

**168A.142 MANUFACTURED HOME UNAFFIXED FROM REALTY.**

Subdivision 1. **Certificate of title requirements.** The department shall issue an initial certificate of title or reissue a previously surrendered certificate of title for a manufactured home to an applicant if:

(1) for the purpose of affixing the manufactured home to real property, the owner of the manufactured home, or a previous owner, surrendered the manufacturer's certificate of origin or certificate of title to the department as provided in section 168A.141, subdivision 1 or 2;

(2) the applicant provides written proof specified in subdivision 2 that the applicant owns (i) the manufactured home and (ii) the real property to which the manufactured home was affixed as provided under section 273.125, subdivision 8, paragraph (b);

(3) the applicant provides proof that no liens exist on the manufactured home, including liens on the real property to which it is affixed; and

(4) the owner of the manufactured home meets the application requirements of section 168A.04, and the application is accompanied by a written statement from the county auditor or county treasurer of the county in which the manufactured home is then located and affixed, stating that all property taxes payable in the current year, as provided under section 273.125, subdivision 8, paragraph (b), have been paid.

Subd. 2. **Proof of eligibility for reissuance.** (a) The proof required under subdivision 1, clauses (2) and (3), is as follows:

(1) an affidavit of severance recorded in the office of the county recorder or registrar of titles, whichever applies to the real property, of the county in which the notice of surrender was recorded under section 168A.141, subdivision 1, and the affidavit contains:

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

(ii) a description of the manufactured home, including the name of the manufacturer; the make, model number, model year, dimensions, and manufacturer's serial number of the manufactured home; and whether the manufactured home is new or used; and

(iii) a statement of any facts or information known to the person executing the affidavit that could affect the validity of the title of the manufactured home or the existence or nonexistence of a security interest in the manufactured home or a lien on it, or a statement that no such facts or information are known to the person executing the affidavit;

(2) as an attachment to the affidavit of severance, an opinion by an attorney admitted to practice law in this state, stating:

(i) the nature of the examination of title performed prior to giving this opinion by the person signing the opinion;

(ii) that the manufactured home and the real property on which it is located is not subject to any recorded mortgages, security interests, liens, or other encumbrances of any kind;

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

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

(v) that the person signing the opinion has reviewed all provisions of the affidavit of severance and certifies that they are correct and complete to the best of the knowledge of the person signing the opinion;

(3) the name and address of the person or persons designated by the applicant to file a certified copy of the affidavit of severance with the county auditor of the county in which the real estate is located, after the affidavit has been properly recorded in the office of the county recorder or county registrar of titles, whichever applies to the real property; and

(4) the signature of the person who executes the affidavit, properly executed before a person authorized to authenticate an affidavit in this state.

(b) The person designated in paragraph (a), clause (3), shall record, or arrange for the recording of, the affidavit of severance as referenced in that item, accompanied by the fees for recording and for issuing a certified copy of the affidavit, including all attachments, showing the recording date.

(c) Upon obtaining the certified copy under paragraph (b), the person designated in the affidavit shall deliver the certified copy to the county auditor of the county in which the real estate to which it was affixed is located.

(d) The department is not liable for any errors, omissions, misstatements, or other deficiencies or inaccuracies in documents presented to the department under this section, so long as the documents presented appear to satisfy the requirements of this section. The department has no obligation to investigate the accuracy of statements contained in the documents.

**History:** 2012 c 198 s 8