

HOUSE BILL No. 4484

March 15, 2005, Introduced by Reps. Wenke, Schuitmaker and Gaffney and referred to the Committee on Banking and Financial Services.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending section 30i (MCL 125.2330i), as added by 2003 PA 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30i. (1) If a mobile home is affixed to real property in
2 which the owner of the mobile home has the ownership interest, the
3 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 of

1 the manufacturer of the mobile home, the year of manufacture, the
2 model, the manufacturer's serial number and, if applicable, the
3 number assigned by the department.

4 (iii) A statement that the mobile home is affixed to the real
5 property.

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

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

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

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

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

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

27 (4) The department shall maintain the affidavit under

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subsection (1) for a period of 10 years from the date of filing.

(5) When the department receives an affidavit under subsection (1), the mobile home is considered to be part of the real property, sections 30 to 30h do not apply to that mobile home, any security interest in the mobile home is terminated, a lienholder shall perfect and enforce a new security interest or lien on the mobile home only in the manner provided by law for perfecting and enforcing a lien on real property, and the owner may convey the mobile home only as part of the real property to which it is affixed.

(6) If a mobile home is affixed to real property before ~~[the effective date of the amendatory act that added this section JULY 14, 2003]~~, a person who is the holder of a lien or security interest in both the mobile home and the real property to which it is affixed on ~~[the effective date of the amendatory act that added this section JULY 14, 2003]~~ may enforce its liens or security interests by accepting a deed in lieu of foreclosure or in the manner provided by law for enforcing liens on the real property. **[THE LIEN OR SECURITY INTEREST ON A MOBILE HOME DESCRIBED IN THIS SUBSECTION IS PERFECTED AGAINST THE MOBILE HOME IF THE HOLDER OF THE LIEN OR SECURITY INTEREST IN BOTH THE MOBILE HOME AND THE REAL PROPERTY TO WHICH IT IS AFFIXED ON JULY 14, 2003 HAS PERFECTED A LIEN ON THE REAL PROPERTY AS PROVIDED UNDER LAW FOR PERFECTING A LIEN ON REAL PROPERTY. THE DATE OF PERFECTION OF THE LIEN OR SECURITY INTEREST OF THE MOBILE HOME IS THE DATE OF PERFECTION OF THE LIEN ON THE REAL PROPERTY TO WHICH THE MOBILE HOME IS AFFIXED ON JULY 14, 2003.]**

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

(8) If an owner of both the mobile home and the real property

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described in subsection (1) intends to detach the mobile home from the real property, the owner shall do both of the following:

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

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

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

[(10) THIS SECTION APPLIES TO ALL TRANSACTIONS, LIENS, AND MORTGAGES WITHIN ITS SCOPE EVEN IF THE TRANSACTION, LIEN, OR MORTGAGE WAS ENTERED INTO OR CREATED BEFORE JULY 14, 2003.]

(11) —(10)— As used in this section:

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

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

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

(b) "Ownership interest" means the fee simple interest in real property or an interest as the lessee under a ground lease for the

- 1 real property that has a term that continues for at least 20 years
- 2 after the recording of the affidavit under subsection (3).