

HOUSE BILL NO. 5449

October 21, 2021, Introduced by Rep. Clements and referred to the Committee on Regulatory Reform.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending section 30i (MCL 125.2330i), as amended by 2005 PA 162,
and by adding section 30j.

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

1 department that contains all of the following:

2 (i) The name and address of the owner.

3 (ii) A description of the mobile home that includes the name of
4 the manufacturer of the mobile home, the year of manufacture, the
5 model, the manufacturer's serial number and, if applicable, the
6 number assigned by the department.

7 (iii) A statement that the mobile home is affixed to the real
8 property.

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

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

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

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

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

26 (3) The owner of the mobile home shall deliver ~~a duplicate~~
27 ~~original of the~~ **an** executed affidavit under subsection (1) **or**
28 **section 30j** to the register of deeds for the county in which the
29 real property is located. The register of deeds shall record the

1 affidavit.

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

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

13 (6) If a mobile home is affixed to real property before July
14 14, 2003, a person who is the holder of a lien or security interest
15 in both the mobile home and the real property to which it is
16 affixed on July 14, 2003 may enforce its liens or security
17 interests by accepting a deed in lieu of foreclosure or in the
18 manner provided by law for enforcing liens on the real property.
19 The lien or security interest on a mobile home described in this
20 subsection is perfected against the mobile home if the holder of
21 the lien or security interest in both the mobile home and the real
22 property to which it is affixed on July 14, 2003 has perfected a
23 lien on the real property as provided under law for perfecting a
24 lien on real property. The date of perfection of the lien or
25 security interest of the mobile home is the date of perfection of
26 the lien on the real property to which the mobile home is affixed
27 on July 14, 2003.

28 (7) If the holder of a lien or security interest becomes the
29 owner of a mobile home affixed to real property through the process

1 of real property foreclosure or through a deed in lieu of
2 foreclosure under subsection (6), the holder shall submit an
3 affidavit described in subsection (1) to the department after the
4 redemption period for the foreclosure expires or the deed in lieu
5 of foreclosure is recorded and the department shall cancel the
6 certificate of title for the mobile home.

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

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

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

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

25 (10) This section applies to all transactions, liens, and
26 mortgages within its scope even if the transaction, lien, or
27 mortgage was entered into or created before July 14, 2003.

28 (11) As used in this section **and section 30j**:

29 (a) A mobile home is "affixed" to real property if it meets

1 all of the following:

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

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

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

8 **Sec. 30j. (1) Notwithstanding section 30i and subject to**
9 **subsection (3), if a mobile home is affixed to real property in**
10 **which the party claiming to own the mobile home also owns the real**
11 **property, and the mobile home has been located on the real property**
12 **for 10 years or more, but the owner of the mobile home either lost**
13 **or never received the certificate of title to the mobile home when**
14 **the owner of the mobile home acquired the real property with the**
15 **mobile home already affixed to it, the mobile home will be**
16 **considered affixed to the real property free of any interests that**
17 **previously attached to the mobile home. The department must approve**
18 **the affidavit of affixture as submitted if the owner of the mobile**
19 **home submits to the department an affidavit of missing title that**
20 **contains all of the following information and pays any fees**
21 **required under section 30i to issue the affidavit of affixture:**

22 (a) The name and address of the owner of the real property.

23 (b) A description of the mobile home that includes the name of
24 the manufacturer, the year of manufacture, the model, and the
25 mobile home's or manufacturer's serial number to the extent this
26 information is known to the affiant. The department shall not
27 withhold approval of an affidavit of affixture submitted under this
28 section solely because the affidavit lacks the mobile home's serial
29 number or manufacturer's name, or both.

1 (c) A statement that the mobile home is affixed to the real
2 property and either the date that the mobile home was placed on the
3 real property or the date the property assessment or tax roll first
4 reflected on the real property to which the mobile home is affixed
5 was improved with the mobile home.

6 (d) A statement that the mobile home and the real property to
7 which it is affixed are not located in a mobile home park.

8 (e) The legal description and tax parcel number of the real
9 property to which the mobile home is affixed. For purposes of this
10 subdivision, a copy of the vesting deed of the real property must
11 be attached.

12 (f) A statement that to the best of the affiant's knowledge,
13 no payments are currently being made to any secured party and no
14 amount is currently owed under any debt obligation that may have
15 previously been secured by the mobile home.

16 (g) A statement that the wheels, towing hitches, and running
17 gear of the mobile home have been removed.

18 (h) A statement that the mobile home is attached to a
19 foundation or other support system.

20 (2) Once the affidavit of affixture submitted pursuant to
21 subsection (1) is accepted by the department, the owner shall
22 immediately record the affidavit of affixture with the register of
23 deeds as required by section 30i.

24 (3) A secured party that wishes to preserve the secured
25 party's security interest in the mobile home prior to the
26 expiration of the 10-year period that would automatically
27 extinguish the secured party's security interest in the mobile home
28 may preserve the secured party's security interest by complying
29 with the requirements of section 30i(6) and recording notice of the

1 security interest with the register of deeds in the county where
2 the real property is located.

3 (4) The 10-year period under subsection (3) begins when the
4 manufacturer of the mobile home first sells the mobile home or when
5 the tax roll reflects the subject real property as being improved
6 for assessment purposes, whichever is earlier.