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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 347

01/19/2017 Authored by Koznick, Metsa, Schultz and Runbeck
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy

1.1 A bill for an act
1.2 relating to motor vehicles; regulating transfers of manufactured homes when
1.3 ownership is at issue; proposing coding for new law in Minnesota Statutes, chapter
1.4 168A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [168A.143] MANUFACTURED HOMES; OWNERSHIP AT ISSUE.

1.7 Subdivision 1. Requirements for certificate issuance. If an applicant is unable to locate,
1.8 obtain, or produce the original certificate of origin or certificate of title, there is no evidence
1.9 of a surrendered certificate of title for affixation purposes, and the applicant is unable to
1.10 establish sole ownership of the manufactured home because one or more owners, prior
1.11 owners, or lienholders cannot be found or are uncooperative, the department must issue a
1.12 certificate of title on a manufactured home if the applicant submits:

1.13 (1) the application;

1.14 (2) proof of eligibility for issuance specified in subdivision 2, if the manufactured home
1.15 is located on or affixed to real property;

1.16 (3) an affidavit that:

1.17 (i) identifies (A) the name of the manufacturer, (B) the manufactured home's make,
1.18 model number, model year, dimensions, and (C) the manufacturer's serial number;

1.19 (ii) certifies the applicant is an owner of the manufactured home and has physical
1.20 possession of the manufactured home; and

1.21 (iii) certifies the applicant performed due diligence in attempting to transfer interest in
1.22 the manufactured home or obtain a certificate of origin or certificate of title or lien release,

2.1 but was unable to: (A) determine the names or locations of one or more owners, prior owners,  
2.2 or lienholders; or (B) successfully contact one or more owners, prior owners, or lienholders  
2.3 known to the applicant; and

2.4 (4) payment for required taxes and fees.

2.5 Subd. 2. **Proof of eligibility for issuance.** (a) The proof of eligibility for issuance of  
2.6 title required under subdivision 1, clause (2), must contain:

2.7 (1) an affidavit of severance, if the applicant wants the manufactured home unaffixed  
2.8 from the real property; or

2.9 (2) an affidavit of affixation, if the applicant wants the manufactured home affixed to  
2.10 the real property and recorded in the office of the county recorder or registrar of titles.

2.11 (b) An affidavit submitted under paragraph (a) must contain:

2.12 (1) the name, residence address, and mailing address of the owner or owners of the  
2.13 manufactured home;

2.14 (2) a description of the manufactured home, including (i) the name of the manufacturer,  
2.15 (ii) the manufactured home's make, model number, model year, dimensions, and (iii) the  
2.16 manufacturer's serial number;

2.17 (3) a statement of any facts or information known to the person executing the affidavit  
2.18 that could affect the validity of the title of the manufactured home or the existence or  
2.19 nonexistence of a security interest in the manufactured home or a lien on it, or a statement  
2.20 that no facts or information regarding security interests are known to the person executing  
2.21 the affidavit; and

2.22 (4) a statement that the applicant performed due diligence in attempting to transfer  
2.23 interest in the manufactured home or obtain a certificate of origin or certificate of title or  
2.24 lien release, but was unable to: (i) determine the names or locations of one or more owners,  
2.25 prior owners, or lienholders; or (ii) successfully contact one or more owners, prior owners,  
2.26 or lienholders known to the applicant.

2.27 (c) As an attachment to an affidavit of severance, an application must include an opinion  
2.28 by an attorney admitted to practice law in Minnesota, stating:

2.29 (1) the nature of the title examination performed by the attorney prior to developing and  
2.30 signing the opinion;

2.31 (2) that the manufactured home and the real property it is located on is not subject to  
2.32 any recorded mortgages, security interests, liens, or other encumbrances;

3.1 (3) that the attorney signing the opinion knows of no facts or circumstances, other than  
3.2 property taxes payable in the year the affidavit is signed, that could affect the validity of  
3.3 the title of the manufactured home or indicate the existence or nonexistence of any recorded  
3.4 mortgages, security interests, or other encumbrances of any kind;

3.5 (4) the person or persons owning record title to the real property to which the  
3.6 manufactured home has been affixed, and the nature and extent of the title owned by each  
3.7 of these persons; and

3.8 (5) that the attorney signing the opinion has reviewed all provisions of the affidavit of  
3.9 severance and certifies that the provisions are correct and complete to the best of the signing  
3.10 attorney's knowledge.

3.11 (d) A submission under this subdivision must include the name and address of the person  
3.12 or persons designated by the applicant to file a certified copy of the affidavit of severance  
3.13 with the county auditor of the county in which the real estate is located, after the affidavit  
3.14 has been properly recorded in the office of the county recorder or county registrar of titles,  
3.15 whichever applies to the real property.

3.16 (e) A submission under this subdivision must include the signature of the person who  
3.17 executes the affidavit, properly executed before a person authorized to authenticate an  
3.18 affidavit in this state.

3.19 (f) The person designated under paragraph (d) must record or arrange for the recording  
3.20 of the affidavit of severance, including all attachments and showing the recording date,  
3.21 accompanied by the fees for recording and for issuing a certified copy of the affidavit.

3.22 (g) Upon obtaining the certified copy under paragraph (f), the person designated in the  
3.23 affidavit must deliver the certified copy to the county auditor of the county in which the  
3.24 real estate was located or affixed.

3.25 (h) The department is not liable for any errors, omissions, misstatements, or other  
3.26 deficiencies or inaccuracies in documents submitted to the department under this section,  
3.27 provided the documents submitted appear to satisfy the requirements of this section. The  
3.28 department is not required to investigate the accuracy of statements contained in submitted  
3.29 documents.