

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor May 20, 2003

Signed by the governor May 23, 2003, 3:16 p.m.

CHAPTER 90—H.F.No. 894

An act relating to property; modifying provisions relating to certificates of title to manufactured homes; amending Minnesota Statutes 2002, sections 168A.141; 507.24, subdivision 2.

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

Section 1. Minnesota Statutes 2002, section 168A.141, is amended to read:

168A.141 MANUFACTURED HOME AFFIXED TO REAL ESTATE PROPERTY.

Subdivision 1. **PROCEDURE CERTIFICATES SURRENDERED FOR CANCELLATION.** The owner of When a manufactured home which is affixed as an improvement, as defined in section 273.125, subdivision 8, paragraph (b), to real estate may property, and financed by the giving of a mortgage on the real property, the owner of the manufactured home shall surrender the home's manufacturer's certificate of origin or certificate of title to the department for cancellation. The owner of the manufactured home shall give the department the address and location legal description of the real estate property. The department may require the filing of other information. The department must not issue a certificate of title for a manufactured home under chapter 168A if the manufacturer's certificate of origin is surrendered under this subdivision. Upon surrender of the manufacturer's certificate of origin or the certificate of title, the department shall issue notice of surrender to the owner and the manufactured home is deemed to be an improvement to real property. The notice to surrender may be recorded in the office of the county recorder or with the registrar of titles if the land is registered but need not contain an acknowledgment.

Subd. 2. **PERFECTED SECURITY INTEREST AVOIDS CANCELLATION.** The department may not cancel a certificate of title if a security interest has been perfected on the manufactured home. If a security interest has been perfected, the department shall notify the owner and each secured party that the certificate of title and a description of the security interest have been surrendered to the department and that the department will not cancel the certificate of title until the security interest is satisfied. Permanent attachment to real estate property does not extinguish an otherwise valid security interest in or tax lien on the manufactured home.

Subd. 3. **NOTICE OF SECURITY INTEREST AVOIDS SURRENDER.** The manufacturer's certificate of origin or the certificate of title need not be surrendered to

New language is indicated by underline, deletions by ~~strikeout~~.

the department under subdivision 1 when a perfected security interest exists on the manufactured home at the time the manufactured home is affixed to real property, if the owner of the manufactured home files a notice with the county recorder, or with the registrar of titles, if the land is registered, stating that the manufactured home located on the property is encumbered by a perfected security interest. The notice must state the name and address of the secured party as set forth on the certificate of title, the legal description of the real property, and the name and address of the record fee owner of the real property on which the manufactured home is affixed. When the security interest is released or satisfied, the secured party shall attach a copy of the release or satisfaction to a notice executed by the secured party containing the county recorder or registrar of titles document number of the notice of security interest. The notice of release or satisfaction must be filed with the county recorder, or registrar of titles, if the land is registered. Neither the notice described in this subdivision nor the security interest on the certificate of title is deemed to be an encumbrance on the real property. The notices provided for in this subdivision need not be acknowledged.

Sec. 2. Minnesota Statutes 2002, section 507.24, subdivision 2, is amended to read:

Subd. 2. **ORIGINAL SIGNATURES REQUIRED.** Unless otherwise provided by law, an instrument affecting real estate that is to be recorded as provided in this section or other applicable law must contain the original signatures of the parties who execute it and of the notary public or other officer taking an acknowledgment. However, a financing statement that is recorded as a filing pursuant to section 336.9-502(b) need not contain: (1) the signatures of the debtor or the secured party; or (2) an acknowledgment. Any electronic instruments, including signatures and seals, affecting real estate may only be recorded as part of a pilot project for the electronic filing of real estate documents implemented by the task force created in Laws 2000, chapter 391. Notices filed pursuant to section 168A.141, subdivisions 1 and 3, need not contain an acknowledgment.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following enactment.

Presented to the governor May 20, 2003

Signed by the governor May 23, 2003, 3:30 p.m.

CHAPTER 91—S.F.No. 857

An act relating to lake improvement districts; changing the percent of property owners necessary to petition for creation and termination of a district; amending Minnesota Statutes 2002, sections 103B.521, subdivision 1; 103B.581, subdivision 1.

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

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