

SENATE BILL No. 425

April 30, 2003, Introduced by Senators BISHOP, JACOBS, CROPSEY, THOMAS and
LELAND and referred to the Committee on Banking and Financial Institutions.

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 an owner of the mobile home has an ownership interest,
3 the owner shall deliver both of the following to the department:
4 (a) An affidavit on a form provided by the department that
5 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, and the manufacturer's serial number or 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) A certificate of title for the mobile home or the
9 manufacturer's certificate of origin if a certificate of title
10 has not been issued by the department.

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

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

20 (4) The department shall maintain the affidavit under
21 subsection (1) for a period of 30 years from the date of filing.

22 (5) When the department receives an affidavit under
23 subsection (1), the mobile home is considered to be part of the
24 real property, sections 30 to 30h do not apply to that mobile
25 home, any security interest in the mobile home is terminated, a
26 lienholder shall perfect and enforce a new security interest or
27 lien on the mobile home only in the manner provided by law for

1 perfecting and enforcing a lien on real property, and the owner
2 may convey the mobile home only as part of the real property to
3 which it is affixed.

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

11 (7) If the holder of a lien or security interest becomes the
12 owner of a mobile home affixed to real property through the
13 process of real property foreclosure under subsection (5) or (6),
14 the holder shall submit an affidavit described in subsection (1)
15 with the department after the redemption period for the
16 foreclosure expires and the department shall cancel the
17 certificate of title for the mobile home.

18 (8) If an owner of both the mobile home and the real property
19 described in subsection (1) intends to detach the mobile home
20 from the real property, the owner shall do both of the
21 following:

22 (a) Before detaching the mobile home, record an affidavit of
23 detachment in the office of the register of deeds in the county
24 in which the affidavit is recorded under subsection (3).

25 (b) Apply for a certificate of title for the mobile home on a
26 form prescribed by the department. The application shall include
27 a duplicate original executed affidavit of detachment and proof

1 that there are no security interests or liens on the mobile home
2 or the written consent of each lienholder of record to the
3 detachment.

4 (9) An owner of an affixed mobile home shall not detach it
5 from the real property before a certificate of title for the
6 mobile home is issued by the department. If a certificate of
7 title is issued by the department, the mobile home is no longer
8 considered an improvement to real property and sections 30 to 30h
9 apply.

10 (10) As used in this section:

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

13 (i) The wheels, towing hitches, or running gear is
14 permanently removed.

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

16 (b) "Ownership interest" means the fee simple interest in
17 real property or an interest as the lessee under a ground lease
18 for the real property that has a term that continues for at least
19 20 years after the recording of the affidavit under subsection
20 (3).