application requirements of
4.14 section 168A.04, and the application is accompanied by a written statement from the
4.15 county auditor or county treasurer of the county in which the manufactured home is then
4.16 located and affixed, stating that all property taxes payable in the current year, as provided
4.17 under section 273.125, subdivision 8, paragraph (b), have been paid.

4.18 Subd. 2. **Proof of eligibility for reissuance.** (a) The proof required under
4.19 subdivision 1, clauses (2) and (3), is as follows:

4.20 (1) an affidavit of severance recorded in the office of the county recorder or registrar
4.21 of titles, whichever applies to the real property, of the county in which the notice of
4.22 surrender was recorded under section 168A.141, subdivision 1, and the affidavit contains:

4.23 (i) the name, residence address, and mailing address of the owner or owners of
4.24 the manufactured home;

4.25 (ii) a description of the manufactured home, including the name of the manufacturer;
4.26 the make, model number, model year, dimensions, and manufacturer's serial number of the
4.27 manufactured home; and whether the manufactured home is new or used;

4.28 (iii) recording information regarding the affidavit of affixation, including the date of
4.29 recording and either the recording document number or book and page reference; and

4.30 (iv) a statement of any facts or information known to the person executing the
4.31 affidavit that could affect the validity of the title of the manufactured home or the existence
4.32 or nonexistence of a security interest in the manufactured home or a lien on it, or a
4.33 statement that no such facts or information are known to the person executing the affidavit;

4.34 (2) as an attachment to the affidavit of severance, an opinion by an attorney admitted
4.35 to practice law in this state, or by a licensed agent of a title insurance company licensed to
4.36 do title insurance business in this state, stating:

5.1 (i) the nature of the examination of title performed prior to giving this opinion by
5.2 the person signing the opinion;

5.3 (ii) that the manufactured home and the real property on which it is located is not
5.4 subject to any recorded mortgages, security interests, liens, or other encumbrances of
5.5 any kind;

5.6 (iii) that the person signing the opinion knows of no facts or circumstances that could
5.7 affect the validity of the title of the manufactured home or the existence or nonexistence of
5.8 any recorded mortgages, security interests, or other encumbrances of any kind, other than
5.9 property taxes payable in the year the affidavit is signed;

5.10 (iv) the person or persons owning record title to the real property to which the
5.11 manufactured home has been affixed, and the nature and extent of the title owned by
5.12 each of these persons; and

5.13 (v) that the person signing the opinion has reviewed all provisions of the affidavit of
5.14 severance and certifies that they are correct and complete to the best of the knowledge of
5.15 the person signing this opinion;

5.16 (3) the name and address of the person or persons designated by the applicant to file
5.17 a certified copy of the affidavit of severance with the county auditor of the county in which
5.18 the real estate is located, after the affidavit has been properly recorded in the office of the
5.19 county recorder or county registrar of titles, whichever applies to the real property; and

5.20 (4) the signature of the person who executes the affidavit, properly executed before a
5.21 person authorized to authenticate an affidavit in this state.

5.22 (b) The person designated in paragraph (a), clause (3), shall record, or arrange
5.23 for the recording of, the affidavit of severance as referenced in that item, accompanied
5.24 by the fees for recording and for issuing a certified copy of the affidavit, including all
5.25 attachments, showing the recording date.

5.26 (c) Upon obtaining the certified copy under paragraph (b), the person designated in
5.27 the affidavit shall deliver the certified copy to the county auditor of the county in which
5.28 the real estate to which it was affixed is located.

5.29 (d) The department is not liable for any errors, omissions, misstatements, or other
5.30 deficiencies or inaccuracies in documents presented to the department under this section,
5.31 so long as the documents presented appear to satisfy the requirements of this section.
5.32 The department has no obligation to investigate the accuracy of statements contained
5.33 in the documents.

5.34 **EFFECTIVE DATE.** This section is effective August 1, 2012.