

THE MOBILE HOME COMMISSION ACT (EXCERPT)
Act 96 of 1987

125.2330k Ownership without certificate of title; affidavit of missing title; recording; fees; civil liability.

Sec. 30k.

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

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

(b) The address at which the mobile home is physically affixed, if different from the address of the owner of the real property.

(c) A description of the mobile home that includes the name of the manufacturer, the year of manufacture, the model, and the mobile home's or manufacturer's serial number to the extent this information is known to the affiant. An affiant that does not know the manufacturer's serial number must comply with subsection (6) to obtain the serial number, or if applicable, subsection (7) to obtain a replacement serial number.

(d) A statement that the mobile home is affixed to the real property and either of the following pieces of information:

(i) Information as may be satisfactory to the department regarding the date that the mobile home was placed on the real property.

(ii) The date the property assessment or tax roll first reflected that the real property to which the mobile home is affixed was improved with the mobile home. If this subparagraph applies, the owner of the mobile home shall include documentation from the treasurer of the county in which the real property is located that shows proof of the date required under this subparagraph.

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

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

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

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

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

(2) Once the affidavit of affixture submitted pursuant to subsection (1) is accepted and approved by the department and subsequently returned to the owner by the department, the owner shall immediately record the executed affidavit of affixture with the register of deeds as required by section 30i.

(3) A secured party that wishes to preserve the secured party's security interest in the mobile home prior to the expiration of the 15-year period that would automatically extinguish the secured party's security interest in the mobile home may preserve the secured party's security interest by complying with the requirements of section 30i(6) and recording notice of the security interest with the register of deeds in the county where the real property is located.

(4) If the owner of a mobile home meets the requirements of subsection (1) and the affidavit of affixture is issued pursuant to this section, the interest of any prior owners of the mobile home is extinguished and title to the mobile home is transferred.

(5) The 15-year period under subsection (3) begins when the manufacturer of the mobile home first sells the mobile home or when the tax roll reflects the subject real property as being improved for assessment purposes, whichever is earlier.

(6) If an affiant does not know the manufacturer's serial number as required under subsection (1)(c), the affiant shall provide to the department a completed affidavit of affixture and copies of the recorded deeds in the chain of title for the real property. On receipt of the documents described in this subsection, the department shall review the mobile home records database and if a mobile home title in the database matches the affiant's mobile home on the completed affidavit of affixture, the department shall use the serial number of that mobile home that matches the affiant's mobile home on the completed affidavit of affixture.

(7) If after an examination of the mobile home records database as provided under subsection (6) the department

is unable to locate a mobile home title that belongs to any predecessor in title to the real property owned by the affiant, the affiant shall apply for and the department shall provide a replacement serial number for the mobile home. An affiant that complies with this subsection shall submit the completed affidavit of affixture with the replacement serial number received pursuant to this subsection.

(8) The affiant shall pay any fees required under subsection (6) to obtain a serial number or subsection (7) to obtain a replacement serial number.

(9) The department is not liable for damages in a civil action for the approval of an affidavit of affixture if the approval is in accordance with this act.

History: Add. 2022, Act 33, Eff. June 13, 2022