

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 425
(As amended June 12, 2003)

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
(MCL 125.2301 to 125.2349) by adding section 30i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 30i. (1) If a mobile home is affixed to real property
2 in which the owner of the mobile home has the ownership interest,
3 the owner may deliver all of the following to the department:
4 (a) An affidavit of affixture on a form provided by the
5 department that contains all of the following:
6 (i) The name and address of the owner.
7 (ii) A description of the mobile home that includes the name
8 of the manufacturer of the mobile home, the year of manufacture,
9 the model, [] the manufacturer's serial number [and, if applicable,]
the number
10 assigned by the department.
11 (iii) A statement that the mobile home is affixed to the real

1 property.

2 (iv) The legal description of the real property to which the
3 mobile home is affixed.

4 (v) The name of each holder of a security interest in the
5 mobile home, together with the written consent of each holder to
6 the termination of the security interest and the cancellation of
7 the certificate of title under subsection (2), if applicable.

8 (b) The certificate of title for the mobile home, the
9 manufacturer's certificate of origin if a certificate of title
10 has not been issued by the department, or sufficient proof of
11 ownership as provided in section 30a or 30e.

12 (c) A fee in an amount prescribed in section 30a for a
13 certificate of title.

14 (2) When the department receives an affidavit and certificate
15 of title under subsection (1), the department shall cancel the
16 certificate of title for the mobile home. The department shall
17 not issue a certificate of title for a mobile home described in
18 subsection (1) except as provided in subsection (8).

19 (3) The owner of the mobile home shall deliver a duplicate
20 original of the executed affidavit under subsection (1) to the
21 register of deeds for the county in which the real property is
22 located. The register of deeds shall record the affidavit.

23 (4) The department shall maintain the affidavit under
24 subsection (1) for a period of 10 years from the date of filing.

25 (5) When the department receives an affidavit under
26 subsection (1), the mobile home is considered to be part of the
27 real property, sections 30 to 30h do not apply to that mobile

1 home, any security interest in the mobile home is terminated, a
2 lienholder shall perfect and enforce a new security interest or
3 lien on the mobile home only in the manner provided by law for
4 perfecting and enforcing a lien on real property, and the owner
5 may convey the mobile home only as part of the real property to
6 which it is affixed.

7 (6) If a mobile home is affixed to real property before the
8 effective date of the amendatory act that added this section, a
9 person who is the holder of a lien or security interest in both
10 the mobile home and the real property to which it is affixed on
11 the effective date of the amendatory act that added this section
12 may enforce its liens or security interests by accepting a deed
13 in lieu of foreclosure or in the manner provided by law for
14 enforcing liens on the real property.

15 (7) If the holder of a lien or security interest becomes the
16 owner of a mobile home affixed to real property through the
17 process of real property foreclosure or through a deed in lieu of
18 foreclosure under subsection (6), the holder shall submit an
19 affidavit described in subsection (1) to the department after the
20 redemption period for the foreclosure expires or the deed in lieu
21 of foreclosure is recorded and the department shall cancel the
22 certificate of title for the mobile home.

23 (8) If an owner of both the mobile home and the real property
24 described in subsection (1) intends to detach the mobile home
25 from the real property, the owner shall do both of the
26 following:

27 (a) Before detaching the mobile home, record an affidavit of

1 detachment in the office of the register of deeds in the county
2 in which the affidavit is recorded under subsection (3).

3 (b) Apply for a certificate of title for the mobile home on a
4 form prescribed by the department. The application shall include
5 a duplicate original executed affidavit of detachment and proof
6 that there are no security interests or liens on the mobile home
7 or the written consent of each lienholder of record to the
8 detachment and a fee in the amount prescribed in section 30a for
9 a certificate of title.

10 (9) An owner of an affixed mobile home shall not detach it
11 from the real property before a certificate of title for the
12 mobile home is issued by the department. If a certificate of
13 title is issued by the department, the mobile home is no longer
14 considered part of the real property and sections 30 to 30h
15 apply.

16 (10) As used in this section:

17 (a) A mobile home is "affixed" to real property if it meets
18 all of the following:

19 (i) The wheels, towing hitches, and running gear are
20 removed.

21 (ii) It is attached to a foundation or other support system.

22 (b) "Ownership interest" means the fee simple interest in
23 real property or an interest as the lessee under a ground lease
24 for the real property that has a term that continues for at least
25 20 years after the recording of the affidavit under subsection
26 (3).

27 Enacting section 1. It is the intent of this legislature

1 that a security interest or lien on a mobile home affixed to real
2 property may be perfected in the manner provided under law for
3 perfecting a lien on real property, and not exclusively by a
4 notation of the security interest or lien on the certificate of
5 title.