

HOUSE BILL No. 4452

March 3, 2005, Introduced by Rep. Hunter 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 30d (MCL 125.2330d).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30d. (1) ~~If~~ **ALL OF THE FOLLOWING APPLY IF** an owner
2 named in a certificate of title creates a security interest in the
3 mobile home described in the certificate:

4 (a) The owner shall immediately execute an application in the
5 form prescribed by the department showing the name and address of
6 the holder of the security interest and deliver the certificate of
7 title, **THE** application, ~~and~~ a fee of \$1.00, ~~together with~~ **AND** a
8 copy of the application which need not be signed, to the holder of
9 the security interest.

1 (b) The holder of the security interest shall cause the
2 certificate of title, **THE** application, ~~and~~ **THE REQUIRED** fee, and
3 the copy of the application to be mailed or delivered to the
4 department.

5 (c) The department shall indicate on the copy of the
6 application the date and place of filing of the application and
7 return the copy to the person presenting it.

8 (d) Upon receipt of the certificate of title, application, and
9 the required fee, the department shall issue a new certificate in
10 the form provided ~~by~~ **IN** section 30b, setting forth the name and
11 address of each holder of a security interest in the mobile home
12 for which a termination statement has not been filed and the date
13 on which the application first stating the security interest was
14 filed, and mail the certificate to the owner.

15 (2) A holder of a security interest may assign, absolutely or
16 otherwise, the security interest to a person other than the owner
17 without affecting the interest of the owner or the validity of the
18 security interest, but a person without notice of the assignment is
19 protected in dealing with the holder of the security interest as
20 the holder of the security interest. The assignee may have ~~the~~
21 ~~certificate of title indorsed with the assignee named~~ **ITS INTEREST**
22 as the holder of the security interest **SHOWN ON THE CERTIFICATE OF**
23 **TITLE** by providing the department with a copy of the assignment
24 instrument but the failure of the assignee to do so ~~shall~~ **DOES**
25 not affect the validity of the security interest or the assignment
26 of the security interest.

27 (3) The filing ~~under this section or under section 30a~~ of an

1 application for a certificate of title ~~showing the name and~~
2 ~~address of the holder of~~ **INDICATING** a security interest in a
3 mobile home **UNDER THIS ACT IS REQUIRED TO PERFECT THE SECURITY**
4 **INTEREST UNDER THIS ACT AND** is equivalent to the filing of a
5 financing statement with respect to the security interest under
6 article 9 of the uniform commercial code, ~~Act No. 174 of the~~
7 ~~Public Acts of 1962, being sections 440.9101 to 440.9994 of the~~
8 ~~Michigan Compiled Laws 1962 PA 174, MCL 440.9101 TO 440.9994. A~~
9 **SECURITY INTEREST IN A MOBILE HOME PERFECTED UNDER THIS ACT HAS**
10 **PRIORITY RIGHTS OVER THE RIGHTS OF A LIEN CREDITOR.**

11 (4) ~~When~~ **IF** there is not an outstanding obligation or
12 commitment to make advances, incur obligations, or otherwise give
13 value, secured or to be secured by a security interest in a mobile
14 home, the secured party shall, **EITHER** within 10 days after
15 satisfaction of the obligation ~~and, in any event~~ **OR** within 30
16 days, **WHICHEVER IS EARLIER**, execute a termination statement in the
17 form prescribed by the department and mail or deliver the
18 termination statement to the owner or other person as the owner may
19 direct. ~~The owner other than~~ **AN OWNER WHO IS NOT** a dealer holding
20 the mobile home for resale, shall promptly cause the certificate,
21 all termination statements, ~~and~~ an application for certificate of
22 title, ~~accompanied by~~ **AND** a fee of \$1.00 to be mailed or
23 delivered to the department. ~~, which~~ **THE DEPARTMENT** shall issue a
24 new certificate.