



Fannie Mae®

Titling Requirements for Manufactured Homes



IMPORTANT NOTE:

At the time of posting, the information for each state is accurate to the best of Fannie Mae's knowledge, but some laws or requirements may have changed since that time. However, lenders must monitor for changes to state law or practice.

This document does not constitute legal advice, and Fannie Mae makes no representations or warranties as to its correctness, completeness, or suitability for any particular purpose. Therefore, lenders must consult their own legal counsel on issues concerning titling of, and obtaining liens on, manufactured housing.

Further, adherence to the posted procedures will not excuse lenders from their representations and warranties required by the Fannie Mae *Selling Guide and Servicing Guide*, their MSSC, and any other contracts with Fannie Mae.

The guidance below is being provided to lenders to assist with mortgage financing of manufactured homes after their initial retail sale to a consumer. In some instances, the information below may also relate to mortgage financing after the initial retail sale to a consumer or in other contexts.

Once the Certificate of Title to a manufactured home is surrendered, or if the titling process may be avoided, lenders should then record the lien on real property by way of a mortgage, including a description of the manufactured home in the mortgage. The legal description should include the make, model, Vehicle Identification Number (VIN), and the language, "which is permanently affixed and attached to the land and is part of the real property."

Note, for all states, lenders should assure that closing instructions affirm that the title company or closing agent will take all actions necessary to assure that the manufactured home has been permanently affixed to the land, that the lien is recorded, and that no Certificate of Title to the manufactured home has been issued, or that the Certificate of Title has been canceled (if one existed). To comply with the requirements in the *Selling Guide*, a Manufactured Housing Endorsement (ALTA 7 or local equivalent) to the title policy also should be ordered and issued as affirmative coverage that the manufactured housing unit(s) situated on the insured land is included in the policy definition of "Land."

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*Because these states originate a high volume of manufactured home mortgages, we have included titling information for a variety of scenarios. The titling process described in all other states is for new manufactured homes purchased from a retailer only.



Alabama

In Alabama, every owner of a new manufactured home must normally make an application through a “Designated Agent” (a party previously approved by the Alabama Department of Revenue (ADR)) for a Certificate of Title to the manufactured home, or to each unit thereof, if the manufactured home consists of more than one unit. However, the process of obtaining a Certificate of Title may be avoided for a new manufactured home that is permanently affixed to a parcel of real property.

Personnel from the ADR advised that parties can skip obtaining a Certificate of Title to a new home that will be permanently affixed to land that the homeowner also owns. To do so, a Designated Agent files a Notice of Cancellation in the Alabama Title System (ATS). The forms used are the MVT 5-39E (MNOC) and the MVT 5-1E (MCAN). These forms are no longer generally available on the ADR’s website but are viewable by Designated Agents in the ATS.

A Power of Attorney form may also be used by the title agent in order to process and file information on behalf of others. This form may be found at <https://revenue.alabama.gov/wp-content/uploads/2019/09/MVT-5-13-9-19-1.pdf>.

This application must contain or be accompanied by, among other things:

1. The Certificate of Origin or Certificate of Title to the manufactured home, or each separate Certificate of Origin or Certificate of Title if the manufactured home consists of more than one unit, showing the manufactured home identification number(s), year model, make, model, that the home is new, its color, and date of purchase;
2. The owner’s name and owner’s address and the county of affixation;
3. Lien release from lienholder as recorded on the Certificate of Title; and
4. An affidavit executed by all who have an ownership interest in the manufactured home and the realty to which the manufactured home has become permanently affixed to the effect that the manufactured home is permanently affixed to the realty described in the deed and containing written verification from the judge of probate that the manufactured home has been recorded as being permanently affixed and recorded as real property in that county.

All parties who have ownership in both the manufactured home and the realty to which the manufactured home has become permanently affixed must sign the MVT 5-39E attesting to the fact that the manufactured home has been permanently affixed and recorded as real property.

The MVT 5-39E must be signed by the judge of probate (or his/her designee) in the county where the manufactured home is located attesting to the fact that the manufactured home has been recorded in that office as real property.

The forms are typically printed and signed and dated by the homeowner and Designated Agent and then scanned and filed.



The Designated Agent shall assemble the cancellation package and submit it to the ADR. The ADR will examine the documents received and, if approved, issue a Certificate of Cancellation for a Certificate of Origin/Title for a Manufactured Home Classified as Real Property in the name of the first retail purchaser or the titled owner.





Alaska

Under Alaska law, the process of obtaining a Certificate of Title issued by the Alaska Division of Motor Vehicles (“ADMV”) of the Department of Administration may be avoided in a purchase money transaction of a new manufactured home.

In order to do so, the owner of the manufactured home must:

1. Permanently affix the manufactured home to land;
2. Ensure that the ownership interests in the manufactured home and in the real property to which the home is permanently affixed are identical unless an exception applies;
3. Record an Affixation Affidavit (attached to Form 870 referenced below) with the recorder’s office of the district in which the manufactured home is located and pay the appropriate recording fees; and
4. Upon receipt of a certified copy of the recorded Affixation Affidavit, submit the Manufacturer’s Certificate of Origin to the ADMV for cancellation, along with (i) an application requesting that the ADMV cancel the Manufacturer’s Certificate of Origin (i.e., the Application for Manufactured Home (Form 870)), (ii) a copy of the certified Affixation Affidavit, and (iii) the appropriate fees.

After the cancellation request has been processed, the ADMV will issue to the owner of the manufactured home a written acknowledgement that the ADMV has cancelled the Certificate of Origin and the manufactured home will be characterized as real property.

The Affixation Affidavit and Application for a Manufactured Home (Form 870) may be found here: <http://doa.alaska.gov/dmv/forms/PDFS/870.PDF>.

Once a manufactured home becomes real property, a mortgage, deed of trust, lien, or security interest that can attach to land, buildings erected on land, or fixtures affixed to land or buildings attaches to the manufactured home in the same manner as if the manufactured home were built from ordinary building materials on the land where the manufactured home is located.



A photograph of a city skyline at sunset, with mountains in the background. A large green circle is overlaid in the center, containing the word "Arizona" in white text.

Arizona

Purchase money loans for new manufactured housing

Under Arizona law, a title to a mobile home¹ (“manufactured home”) initially must be in the form of a Certificate of Title issued by the Arizona Motor Vehicle Division of the Department of Transportation (“Department”). To obtain a Certificate of Title, an application must be submitted to the Division within fifteen (15) days after the purchase or transfer of the manufactured home, except that a dealer must make the application within thirty (30) days after the purchase or transfer. All transferees must sign the application, except that one transferee may sign the application if: (1) the application is for the purposes of converting an out-of-state certificate of title to a certificate of title; and (2) the ownership or legal status of the motor vehicle, trailer, or semitrailer does not change.² Note that the issuance of a Certificate of Title for a manufactured home will be provided as provided for motor vehicles, except that in the case of a manufactured home that consists of two or more separate sections, each section must have a separate Certificate of Title.³

Note that, although a person must apply for a Certificate of Title for a manufactured home, it is not necessary to register a manufactured home if the applicant certifies that the manufactured home was acquired for purposes other than highway use.⁴

An application for a Certificate of Title for a manufactured home must contain:

1. The transferee’s full name and either the driver license number of the transferee or a number assigned by the Department;
2. The transferee’s complete residence address;
3. A brief description of the manufactured home to be issued a Certificate of Title;
4. The name of the manufacturer of the manufactured home;
5. The serial number of the manufactured home;
6. The last license plate number, if applicable and if known, and the state in which the license plate number was issued;
7. If the application is for a Certificate of Title to a new manufactured home, the date of sale by the manufacturer or dealer to the person first operating the manufactured home;
8. If the application is in the name of a lessor:
 - a. The lessor shown on the application as the owner or transferee;
 - b. At the option of the lessor, the lessee shown on the application as the registrant;

1 “Mobile home” means a structure that is transportable in one or more sections, including the plumbing, heating, air-conditioning and electrical systems that are contained in the structure and that, when erected on site, is either of the following: (1) more than eight body feet in width, thirty-two (32) body feet or more in length, and built on a permanent chassis; or (2) regardless of the size, used as a single-family dwelling or for commercial purposes with or without a permanent foundation. Ariz. Rev. Stat. § 28-2001(B)(1). For the purposes of this document, and to achieve uniformity in the discussion found in each state analysis within, we use the term “manufactured home” to mean “mobile home” as defined by the Arizona statute.

2 Ariz. Rev. Stat. § 28-2051(A).

3 Ariz. Rev. Stat. § 28-2063(B).

4 Ariz. Rev. Stat. § 28-2053(A)(2).



- c. The address of either the lessor or lessee;
 - d. The signature of the lessor; and
9. Other information required by the Department.⁵

Additionally, a person must submit the following information with an application for a Certificate of Title for a new manufactured home:

1. A manufacturer's certificate of origin showing the date of sale to the dealer or person first receiving the manufactured home from the manufacturer;
2. The name of the dealer or person;
3. A description sufficient to identify the manufactured home;
4. A statement certifying that the manufactured home was new when sold; and
5. If sold through a dealer, a statement by the dealer certifying that the manufactured home was new when sold to the applicant.⁶

The owner of the manufactured home must surrender the original Certificates of Title or manufacturer's statement of origin to a permanently affixed manufactured home to the Department, and the Department must issue a receipt for the documents surrendered (see "[Cancelling the Certificate of Title](#)").⁷

Note that liens on permanently affixed manufactured homes must be perfected either in the manner provided by law for perfecting real property liens or in the manner provided for perfecting security interest in fixtures.⁸

Cancelling the Certificate of Title

The Certificate of Title to a manufactured home may be cancelled if the manufactured home is permanently affixed and an affidavit of affixture has been recorded with the county recorder of the county in which the manufactured home is located.⁹

In order to cancel the Certificate of Title, the owner of the manufactured home must surrender the original Certificates of Title or manufacturer's statement of origin to permanently affixed manufactured homes to the Department. The Department must then issue a receipt for the documents surrendered.

An affidavit of affixture must contain:

1. The Vehicle Identification Number (VIN) of the manufactured home;
2. The legal description of the real property to which the manufactured home has been affixed;

⁵ Ariz. Rev. Stat. § 28-2051(B).

⁶ Ariz. Rev. Stat. § 28-2051(D)(2).

⁷ Ariz. Rev. Stat. § 28-2063(A)(3).

⁸ Ariz. Rev. Stat. § 42-15205.

⁹ Ariz. Rev. Stat. §§ 28-2063(A)(3), 42-15203(A).



3. A statement that the manufactured home has not previously been assessed and taxed in Arizona as personal property, or the name and address of the person to whom the last tax statement for the manufactured home was sent and the location of such manufactured home when it was last taxed;
4. The name of the holder of any security interests in the manufactured home that are not to be terminated by consent of the secured party contained on the affidavit of affixture, and the original principal amount secured by the security interest;¹⁰
5. The consent of each secured party whose security interest will terminate upon recording of the affidavit of affixture; and
6. A receipt issued by the Department for the receipts surrendered in the application process to have the manufactured home permanently affixed.¹¹

The affidavit of affixture may be found on the Arizona Department of Revenue’s website, available here: <https://azdor.gov/forms/property-forms/affidavit-affixture>.

Once the manufactured home has been permanently affixed to real property and the affidavit of affixture has been recorded, the manufactured home will be assessed as real property and will be considered for all purposes to be a fixture and a real property improvement.¹²

Purchase money loans for previously owned manufactured housing

The lender will need to ascertain whether a Certificate of Title to the home is outstanding.

- If the manufactured home is permanently affixed to the land (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Department and the Arizona Department of Revenue), the lender will proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not surrendered, the Certificate of Title must be surrendered in order for the property to be titled as real property (see “[Cancelling the Certificate of Title](#)”).

¹⁰ The recording of an affidavit of affixture does not impair the rights of any holder of a perfected security interest in the manufactured home unless the affidavit of affixture contains the acknowledged consent of such secured party to the termination of the security interest. If a secured party so consents, his or her security interest in the manufactured home terminates upon such recording. Ariz. Rev. Stat. § 42-15203(C).

¹¹ Ariz. Rev. Stat. § 42-15203(B). The receipt is issued by the Department pursuant to Ariz. Rev. Stat. § 28-2063, subsection A, paragraph 3. In order to obtain the required receipt, the original certificate of title or manufacturer’s statement of origin, as applicable, must be surrendered to the Department. The Department will then issue a receipt for the documents surrendered.

¹² Ariz. Rev. Stat. § 42-15204.



Refinance loans for manufactured housing

Ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land and titled as part of the real property (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not surrendered, surrender the Certificate of Title (see [“Cancelling the Certificate of Title”](#)).





Arkansas

Under Arkansas law, a Certificate of Title issued by the Arkansas Office of Motor Vehicle (“AOMV”) is not required to be obtained for a new manufactured home. Instead, either the Certificate of Origin or other original document of title may be canceled once the manufactured home is permanently affixed to real estate.

To cancel the Certificate of Title or the Manufacturer’s Certificate of Origin to a manufactured home, that home must already be or be planned to be permanently affixed to real estate. The owner of the manufactured home may make an application, under penalty of perjury, to the Arkansas Department of Finance and Administration (“ADFA”) for cancellation of the Certificate of Title or Manufacturer’s Certificate of Origin (or “MCO”). Alternatively, the lienholders to a manufactured home may make an application to the ADFA for the cancellation of the Certificate of Title on behalf of the owner of the manufactured home if the application is signed by the owner and is accompanied by all documents that would be required if the owner had filed the application in person.

The ADFA must cancel a Certificate of Origin or the original document of title to a manufactured home upon receipt of:

1. The Certificate of Title for the manufactured home or the Manufacturer’s Certificate of Origin;
2. An application for cancellation of the Manufacturer’s Certificate of Origin or the original Certificate of Title; and
3. A copy of an Affidavit of Affixation to be recorded in the county in which the manufactured home is or is to be affixed.

The Affidavit of Affixation must include:

1. The name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer’s serial number of the manufactured home;
2. A statement that the party executing the Affidavit of Affixation is:
 - a. The owner of the real estate described in the Affidavit of Affixation; or
 - b. Authorized by the owner of the real estate described in the Affidavit to execute the Affidavit of Affixation on the owner’s behalf;
3. The street address and the legal description of the real estate to which the manufactured home is or will be permanently affixed;
4. One (1) of the following statements and applicable information:
 - a. If the manufactured home is subject to a security interest or lien:
 - i. The name and address of each party holding a security interest or lien whether shown on a Certificate of Title issued by the ADFA or otherwise perfected;
 - ii. The original principal amount secured by each security interest or lien; and



- iii. A statement that each security interest or lien will be released that attaches proof of the commitment to release the security interest or lien executed by the holder of the security interest or lien; or
 - b. A statement that if a security interest or lien on the manufactured home previously existed, the security interest or lien has been released. This must include attached proof of the release executed by the holder of the security interest or lien;
5. Signature of all owners of the manufactured home and signature of all parties having a mortgage, lien, or other security interest in the manufactured home, as evidence of consent to the elimination of the Certificate of Title; and
6. Any other information the ADFA may reasonably require.

The ADFA will approve the application for cancellation of title when all requirements listed above have been satisfied, cancel the title or Manufacturers Certificate of Origin, and provide notification of the cancellation to the owner, lending agency, or other entity as listed on the application.



An aerial photograph of a city, likely San Jose, California, showing a mix of residential neighborhoods with houses and trees, and a central business district with several high-rise buildings. In the background, there are rolling hills under a clear blue sky. A large, semi-transparent blue circle is overlaid in the center of the image, containing the word "California" in a white, serif font.

California

Purchase money loans for new manufactured housing

A Certificate of Title is not required from the California Department of Housing and Community Development (“Department”) if: (1) it is being sold by a dealer, (2) that manufactured home is installed on a foundation, thus permanently affixing the property to the land on which the manufactured home is located, and (3) an application is submitted to the Department to report the installation.

The application to report the installation must be submitted within ten (10) calendar days after the sale of the new manufactured home and must include:

1. Original Dealer Report of Sale or Lease for New Manufactured Home, HCD 480.1;
2. Copy of Manufacturer Certificate of Origin;
3. Copy of signed Declaration of Delivery Sale; and
4. All appropriate fees.

The lender will need to record the lien on real property by way of a mortgage, including a description of the manufactured home in the mortgage. The legal description should include the make, model, Vehicle Identification Number (VIN), and the language, “which is permanently affixed and attached to the land and is part of the real property.”

Cancelling the Certificate of Title

To cancel the Certificate of Title and registration for a used manufactured home sold by a dealer and that is installed upon a foundation system in compliance with state law, the dealer must report to the Department the installation through an application that must be submitted within ten (10) calendar days after date of sale and includes:

1. Original Dealer Report of Sale or Lease for a Used Manufactured Home, Multifamily Manufactured Home, or Commercial Modular (HCD 480.3);
2. Copy of the endorsed titling document;
3. Copy of the last issued Registered Owner’s Registration Card; and
4. Copy of the signed Declaration of Delivery Sale.¹³

¹³ *How to Report to HCD The Installation of Manufactured Homes and Multifamily Manufactured Homes: By an HCD Licensed Dealer to an Owner-Builder Installed on a Foundation System*, California Department of Housing and Community Development, available at: http://www.hcd.ca.gov/manufactured-mobile-home/consumer-information/docs/HCD-Dealer_Owner-Builder_Foundation.pdf (last visited July 17, 2019).



To cancel the Certificate of Title and registration of a used manufactured home that was placed on a foundation system in a transaction where a dealer is not involved, the registered owner must submit an application to the Department within twenty (20) calendar days after the date the installation is complete. Such application must include:

1. A properly endorsed titling document;
2. The last issued Registered Owner's Registration Card;
3. An Endorsed Junior Lienholder's Registration Card;
4. License plate or decal for the unit; and
5. Copy of enforcement agency's recorded acknowledgement indicating the completion of installation onto a foundation system.

Note that once installed on a foundation in compliance with state law, a manufactured home will be deemed a fixture and a real property improvement to the real property to which it is affixed.¹⁴

Purchase money loans for previously owned manufactured housing

Ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land (the Certificate of Title having been cancelled in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not cancelled, cancel the Certificate of Title (see "[Cancelling the Certificate of Title](#)").

Refinance loans for manufactured housing

Ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land and titled as part of the real property (the Certificate of Title having been cancelled in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not surrendered, surrender the Certificate of Title (see "[Cancelling the Certificate of Title](#)").

¹⁴ Cal. Health & Safety Code § 18551(a)(4).





Colorado

Under Colorado law, proof that a manufactured home and the land upon which it has been permanently affixed is real property involves filing an affidavit of real property with the clerk and recorder for the county or city and county in which the manufactured home is located. The affidavit of real property must include:

1. An acknowledged statement by all owners that the manufactured home and real property to which the manufactured home is permanently affixed became real property;
2. A statement from the county assessor that the manufactured home has been valued together with the land upon which it is affixed;
3. A statement from the county treasurer that taxes have been paid on the manufactured home and the land upon which it is affixed in the same manner as other real property;
4. Proof that a search of the Colorado Department of Revenue, Division of Motor Vehicles (“Department”), records was conducted and that no Certificate of Title was found for the manufactured home; and
5. Verification that the manufactured home is permanently affixed to the ground in accordance with any applicable county or city and county codes or requirements so that it is no longer capable of being drawn over the public highways.¹⁵

The affidavit of real property for a manufactured home may be found here:

https://drive.google.com/file/d/1dKYXabQUjgQx_X7izkvCEEW2fzx1uc5K/view.

Upon the sale or transfer by a dealer of a new manufactured home, such dealer must, upon the delivery thereof, make, execute, and deliver to the purchaser or transferee a good and sufficient bill of sale thereof, together with the manufacturer’s certificate or statement of origin or the filing of a mortgage by the holder of such mortgage. The bill of sale must be affirmed by a statement signed by the dealer and must contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, and the manufacturer’s certificate or statement of origin must be notarized. Both the bill of sale and the manufacturer’s certificate or statement of origin must be in such form as the director of the Department may prescribe and must contain, in addition to other information that he or she may by rule from time to time require, the manufacturer and model of the manufactured home so sold or transferred, the identification number placed upon the home by the manufacturer for identification purposes, the manufacturer’s suggested retail price or the retail delivered price, and the date of the sale or transfer, together with a description of any mortgage thereon given to secure the purchase price or any part. Upon presentation of such a bill of sale to the director or one of his authorized agents, a new Certificate of Title for the home therein described must be issued and disposition thereof made as in other cases.¹⁶

¹⁵ Colo. Rev. Stat. § 38-29-208(1).

¹⁶ Colo. Rev. Stat. § 38-29-114(1).



Further, Colorado law provides that no person may sell or otherwise transfer a manufactured home to a purchaser or transferee thereof without delivering to such purchaser or transferee the Certificate of Title to such home and no purchaser or transferee may acquire any right, title, or interest in and to a manufactured home purchased by him or her unless and until he obtains from the transferor the Certificate of Title thereto, duly transferred to him or her.¹⁷

The holder of any mortgage on a manufactured home desiring to secure his or her rights on the manufactured home and to have the existence of the mortgage and the fact of the filing thereof for public record noted on the Certificate of Title to the manufactured home thereby encumbered, must present said mortgage or a duly executed copy or certified copy thereof and the Certificate of Title to the manufactured home encumbered to the authorized agent of the director of the Department in the county or city and county in which the manufactured home is located. Upon the receipt of said mortgage or executed copy or certified copy thereof and Certificate of Title, the authorized agent, if he or she is satisfied that the manufactured home described in the mortgage is the same as that described in the Certificate of Title, must make and subscribe a certificate to be attached or stamped on the mortgage and on the Certificate of Title, in which it will appear the day and hour on which said mortgage was received for filing, the name and address of the mortgagee therein named and the name and address of the holder of such mortgage, if such person is other than the mortgagee named, the amount secured thereby, the date thereof, the day and year on which said mortgage was filed for public record, and such other information regarding the filing thereof in the office of the authorized agent as may be required by the director by rule, to which certificate the authorized agent must affix his or her signature and the seal of his or her office.¹⁸

Purchase money loans for new manufactured housing

A Certificate of Title is not necessary for a purchaser of a new manufactured home that is transported to a site and permanently affixed to the ground so that it is no longer capable of being drawn over the public highways. Instead, a purchaser must file a certificate of permanent location along with the manufacturer's certificate or statement of origin or its equivalent with the clerk and recorder for the county or city and county in which the new manufactured home is permanently affixed to the ground. The manufactured home will become real property upon the filing and recording of these documents.¹⁹

¹⁷ Colo. Rev. Stat. § 38-29-106.

¹⁸ Colo. Rev. Stat. § 38-29-128

¹⁹ Colo. Rev. Stat. § 38-29-114(2).



The certificate of permanent location for a new manufactured home must include:

1. The name and mailing address of the owner of the manufactured home;
2. The name and mailing address of any holder of a mortgage on the manufactured home or on the real property to which the home has been affixed;
3. The identification number of the manufactured home and the Certificate of Title number, if applicable;
4. The manufacturer or make and year of the manufactured home;
5. Attached to the certificate of permanent location, a certificate of taxes due, or an authentication of paid ad valorem taxes, issued by the county treasurer of the county in which the manufactured home is located;
6. The legal description of the real property to which the manufactured home has been permanently affixed;
7. The name of the legal owner or owners of the land upon which the home is affixed;
8. The county or city and county in which the certificate of permanent location is filed;
9. Verification that the manufactured home is permanently affixed to the ground so that it is no longer capable of being drawn over the public highways in accordance with any applicable county or city and county codes or requirements;
10. Consent to the permanent location of the manufactured home by all holders of a security interest in the manufactured home;
11. An affirmative statement of relinquishment and release of all rights in the manufactured home by all holders of a security interest in the manufactured home;
12. An affirmative statement of relinquishment of all rights in the manufactured home by any owner on the certificate of title of the manufactured home who is not also an owner of the real property to which the manufactured home is to be affixed or permanently located (this provision does not apply to any manufactured home that occupies real property subject to a long-term lease that has an express term of at least ten (10) years)²⁰;
13. For any manufactured home that occupies real property subject to a long-term lease that has an express term of at least ten (10) years, an affirmative statement that all owners of the real property and the manufactured home consent to the affixation of the manufactured home to the real property and an acknowledgment that, upon such affixation and upon the filing and recording of the certificate of permanent location, the manufactured home will become a part of the real property, subject to the reversion of the manufactured home to the owners of the home upon termination of the long-term lease; and

²⁰ Note: Fannie Mae's *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).



14. An affirmative statement that all owners of the real property and the manufactured home consent to the affixation of the manufactured home to the real property and an acknowledgment that upon such affixation and upon the filing and recording of the certificate of permanent location the manufactured home will become a part of the real property and ownership must be vested only in the title owners of the real property (not applicable to any manufactured home that occupies real property subject to a long-term lease that has an express term of at least ten (10) years).

The certificate of permanent location for a manufactured home may be found here:

https://drive.google.com/file/d/1dKYXabQUjgQx_X7izkvCEEW2fzx1uc5K/view.

Cancelling the Certificate of Title

If a manufactured home has a Certificate of Title, it must be surrendered if the manufactured home is permanently affixed to the ground so that it is no longer capable of being drawn over the public highways. Further, the owner must file with the authorized agent of the county or city and county in which the manufactured home is located a request for purging of the manufactured home title and a certificate of permanent location.

The certificate of permanent location for a new manufactured home must include:

1. The name and mailing address of the owner of the manufactured home;
2. The name and mailing address of any holder of a mortgage on the manufactured home or on the real property to which the home has been affixed;
3. The identification number of the manufactured home and the Certificate of Title number, if applicable;
4. The manufacturer or make and year of the manufactured home;
5. Attached to the certificate of permanent location, a certificate of taxes due, or an authentication of paid ad valorem taxes, issued by the county treasurer of the county in which the manufactured home is located;
6. The legal description of the real property to which the manufactured home has been permanently affixed;
7. The name of the legal owner or owners of the land upon which the home is affixed;
8. The county or city and county in which the certificate of permanent location is filed;
9. Verification that the manufactured home is permanently affixed to the ground so that it is no longer capable of being drawn over the public highways in accordance with any applicable county or city and county codes or requirements;
10. Consent to the permanent location of the manufactured home by all holders of a security interest in the manufactured home;



11. An affirmative statement of relinquishment and release of all rights in the manufactured home by all holders of a security interest in the manufactured home;
12. An affirmative statement of relinquishment of all rights in the manufactured home by any owner on the certificate of title of the manufactured home who is not also an owner of the real property to which the manufactured home is to be affixed or permanently located (this provision does not apply to any manufactured home that occupies real property subject to a long-term lease that has an express term of at least ten (10) years);
13. For any manufactured home that occupies real property subject to a long-term lease that has an express term of at least ten (10) years, an affirmative statement that all owners of the real property and the manufactured home consent to the affixation of the manufactured home to the real property and an acknowledgment that, upon such affixation and upon the filing and recording of the certificate of permanent location, the manufactured home will become a part of the real property, subject to the reversion of the manufactured home to the owners of the home upon termination of the long-term lease; and
14. An affirmative statement that all owners of the real property and the manufactured home consent to the affixation of the manufactured home to the real property and an acknowledgment that upon such affixation and upon the filing and recording of the certificate of permanent location the manufactured home will become a part of the real property and ownership must be vested only in the title owners of the real property (not applicable to any manufactured home that occupies real property subject to a long-term lease that has an express term of at least ten (10) years).

Purchase money loans for previously owned manufactured housing

If the manufactured home was affixed to the ground prior to July 1, 2008, and a certificate of permanent location was not filed and recorded, a person who is entitled to a Certificate of Title to a manufactured home must make formal application to the director of the Department. In this case, the applicant must also provide an affidavit of real property, a statement that the identification number has been verified, a certificate of removal, and a copy of all deeds recorded since the home was affixed to the ground.²¹

If the manufactured home was affixed to the ground after July 1, 2008, and a certificate of permanent location was filed and recorded, a person who is entitled to a Certificate of Title to a manufactured home must make formal application to the director of the Department. As part of the application, in addition to the above mentioned requirements, the applicant must provide a copy of the recorded certificate of permanent location, a certificate of removal, a statement that the identification number has been verified, and a copy of all deeds recorded since the home was affixed to the ground.²²

²¹ Colo. Rev. Stat. § 38-29-107(2).

²² Colo. Rev. Stat. § 38-29-107(3)(a).



If a manufactured home occupies real property subject to a long-term lease that has an express term of at least ten (10) years, the manufactured home was affixed to the ground after July 1, 2008, and a certificate of permanent location was filed and recorded, a person who is entitled to a certificate of title to a manufactured home must make formal application to the director. As part of the application, in addition to the above-mentioned requirements, the applicant must provide a copy of the recorded certificate of permanent location, a statement that the identification number has been verified, and a copy of the recorded long-term lease.²³

An application for a Certificate of Title upon the sale, transfer, or movement into Colorado of any manufactured home that does not become real property must be directed to the director of the Department and filed with the authorized agent of the county or city and county in which such manufactured home is to be located. Upon sale or transfer, an application for a certificate of title on a manufactured home must be made within forty-five (45) days of the receipt of a manufacturer's certificate or statement of origin or its equivalent. The authorized agent must forward copies of all such applications to the county assessor. Any person, other than an individual selling a manufactured home used as his residence, who receives a commission or other valuable consideration for the transfer or sale of a manufactured home must fulfill the application and notice requirements.²⁴

The lender will need to ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Colorado Department of Revenue, Division of Motor Vehicles), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Division and not surrendered, surrender the Certificate of Title and file and record a certificate of permanent location along with the manufacturer's certificate or statement of origin or its equivalent with the clerk and recorder for the county or city and county in which the new manufactured home is permanently affixed to the ground (see "[Cancelling the Certificate of Title](#)").

Refinance loans for manufactured housing

If the manufactured home was affixed to the ground prior to July 1, 2008, and a certificate of permanent location was not filed and recorded, a person who is entitled to a Certificate of Title to a manufactured home must make formal application to the director of the Department. In this case, the applicant must also provide an affidavit of real property, a statement that the identification number has been verified, a certificate of removal, and a copy of all deeds recorded since the home was affixed to the ground.²⁵

²³ Colo. Rev. Stat. § 38-29-107(3)(b).

²⁴ Colo. Rev. Stat. § 38-29-108(1).

²⁵ Colo. Rev. Stat. § 38-29-107(2).



If the manufactured home was affixed to the ground after July 1, 2008, and a certificate of permanent location was filed and recorded, a person who is entitled to a Certificate of Title to a manufactured home must make formal application to the director. As part of the application, in addition to the above-mentioned requirements, the applicant must provide a copy of the recorded certificate of permanent location, a certificate of removal, a statement that the identification number has been verified, and a copy of all deeds recorded since the home was affixed to the ground.²⁶

If a manufactured home occupies real property subject to a long-term lease that has an express term of at least ten (10) years, the manufactured home was affixed to the ground after July 1, 2008, and a certificate of permanent location was filed and recorded, a person who is entitled to a certificate of title to a manufactured home must make formal application to the director. As part of the application, in addition the above-mentioned requirements, the applicant must provide a copy of the recorded certificate of permanent location, a statement that the identification number has been verified, and a copy of the recorded long-term lease.²⁷

An application for a Certificate of Title upon the sale, transfer, or movement into Colorado of any manufactured home that does not become real property must be directed to the director of the Department and filed with the authorized agent of the county or city and county in which such manufactured home is to be located. Upon sale or transfer, an application for a certificate of title on a manufactured home must be made within forty-five (45) days of the receipt of a manufacturer's certificate or statement of origin or its equivalent. The authorized agent must forward copies of all such applications to the county assessor. Any person, other than an individual selling a manufactured home used as his residence, who receives a commission or other valuable consideration for the transfer or sale of a manufactured home must fulfill the application and notice requirements.²⁸

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land and titled as part of the real property (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not surrendered, surrender the Certificate of Title (see "[Cancelling the Certificate of Title](#)").

²⁶ Colo. Rev. Stat. § 38-29-107(3)(a).

²⁷ Colo. Rev. Stat. § 38-29-107(3)(b).

²⁸ Colo. Rev. Stat. § 38-29-108(1).





Connecticut

Under Connecticut law, there is no statutory process to convert a manufactured home into real property.

Any person owning a “mobile manufactured home” defined in Connecticut law (“manufactured home”) must file with the town clerk of the municipality in which the manufactured home is located a Certificate of Title, Bill of Sale, or other document evidencing the person’s ownership of the manufactured home. Further, any person holding a security interest in any such manufactured home may file the security interest for recording in the land records of the municipality in which the manufactured home is located.

It appears that a manufactured home may become a fixture to real property. Under Connecticut law, a security interest in a manufactured home that becomes a fixture has priority over a conflicting interest of an encumbrancer or owner of the real property if the security interest is perfected under a Certificate of Title statute.



An aerial photograph of a city, likely Delaware, taken during the golden hour of sunset. The sky is a mix of soft pinks, oranges, and light blues. The city features a mix of urban architecture, including several tall, multi-story buildings and a dense residential area with many smaller houses and townhomes. In the background, a large body of water is visible, with some industrial structures and smokestacks on the right side. A large, semi-transparent teal circle is centered over the middle of the image, containing the word "Delaware" in a white, serif font.

Delaware

In Delaware, a title to a mobile home (“manufactured home”) is held in the form of a Certificate of Title issued by the Delaware Division of Motor Vehicles (“DDMV”).

The application for a Certificate of Title for a manufactured home, must contain or be accompanied by, among other things:

1. A full description of the manufactured home, including the name of the maker, the serial number or any number as may be assigned by the DDMV, and any distinguishing marks thereon;
2. Whether the manufactured home is new or used;
3. Full and complete statement of each and all liens or encumbrances, if any, upon the manufactured home;
4. Statement of the name and address of the person to whom the certificate of title must be delivered and such other information as the DDMV may require;
5. The required fee; and
6. Whenever a manufactured home is purchased from a dealer; the application for a Certificate of Title must also include a statement of transfer by the dealer and a Certificate of Origin therefor.

The application for a Certificate of Title may be found here: https://www.dmv.de.gov/forms/veh_serv_forms/pdfs/mv212_application_for_title.pdf?cache=1577130313105.

A Certificate of Title may be retired once the manufactured home is permanently affixed to real property, however, the process to retire the Certificate of Title will depend on the county in which the manufactured home is located. A person may obtain a Retirement/Class C Letter from the county in which the home is located and submit this letter to the DDMV to convert the manufactured home into real property. For a sample of this form for one county, see here: <https://www.nccde.org/DocumentCenter/View/436/Mobile-Home-Class-C-Letter?bidId>.



An aerial photograph of a suburban neighborhood in the District of Columbia. The image shows a grid of streets with houses, lawns, and trees. A large green circle is overlaid in the center, containing the text "District of Columbia" in white serif font. The houses are mostly two-story structures with grey roofs. There are several swimming pools visible in the backyards. The overall scene is a typical suburban residential area.

District of Columbia

Under District of Columbia law, there is no statutory procedure to convert a manufactured home to real property. It appears a home may be treated as real property if the home is physically affixed and integrated into real property upon which the home is situated. District of Columbia Uniform Commercial Code (or “UCC”) provisions on fixtures would apply.

While it does not appear that a fixture filing under the UCC is required, it appears a lender wanting to secure a manufactured home as real property in the District of Columbia should assure that the home is permanently affixed to the land upon which it is situated and either file a fixture filing with the recorder or record a deed of trust with the home described in the deed of trust as part of the property securing the loan and assure that the deed of trust filing meets the fixture filing requirements.

A fixture filing is sufficient if it:

1. Provides the name of the debtor;
2. Provides the name of the secured party or a representative of the secured party;
3. Indicates the filing covers a manufactured home to be considered a fixture as part of the type of collateral;
4. Indicates that the filing is to be filed in the real property records; and
5. Includes a description of the real property to which the home is related.





Florida

Florida law states that no person may sell or otherwise dispose of a manufactured home without delivering to the purchaser or transferee a Certificate of Title with such assignment thereon as may be necessary to show title in the name of the purchaser. Further, generally, no person may purchase or otherwise acquire or bring into the state a manufactured home, except for a surviving spouse under certain circumstances, unless such person obtains a Certificate of Title issued in the dealer's name, or the dealer reassigns any existing Certificate of Title.²⁹

Note, however, that it is unnecessary for any licensed dealer to obtain a Certificate of Title for any manufactured home which he or she is selling or which he or she acquires for sale, if the dealer obtains a manufacturer's statement of origin. However, the dealer must attach the manufacturer's statement of origin to the separate application for initial Certificate of Title that is made by the purchaser and certify on the face of such application that the vehicle is a new manufactured home and must also disclose the name and address of the manufacturer, distributor, or other person from whom the dealer acquired such manufactured home.

Purchase money loans for new manufactured housing

Under Florida law, a title to a mobile home³⁰ ("manufactured home") initially must be in the form of a Certificate of Title issued by the Florida Department of Highway Safety and Motor Vehicles ("Department").

To obtain a Certificate of Title, an application must be filed with the Department and must be accompanied by the appropriate fee.

The application to obtain a Certificate of Title may be found here:

<https://www.flhsmv.gov/pdf/forms/82039.pdf>.

If a Certificate of Title has been issued by the Department and not retired, retire the Certificate of Title (see "[Cancelling the Certificate of Title](#)").

Cancelling the Certificate of Title

To retire the Certificate of Title, the owner of the manufactured home, or lienholder as shown on the Certificate of Title pursuant to power of attorney from the owner of the manufactured home, must file an application with the Department.³¹

²⁹ Fla. Stat. § 319.21(3).

³⁰ "Mobile home" means a residential structure, transportable in one or more sections, which is eight body feet or more in width, over thirty-five (35) body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Fla. Stat. § 723.003(8). For purposes of this document, and to achieve uniformity in the discussion found in each state analysis within, we use the term "manufactured home" to mean "mobile home" as defined by Florida.

³¹ Fla. Stat. § 319.261(4).



The lender should record the following documents in the official records of the clerk of court in the county in which the real property is located:

1. The original title to the manufactured home, including a description of the manufactured home, model year, make, width, length, and Vehicle Identification Number (VIN), and a statement by any recorded lienholder on the title that the security interest in the home has been released, or that such security interest will be released upon retirement of the title;
2. The legal description of the real property, and in the case of a leasehold interest,³² a copy of the lease agreement;
3. A sworn statement by the owner of the real property, as shown on the real property deed or lease, that he or she is the owner of the manufactured home and that the home is permanently affixed to the real property in accordance with Florida law.³³

The application to retire the Certificate of Title may be found here:

<https://www.flhsmv.gov/pdf/forms/82109.pdf>.

The clerk of court, upon receipt of these documents, must record said documents against the real property and provide a copy of the recorded title to the owner of the real property with a copy of all the documents.³⁴

A manufactured home whose title has been retired must be conveyed by deed or real estate contract and must only be transferred together with the property to which it is affixed, unless procedures for the issuance of a new title are followed.³⁵

Further, if the title of a manufactured home has been retired, for purposes of perfecting, realizing, and foreclosure of security interests, a separate security interest in the manufactured home must not exist, and the manufactured home must only be secured as part of the real property through a mortgage or deed of trust.³⁶

32 Note: Fannie Mae's *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).

33 Fla. Stat. § 319.261(2).

34 Fla. Stat. § 319.261(3).

35 Fla. Stat. § 319.261(5).

36 Fla. Stat. § 319.261(7).



Purchase money loans for previously owned manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land (the Certificate of Title having been retired in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not retired, retire the Certificate of Title (see “[Cancelling the Certificate of Title](#)”).

If a Certificate of Title has not been previously issued for a manufactured home in Florida, but in another state, the application, unless otherwise provided by law, must be submitted with a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a Certificate of Title, bill of sale, or other evidence of ownership required by the law of the state or county from which the manufactured home was brought into Florida.³⁷

Refinance loans for manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land and titled as part of the real property (the Certificate of Title having been retired in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not retired, retire the Certificate of Title (see “[Cancelling the Certificate of Title](#)”).

³⁷ Fla. Stat. § 319.23(3).



An aerial photograph of a city in Georgia, showing a mix of residential neighborhoods with colorful autumn trees and a downtown skyline with several skyscrapers in the distance. A large, semi-transparent blue circle is centered over the image, containing the word "Georgia" in white, sans-serif font.

Georgia

Generally, a manufactured home will constitute personal property and will be subject to the Georgia Motor Vehicle Certificate of Title Act when the manufactured home is converted to real property. Under Georgia law, the title to a manufactured home is initially held in the form of a Certificate of Title issued by the Georgia Revenue Commissioner (“GRC”). The application for a Certificate of Title must be submitted by the owner of the manufactured home within thirty (30) days from the date of purchase or acquisition.

An application for a Certificate of must contain:

1. The full legal name, driver license number, residence, and mailing address of the owner;
2. A description of the manufactured home, including, so far as the following data exist: its make, model, identifying number, type of body, whether new, used, or a demonstrator, the Manufacturer’s Statement or Certificate of Origin, and the full serial number if the manufactured home was sold in Georgia on or after July 1, 1994;
3. The date of purchase by the applicant and the name and address of the person from whom the vehicle was acquired and the names and addresses of the holders of all security interests and liens in order of their priority; and
4. Any further information the GRC reasonably requires.

Additionally, if the application refers to a manufactured home purchased from a dealer, the application must contain the name and address of the holder of any security interest created or reserved at the time of the sale by the dealer. The dealer must mail, deliver, or electronically submit the application for Certificate of Title to the authorized county tag agent in the county where the manufactured home will be registered within thirty (30) days from the date of sale.

The Georgia Motor Vehicle Title Application (Form MV-1) may be found here:

<https://dor.georgia.gov/mv-1-dor-motor-vehicle-titletag-application>.

While Georgia statutes expressly state that a manufactured home that has not been issued a Certificate of Title and sold after July 1, 2006, may become real property if the stated requirements, among others, are met, the Instructions for Completing the Mobile/Manufactured Home Certificate of Permanent Location expressly indicate that a Certificate of Title be obtained before the Certificate of Permanent Location may be submitted to the GRC.

A manufactured home may be converted into real property if:

1. The home is permanently affixed to real property;
2. One or more persons with an ownership interest in the home also has ownership interest in the real property; and



3. The owner of the home and the holders of all security interest therein execute and file a Certificate of Permanent Location in the real estate records of the county where the real property is located and with the GRC.³⁸

The Georgia Certificate of Permanent Location must include, among other things:

1. The name and address of the owner of the home;
2. The names and addresses of the holders of any security interest in and of any lien upon the home;
3. The title number assigned to the home, or, as an attachment, the Manufacturer's Original Certificate of Origin if the manufactured home has not been previously titled;
4. A description of the real estate on which the home is or is to be located, including the name of the owner and a reference by deed book and page number to the chain of title of such real property; and
5. Any other data the GRC prescribes.³⁹

The manufactured home will become for all legal purposes a part of the real property on which it is located once:⁴⁰

1. A Certificate of Permanent Location is properly filed with the clerk of superior court in the county where the manufactured home and land are situated;
2. A certified copy of the Certificate of Permanent Location is properly filed with the GRC; and
3. The Certificate of Title is surrendered.

The manufactured home will then be subject to transfer by the owner of the real property, subject to any security interest in the real property, and subject to foreclosure of any such interest, in the same manner as and together with the underlying real property.⁴¹

The GRC also publishes a Limited Power of Attorney (Form T-8), which may be found here:

<https://dor.georgia.gov/t-8-limited-power-attorneymotor-vehicle-transactions>.

³⁸ Ga. Code Ann. §§ 8-2-181(b); 183.1(a).

³⁹ Ga. Code Ann. §§ 8-2-181(c); 8-2-183.1(b).

⁴⁰ Ga. Code Ann. § 8-2-183(a).

⁴¹ Ga. Code Ann. § 8-2-183(a).





Hawaii

Under Hawaii law, Certificate of Title requirements do not apply to manufactured homes.⁴²

Hawaii does not have statutes that specify a procedure for converting a manufactured home from personal property to real property and documenting such conversion. In addition, there is no case law governing the treatment of manufactured homes as real property.⁴³ Accordingly, it is unclear whether a lender may record a lien on residential real estate by way of mortgage or deed-of-trust.

Note, however, that Hawaii law allows lenders to create and perfect security interests in manufactured homes under the Hawaii Uniform Commercial Code, with filings at the Hawaii Bureau of Conveyances.⁴⁴

⁴² Haw. Rev. Stat. §§ 286-2; 286-41; 286-52. “Manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the aforementioned requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code. Haw. Rev. Stat. § 490:9-102

⁴³ The significant ambiguities in Hawaii manufactured home titling law may be due to the negligible physical and economic presence manufactured homes have in the state. According to the United States Census Bureau, 520,577 new manufactured homes were sold across the United States between 2012 and 2018. However, Hawaii purchased only 48 manufactured homes. In contrast, during the same time span, Texas purchased 98,930. United States Census Bureau, Shipments of New Manufactured Homes, available at <https://www.census.gov/data/tables/time-series/econ/mhs/shipments.html> (last visited Jan 13, 2020).

⁴⁴ Haw. Rev. Stat. §§ 490:9-501; 490:9-515.



An aerial photograph of a town at sunset. The sky is a mix of orange, yellow, and blue. A large, dark blue circle is overlaid in the center of the image. The town below features a mix of residential and commercial buildings, a river, and a park area with a paved path and green lawn.

Idaho

Under Idaho law, the process of obtaining a Certificate of Title from the Idaho Transportation Department (“ITD”) may be avoided if the manufactured home is converted into real property. This requires that:

1. The running gear is removed;
2. The manufactured home becomes permanently affixed to a foundation on:
 - a. Land that is owned or being purchased by the owner or purchaser of said manufactured home; or
 - b. Land that is being leased by the owner or purchaser of the manufactured home if such home is being financed in accordance with the guidelines of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association,⁴⁵ the United States Department of Agriculture, or any other entity or agency that requires, as part of its financing program, similar restrictions on ownership and actions affecting title and possession.
3. The owner or purchaser of a manufactured home completes and records a Statement of Intent to Declare the manufactured home as real property on a form prescribed by the Idaho State Tax Commission (“ISTC”) with the county recorder in the county in which the manufactured home will be situated. See sample copy of form here: <https://twinfallscounty.org/wp-content/uploads/Statement-of-Intent-2019-Fill-In-Form.pdf>.

⁴⁵ Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).





Illinois

Under Illinois law, a Certificate of Title need not be obtained for a manufactured home for which an Affidavit of Affixation has been recorded pursuant to the Conveyance and Encumbrance of Manufactured Home as Real Property and Severance Act (“CEMHRPSA”).⁴⁶ More importantly, the Secretary of State will not issue a Certificate of Title to a manufactured home for which an Affidavit of Affixation pursuant to the CEMHRPSA has been recorded unless an Affidavit of Severance is recorded.⁴⁷

The CEMHRPSA sets forth conditions to convey or encumber a manufactured home as real property. In particular, the CEMHRPSA requires the following conditions be met to convey or voluntarily encumber a manufactured home as real property:

1. The manufactured home must be affixed to a permanent foundation on real property;
2. The ownership interest in the manufactured home and the real property to which the manufactured home is affixed must be identical, or, if the manufactured home is not located in a mobile home park as defined in Section 2.5 of the Mobile Home Park Act⁴⁸ (“MHPA”), and if the owner of the manufactured home, if not the owner of the real property, is in possession of the real property pursuant to the terms of a lease⁴⁹ in recordable form that has a term that continues for at least twenty (20) years after the date of execution, then the consent of the lessor of the real property must be given;
3. All persons having ownership interest in such manufactured home must execute and record with the recording officer of the county in which the real property is located an Affidavit of Affixation as provided in Section 5-15 of the CEMHRPSA and satisfy the other applicable requirements of the CEMHRPSA; and
4. Upon receipt of a certified copy of the recorded Affidavit of Affixation, any person designated therein for filing with the Secretary of State must file the certified copy of the Affidavit of Affixation with the Secretary of State.⁵⁰

Within forty-five (45) days after the completion of the first retail sale of a manufactured home, the Manufacturer’s Statement of Origin must be surrendered to the Secretary of State either in conjunction with an application for Certificate of Title for that manufactured home or if the manufactured home is, or the owner intends to have it, affixed to a permanent foundation, in which case an Affidavit of Affixation must be recorded.

⁴⁶ 765 Ill. Comp. Stat. Ann. 170/5-1 *et seq.*

⁴⁷ 625 Ill. Comp. Stat. Ann. 5/3-106.

⁴⁸ 210 Ill. Comp. Stat. Ann. 115/1 *et seq.*

⁴⁹ Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).

⁵⁰ 765 Ill. Comp. Stat. Ann. 170/5-10. See also 765 Ill. Comp. Stat. Ann. 170/5-15(a)(4); 625 Ill. Comp. Stat. Ann. 5/3-109; 625 Ill. Comp. Stat. Ann. 5/3-116.1.



An Affidavit of Affixation must be in a specific form, as required under the CEMHRPSA, and include:

1. The name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or numbers of the manufactured home, and whether the manufactured home is new or used;
 - a. A statement that the party executing the affidavit is the owner of the real property described therein; or
 - b. If the party executing the affidavit is not the owner of the real property,
 - i. A statement that the manufactured home is not located in a mobile home park as defined in Section 2.5 of the MHPA and that the party executing the affidavit is in possession of the real property pursuant to the terms of a lease in recordable form that has a term that continues for at least twenty (20) years after the date of execution of the affidavit; and
 - ii. The consent of the lessor of the real property, endorsed upon or attached to the affidavit and acknowledged or proved in the manner as to entitle a conveyance to be recorded;
2. The street address and the legal description of the real property to which the manufactured home is or will be affixed;
3. As applicable:
 - a. If the manufactured home is not covered by a Certificate of Title, a statement by the owner to that effect, and
 - i. A statement by the owner of the manufactured home that the manufactured home is covered by a Manufacturer's Statement of Origin, the date the Manufacturer's Statement of Origin was issued, and the manufacturer's serial number or numbers of the manufactured home; and
 - ii. A statement that annexed to the Affidavit of Affixation is a copy of the Manufacturer's Statement of Origin for the manufactured home, duly endorsed to the owner of the manufactured home, and that the owner of the manufactured home must surrender the original Manufacturer's Statement of Origin to the Secretary of State; or
 - b. If the manufactured home is covered by a Certificate of Title, a statement by the owner of the manufactured home that the manufactured home is covered by a Certificate of Title, the date the title was issued, the title number, and that the owner of the manufactured home must surrender the title to the Secretary of State;



4. A statement whether or not the manufactured home is subject to one or more security interests or liens, and
 - a. If the manufactured home is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home, including, but not limited to, each holder shown on any Certificate of Title issued by the Secretary of State, if any, the original principal amount secured by each security interest or lien; and a statement that the security interest or lien will be released; or
 - b. A statement that each security interest in or lien on the manufactured home, if any, has been released, together with due proof of each such release;
5. A statement that the manufactured home is or will be affixed to a permanent foundation;
6. The name and address of a person designated for filing the certified copy of the Affidavit of Affixation with the Secretary of State, to whom the recording officer will return the certified copy of the Affidavit of Affixation after it has been duly recorded in the real property records; and
7. The certification of a certified residential real estate appraiser, a certified general real estate appraiser, a licensed manufactured home installer, or a licensed professional engineer.

The Illinois Affidavit of Affixation may be found here:

https://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a289.pdf.

The Illinois Secretary of State also publishes a Power of Attorney form, which may be found here:

https://www.cyberdriveillinois.com/publications/pdf_publications/rt5.pdf.



A scenic view of a farm with a pond, a red barn, a white fence, and a large green circle containing the word 'Indiana'. The background shows a clear blue sky with light clouds, a large green circle with a white border, and a farm scene with a pond, a red barn, a white fence, and a large green circle containing the word 'Indiana'.

Indiana

A new manufactured home that is attached to real estate may be converted to real property without obtaining a Certificate of Title issued by the Indiana Bureau of Motor Vehicles (“IBMV”) if an Affidavit of Transfer to Real Estate (“ATRE”) is filed in the appropriate county recorder’s office and with the IBMV.⁵¹

An ATRE must contain or be accompanied by:

1. A full description of the manufactured home, including the description and the parcel number of the real estate to which the manufactured home is attached;
2. One or more of the following numbers:
 - a. A unique serial number assigned by the manufacturer to the manufactured home;
 - b. The certification label number required by the United States Department of Housing and Urban Development for the manufactured home;
3. A special identification number issued by the IBMV for the manufactured home;
4. An attestation by the owner of the manufactured home that the manufactured home has been permanently attached to the real estate upon which it is located; and
5. The appropriate fees.

The Indiana ATRE (State Form 51408) may be found here:

https://www.in.gov/bmv/files/ATRE_Packet.pdf.

The IBMV publishes a Limited Power of Attorney (State Form 1940), which may be found here:

<https://www.in.gov/bmv/2488.htm>.

⁵¹ The instructions to the ATRE (State Form 51408) provide that a person is not required to apply for an ATRE to convert a manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located. Indiana Bureau of Motor Vehicles, Affidavit of Transfer to Real Estate, available at https://www.in.gov/bmv/files/ATRE_Packet.pdf (last visited March 11, 2020).





Iowa

Under Iowa law, the owner of a manufactured home must make an application for a Certificate of Title from the treasurer of the county where the manufactured home is located.

The application for a Certificate of Title must include or be accompanied by, among other things:

1. A description of the manufactured home including, insofar as the specified data may exist, the make, model, type of body, the Vehicle Identification Number (VIN) or other assigned number, and whether new or used, and, if it is a new manufactured home, the date of sale by the manufacturer or dealer to the person intending to use the manufactured home;
2. A statement of the applicant's ownership and of all liens or encumbrances upon the manufactured home and the names and mailing addresses of all persons having any interest in the manufactured home and the nature of every such interest; and
3. A Manufacturer's or Importer's Certificate duly assigned.

The application for a Certificate of Title for a manufactured home may be found here:

<https://forms.iowadot.gov/BrowseForms.aspx?templateid=411007>.

A manufactured home that is located outside a manufactured home community can be converted to real estate by being placed on a permanent foundation and will be assessed for real estate taxes. If a security interest is noted on the Certificate of Title, the homeowner must tender to the secured party a mortgage on the real estate upon which the manufactured home is to be located in the unpaid amount of the secured debt and with the same priority as or a higher priority than the secured party's security interest, or must obtain the written consent of the secured party to the conversion, in which latter case the lien notation on the Certificate of Title will suffice to preserve the lienholder's security in the home separate from any interest in the land.

After complying with these conversion requirements, the owner must notify the assessor, who must inspect the new premises for compliance. If a security interest is noted on the Certificate of Title, the assessor must acquire an affidavit from the homeowner, declaring that the owner has complied with the necessary requirements, and setting forth the method of compliance. Upon conversion, the Certificate of Title is delivered to the county treasurer, who notifies the Iowa Department of Transportation and destroys the Certificate of Title.

The affidavit to convert a manufactured home into real estate may be found here:

<https://www.iowa-assessors.org/pview.aspx?id=21209&catid=564>.





Kansas

Under Kansas law, upon the transfer or sale of any manufactured home by any person or dealer, the owner must within thirty (30) days make application to the Kansas Department of Revenue Division of Vehicles (“KDRDV”) for issuance of a Certificate of Title evidencing the new ownership of such manufactured home. The application is made upon a form furnished by the KDRDV and must state all liens or encumbrances thereon and such other information as the KDRDV may require.

Note that dealers must execute, upon delivery to the purchaser of every new manufactured home, a Manufacturer’s Statement of Origin stating the liens and encumbrances thereon. The Manufacturer’s Statement of Origin may include an attachment containing assignment of such Statement of Origin on forms approved by the KDRDV. Upon the presentation to the KDRDV of a Manufacturer’s Statement of Origin, by a manufacturer or dealer for a new manufactured home, sold in Kansas, a Certificate of Title must be issued.

When a manufactured home is permanently affixed to real property, by placement upon a permanent foundation of a type not removable intact from such real property, the manufactured home must be considered for all purposes an improvement to real property, if the Certificate of Title that has been issued for such manufactured home is eliminated.

To eliminate a Certificate of Title that has been issued or is required to be issued for a manufactured home, the owner of the manufactured home must make an application to the KDRDV. A form for doing so may be found here: <https://www.ksrevenue.org/pdf/tr63.pdf>. The form must contain the homeowner’s name, information on the home, a copy of the deed, and a lien release consent signed by the lienholder. Once the form is approved by the KDRDV, the form must be submitted to the County Register of Deeds.



An aerial photograph of a city in Kentucky, showing a mix of historic brick buildings and modern structures. A large, semi-transparent purple circle is centered over the image, containing the word "Kentucky" in a white, serif font. The city is built on a hillside, with a prominent water tower visible in the distance. The sky is overcast with grey clouds. In the foreground, there are lush green trees and a street with several cars parked and driving. The overall scene depicts a vibrant, historic urban environment.

Kentucky

Under Kentucky law, title to a manufactured home must initially be in the form of a Certificate of Title issued by the Kentucky Transportation Cabinet (“KTC”). A person, generally, must apply for a Certificate of Title within fifteen (15) days of acquiring the manufactured home.

The application for a Certificate of Title should be on a form furnished by the KTC and should contain or be accompanied by:

1. The manufactured home’s Vehicle Identification Number (VIN);
2. The manufactured home’s make, year, body style, model, model number, and color;
3. Any applicable fees; and
4. Any other information the KTC may require.

An Application for Kentucky Certificate of Title or Registration (TC 96-182-1) can be found here: <https://transportation.ky.gov/Organizational-Resources/Forms/TC%2096-182.pdf>.

When a manufactured home is or is to be permanently affixed to real estate, the owner may file an Affidavit of Conversion to Real Estate with the county clerk of the county in which the real estate is located and surrender the Certificate of Title.

An Affidavit of Conversion to Real Estate must include or be accompanied by:

1. The manufactured home’s make, model, and serial number;
2. The Certificate of Title number;
3. The Certificate of Title;
4. Any applicable fees; and
5. Any applicable lien releases.

Once filed, the county clerk will furnish a copy of the Affidavit of Conversion to Real Estate to the property valuation administrator for inclusion in the real property tax rolls of the county. A filing of an Affidavit of Conversion to Real Estate and a surrender of a Certificate of Title will deem the conversion of the property as an improvement to the real estate upon which it is located.

An example of one county’s Affidavit of Conversion to Real Estate can be found here: <https://edmonsonclerk.com/wp-content/uploads/2017/04/Affidavit-of-Conversion.pdf>.

A Power of Attorney form (TC 96–336) may be found here: <https://transportation.ky.gov/Organizational-Resources/Forms/TC%2096-336.pdf>.





Louisiana

Under Louisiana law, a Certificate of Title can be avoided for those manufactured homes that will be immobilized (i.e., treated as real property).⁵² To immobilize a manufactured home, the owner must submit to the Louisiana Department of Public Safety (“LDPS”), among other things, an Act of Immobilization (with an Affidavit to Immobilize).⁵³

A manufactured home placed on a lot or tract of land will be considered an immovable property when an authentic act or validly executed sale, mortgage, or sale with mortgage is recorded in the local parish records where the lot or tract of land is located.⁵⁴ The authentic act to immobilize a manufactured home is done through an Affidavit to Immobilize.⁵⁵ To classify a home as immobile property, an Act of Immobilization must be filed and, among other things, contain:

1. A description of the manufactured home as described in the Certificate of Title or Manufacturer’s Certificate of Origin;
2. A description of the lot or tract of land on which the manufactured home is located; and
3. A declaration by the owner of the manufactured home and any holder of a security interest that the manufactured home will remain permanently attached to the land described in the Act of Immobilization.

The owner must declare the manufactured home immobile with the LDPS by submitting the following:

1. The original Certificate of Title or Manufacturer’s Certificate of Origin;
2. A bill of sale;
3. An Act of Immobilization;⁵⁶
4. A completed Vehicle Application Form (Form 1799); and
5. Applicable sales tax and fees.⁵⁷

52 Louisiana Dept. of Public Safety, Office of Motor Vehicles, Classification of a Factory Built Home as Immoveable, available at [http://web01.dps.louisiana.gov/Omv1.nsf/\\$print/7406753D434066D2862564BA00691CBA?OpenDocument](http://web01.dps.louisiana.gov/Omv1.nsf/$print/7406753D434066D2862564BA00691CBA?OpenDocument) (last visited March 11, 2020).

53 Louisiana Dept. of Public Safety, Office of Motor Vehicles, Classification of a Factory Built Home as Immoveable, available at [http://web01.dps.louisiana.gov/Omv1.nsf/\\$print/7406753D434066D2862564BA00691CBA?OpenDocument](http://web01.dps.louisiana.gov/Omv1.nsf/$print/7406753D434066D2862564BA00691CBA?OpenDocument) (last visited March 11, 2020).

54 La. Rev. Stat. Ann. § 9:1149.4(A).

55 Louisiana Dept. of Public Safety, Office of Motor Vehicles, Classification of a Factory Built Home as Immoveable, available at [http://web01.dps.louisiana.gov/Omv1.nsf/\\$print/7406753D434066D2862564BA00691CBA?OpenDocument](http://web01.dps.louisiana.gov/Omv1.nsf/$print/7406753D434066D2862564BA00691CBA?OpenDocument) (last visited March 11, 2020).

56 Louisiana Dept. of Public Safety, Office of Motor Vehicles, Act of Immobilization, available at <http://web01.dps.louisiana.gov/omv1.nsf/58c968bd569b099986256cdc000806eb/8fb6d6aff557ed02862576a2006a8f38?OpenDocument> (last visited March 11, 2020). Sample forms of Acts of Immobilization may also be found here: <http://www.caddoclerk.com/pdfs/ActOfDelImmobilization.pdf>; and here: <http://www.rapidesclerk.org/forms/ActToDelImmobilization.pdf> (last visited March 11, 2020).

57 Louisiana Dept. of Public Safety, Office of Motor Vehicles, Classification of a Factory Built Home as Immoveable, available at [http://web01.dps.louisiana.gov/Omv1.nsf/\\$print/7406753D434066D2862564BA00691CBA?OpenDocument](http://web01.dps.louisiana.gov/Omv1.nsf/$print/7406753D434066D2862564BA00691CBA?OpenDocument) (last visited March 11, 2020).

Note that taxes on manufactured homes must be paid by the twentieth (20th) of the month following the month in which the manufactured home was delivered to the purchaser. Delivery will be considered the day the purchaser takes possession of the home. It appears that LDPS may require proof of payment of taxes on the manufactured home to accept an Act of Immobilization. Louisiana Dept. of Public Safety, Office of Motor Vehicles, Classification of a Factory Built Home as Immoveable, available at [http://web01.dps.louisiana.gov/Omv1.nsf/\\$print/7406753D434066D2862564BA00691CBA?OpenDocument](http://web01.dps.louisiana.gov/Omv1.nsf/$print/7406753D434066D2862564BA00691CBA?OpenDocument) (last visited March 11, 2020).



Once the Act of Immobilization is recorded, the manufactured home will be subject to all laws concerning immovable property. Further, upon recordation of the Act of Immobilization, the owner of the manufactured home or their agent must file with the LDPS a certified copy of the Act of Immobilization.⁵⁸ The LDPS must then return to the owner or their agent an acknowledgement that the Act of Immobilization has been received and the public record created.⁵⁹

Additional information on the use of powers of attorney in titling in Louisiana may be found here: <https://www.powerdms.com/public/LADPSC/documents/368771>.

58 La. Rev. Stat. Ann. § 9:1149.4(D)(1).

59 La. Rev. Stat. Ann. § 9:1149.4(D)(2).



A photograph of a residential street in Maine. The scene shows a paved road with a red car and a blue car in the distance. On the left, there are several houses, including a prominent white one with a grey porch. Large trees with green and some autumn-colored leaves are scattered throughout the scene. Power lines and utility poles are visible against a blue sky with scattered white clouds. A large, semi-transparent teal circle is overlaid in the center of the image, containing the word "Maine" in a white, serif font.

Maine

In Maine, title to manufactured housing (“manufactured home”) is held in the form of a Certificate of Title issued by the Maine Secretary of State (“MSS”).

The application for a Certificate of Title for a new manufactured home must be submitted to the MSS by the retail seller. If the manufactured home is purchased new, out of state, the application must be submitted by the lienholder or the owner. The application must be accompanied by the Manufacturer’s Certificate of Origin. The application for a Certificate of Title for a manufactured home may be found here: <https://www.maine.gov/sos/bmv/forms/MVT-2%20MH%20Manuf%20Housing%201-2013.pdf>.

Once the manufactured home is permanently affixed to land, the Certificate of Title to the manufactured home may be canceled by the MSS if the owner of the real property records the following documents in the registry of deeds for the county in which the real property is located:

1. The original Certificate of Title to the manufactured home;
2. A description of the manufactured home, including model year, make, width, length, and identification number, and a statement by any recorded lienholder on the Certificate of Title that the security interest has been released or that such security interest will be released upon cancellation of the Certificate of Title;
3. The legal description of the real property; and
4. A sworn statement by the owner of the real property, as shown on the real property deed, that the owner of the real property is the owner of the manufactured home and that the manufactured home is permanently affixed to the real property in accordance with state law.

An owner of a manufactured home must file a written request with the MSS for cancellation of the Certificate of Title to the manufactured home after filing the above-stated documents and after those documents are recorded by the register of deeds and by returning the recorded Certificate of Title.



An aerial photograph of a city, likely Baltimore, Maryland, featuring a mix of historic brick buildings and modern high-rise apartment complexes. The scene is filled with lush green trees. A large, semi-transparent green circle is centered over the image, containing the word "Maryland" in a white, serif font.

Maryland

In Maryland, the process of obtaining a Certificate of Title from the Maryland Motor Vehicle Administration (“MMVA”) may be avoided for a new manufactured home that is permanently affixed to real property.

A manufactured home may be converted to real property when:

1. The manufactured home is attached to a permanent foundation;
2. The ownership interests in the manufactured home and the parcel of real property to which the manufactured home is affixed are identical; and
3. An Affidavit of Affixation has been recorded with the clerk of the court of the county in which the parcel of real property to which the manufactured home is affixed is located.

The Affidavit of Affixation for a new manufactured home must be accompanied by a manufacturer’s Certificate of Origin for the manufactured home that:

1. Has the word “surrendered” clearly written on its face; and
2. If the manufacturer’s Certificate of Origin indicates that there is a lien on the manufactured home, is accompanied by a release from each party that is indicated to have a lien on the manufactured home.

The Maryland Affidavit of Affixation may be found here:

<https://mva.maryland.gov/Documents/VR-451.pdf>.



An aerial photograph of a coastal town in Massachusetts, featuring a mix of residential buildings, trees, and a large body of water in the background. A large, semi-transparent orange circle is centered over the image, containing the word "Massachusetts" in white text.

Massachusetts

Massachusetts law is unclear as to whether a manufactured home may be converted from personal property to real property, but the Massachusetts Supreme Judicial Court has held that if a mobile home acquired the characteristics of a conventional home, the mobile home ceases to be tangible personal property and becomes real estate. Additionally, if the parties intend the manufactured home that is affixed to real property to be considered realty, then the parties' intention will be given weight by the Massachusetts courts and the Department of Revenue.



An aerial photograph of a suburban neighborhood in Michigan, showing rows of houses with grey roofs, green lawns, and trees with autumn foliage. A large blue circle is overlaid in the center, containing the word "Michigan" in white serif font.

Michigan

Purchase money loans for new manufactured housing

The title to a manufactured home must be initially in the form of a Certificate of Title issued by the Michigan Department of State (“Department”).⁶⁰

The application for a Certificate of Title must be acknowledged by the owner before a person authorized to take acknowledgments and must contain:

1. The name and address of the owner;
2. A description of the manufactured home,⁶¹ including the name of the manufacturer, the year and model, and the manufacturer’s serial number or, in the absence of a serial number, a number assigned by the Department;
3. A statement of the names and addresses of the holders of any security interest in the manufactured home, in order of priority; and
4. Further information as may reasonably be required by the Department to enable it to determine whether the applicant is entitled to a Certificate of Title for the manufactured home.⁶²

Upon completion of the application process, the Certificate of Title is issued.

If a Certificate of Title has been issued by the Department and not cancelled, cancel the Certificate of Title (see [“Cancelling the Certificate of Title”](#)).

Cancelling the Certificate of Title

If a manufactured home is affixed⁶³ to real property in which the owner of the manufactured home has the ownership interest, to convert the home into real property, the owner must deliver to the Department:

1. An affidavit of affixture;
2. The Certificate of Title for the manufactured home or the Certificate of Origin if a Certificate of Title has not been issued by the Department (or sufficient proof of ownership as provided by law); and
3. The appropriate fee.⁶⁴

⁶⁰ Mich. Comp. Laws Serv. § 125.2330(1).

⁶¹ For the purposes of this document, and to achieve uniformity in the discussion found in each state analysis, we use the term “manufactured home” to mean “mobile home” as defined by the Michigan statute.

⁶² Mich. Comp. Laws Serv. § 125.2330a(1).

⁶³ Note that a mobile home is “affixed” to real property if: (1) the wheels, towing hitches, and running gear are removed, and (2) it is attached to a foundation or other support system. Mich. Comp. Laws Serv. § 125.2330i(11)(a).

⁶⁴ Mich. Comp. Laws Serv. § 125.2330i(1).



The affidavit of affixture must contain:

1. The name and address of the owner;
2. A description of the manufactured home that includes the name of the manufacturer of the mobile home, the year of manufacture, the model, the manufacturer's serial number, and, if applicable, the number assigned by the Department;
3. A statement that the manufactured home is affixed to the real property;
4. The legal description of the real property to which the manufactured home is affixed; and
5. The name of each holder of a security interest in the manufactured home, together with the written consent of each holder to the termination of the security interest and the cancellation of the Certificate of Title, if applicable.⁶⁵

This affidavit of affixture may be found here:

https://www.michigan.gov/documents/lara/lara_bcc_961_affidavit_of_affixture_0616-fillable_528114_7.pdf.

When the Department receives an affidavit of affixture and the Certificate of Title, the Department must cancel the Certificate of Title. Further, the owner of the manufactured home must deliver a duplicate original of the executed affidavit to the register of deeds for the county in which the real property is located.⁶⁶

When the Department receives an affidavit and Certificate of Title, the Department must cancel the Certificate of Title for the manufactured home, and the manufactured home is considered to be a part of the real property.⁶⁷ Further, any security interest in the manufactured home is terminated, a lienholder must perfect and enforce a new security interest or lien on the manufactured home only in the manner provided by law for perfecting and enforcing a lien on real property, and the owner may convey the manufactured home only as part of the real property to which it is affixed.⁶⁸

Purchase money loans for previously owned manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land (the Certificate of Title having been cancelled in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not cancelled, cancel the Certificate of Title (see "[Cancelling the Certificate of Title](#)").

⁶⁵ Mich. Comp. Laws Serv. § 125.2330i(1)(a).

⁶⁶ Mich. Comp. Laws Serv. § 125.2330i(3).

⁶⁷ Mich. Comp. Laws Serv. § 125.2330i(2), (5).

⁶⁸ Mich. Comp. Laws Serv. § 125.2330i(5).



If the owner of a manufactured home transfers or assigns title or interest to the manufactured home, the owner must endorse an assignment of the manufactured home with warranty of title with a statement of all security interest in the manufactured home and must mail or deliver to the Department or to the purchaser or transferee at the time of delivery to the purchaser or transferee of the manufactured home.⁶⁹

Refinance loans for manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

If the manufactured home is permanently affixed to the land and titled as part of the real property (the Certificate of Title having been retired in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.

If a Certificate of Title has been issued by the Department and not cancelled, cancel the Certificate of Title (see “[Cancelling the Certificate of Title](#)”).

⁶⁹ Mich. Comp. Laws Serv. § 125.2330c(1).



An aerial photograph of a small town in Minnesota, featuring a mix of residential houses, commercial buildings, a large parking lot, a water tower, and railroad tracks. A large, semi-transparent purple circle is overlaid on the center of the image, containing the word "Minnesota" in white text.

Minnesota

In Minnesota, a Certificate of Title issued by the Minnesota Department of Public Safety (“MDPS”) is required for a new manufactured home if the manufactured home is to be affixed or is affixed to real property. To begin the process, the owner of the new manufactured home must surrender the Manufacturer’s Certificate of Origin, submit the Affidavit of Affixation to MDPS, and record the Affidavit of Affixation (Form PS2725) with the county recorder or registrar of titles.

Generally, an Affidavit of Affixation must include the following information:

1. The name, residence address, and mailing address of the owner of the manufactured home;
2. The legal description of the real property in which the manufactured home is, or will be, located;
3. A written statement from the auditor or treasurer of the county where the manufactured home is located stating that all property taxes payable in the current year have been paid, or are not applicable;
4. The name and address of the person designated by the applicant to record the original Affidavit of Affixation with the recorder or registrar of titles for the county where the real property is located; and
5. The signature of the person who executes the affidavit, properly executed before a person authorized to authenticate an affidavit in Minnesota.

The Minnesota Affidavit of Affixed Manufactured Home to Real Property can be found here:

https://dps.mn.gov/divisions/dvs/forms-documents/Documents/MV_ManufacturedHomeAffixed.pdf.





Mississippi

Under Mississippi law every owner of a manufactured home in Mississippi that is manufactured or assembled after July 1, 1999, or which is the subject of first sale for use after July 1, 1999, must apply to the Mississippi Department of Revenue (“MDR”) for a Certificate of Title.

Note that the application for a Certificate of Title for a manufactured home in Mississippi must be made by the owner to a Designated Agent on the form the MDR prescribes. The application must be accompanied by such evidence as the MDR reasonably requires to identify the manufactured home and to enable the MDR to determine whether the owner is entitled to a Certificate of Title and the existence or nonexistence of security interests in the manufactured home and whether the applicant is liable for a use tax. Further, for a new manufactured home, the application must contain the certified Manufacturer’s Statement of Origin showing proper assignments to the applicant and a copy of each security interest document.

If the legal owner of a manufactured home and the real property to which the manufactured home has become affixed wishes to permanently retire the Certificate of Title to a manufactured home to real property, then such owner must complete an application for the retirement of the Certificate of Title to the manufactured home and may file or cause to be filed an Affidavit of Affixation (Form 78908) duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of Mississippi in the official records of the chancery clerk of the county, or in the judicial district in counties having more than one (1) such district in which the real property is located.

An Affidavit of Affixation may be found here:

<https://www.dor.ms.gov/Forms/78908%20Affidavit%20of%20Affixation.pdf>.

An Affidavit of Affixation (Form 78908) must include information on the homeowner, lienholder, the home, a legal description of the location of the home, and proof of taxes paid, and it must be notarized.





Missouri

Under Missouri law, title to a manufactured home is initially held in the form of a Certificate of Title issued by the Missouri Department of Revenue (“MDR”).⁷⁰ A person usually has thirty (30) days from the date of purchase to title and pay sales tax on a newly purchased manufactured home.⁷¹ As indicated below, a Certificate of Title is not required to convert a manufactured home to real property.

Generally, a Certificate of Title application for a manufactured home must contain or be accompanied by:

1. The name, residence, and mailing address of the owner;
2. A description of the manufactured home, including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer’s serial number of the manufactured home and whether it is new or used;
3. A statement signed by the applicant, stating either:
 - a. Any facts or information known to the applicant that could affect the validity of the title of the manufactured home or the existence or nonexistence of any security interest in or lien on it; or
 - b. That no such facts or information are known to the applicant;
4. A declaration by an attorney-at-law, duly admitted to practice in the courts of the state of Missouri, or an agent of a title insurance company duly licensed to issue policies of title insurance in the state of Missouri, that the manufactured home is free and clear of, or has been released from, all recorded security interests, liens, and encumbrances; and
 - a. Any facts or information known to him or her that could affect the validity of the title of the manufactured home or the existence or nonexistence of any security interest in or lien on it; or
 - b. That no such facts or information are known to him or her;
5. The applicable fee for filing the application; and
6. Any other information and documents the MDR reasonably requires.⁷²

The Application for Missouri Title and License (Form 108) may be found here:

<https://dor.mo.gov/motorv/titling.php>.

In Missouri, a manufactured home is deemed to be real property when the following events have occurred:

1. The manufactured home is permanently affixed⁷³ to land;
2. An Affidavit of Affixation has been recorded in the conveyance records in the office of the county recorder in the county where the manufactured home is permanently affixed;
3. A certified copy of the Affidavit of Affixation has been delivered to the MDR; and

⁷⁰ Mo. Rev. Stat. § 700.320(1).

⁷¹ Mo. Rev. Stat. § 700.320(2); See also Missouri Dept. of Revenue, Motor Vehicle Titling, Missouri Resident Titling Requirements, available at <https://dor.mo.gov/motorv/titling.php> (last visited March 11, 2020).

⁷² Mo. Rev. Stat. § 700.111(4)(1).

⁷³ A manufactured home is “permanently affixed” if it is anchored to real estate by attachment to a permanent foundation, constructed in accordance with applicable state and local building codes and manufacturer’s specification as provided in 24 C.F.R. Part 3285, and connected to residential utilities, such as water, gas, electricity, or sewer and septic service. Mo. Rev. Stat. § 442.015(1).



4. The owner of the manufactured home surrenders the Manufacturer's Certificate of Origin or the Certificate of Title;

Under Missouri law, to convey or voluntarily encumber a manufactured home as real estate, the following conditions must be met:

1. The manufactured home must be permanently affixed to real estate;
2. The ownership interest in the manufactured home and the real estate to which the manufactured home is permanently affixed must be identical, provided, however, that the owner of the manufactured home, if not the owner of the real estate, is in possession of the real estate under the terms of a lease⁷⁴ in recordable form that has a term that continues for at least twenty (20) years after the date of execution and the consent of the lessor of the real estate; and
3. A certified copy of the Affidavit of Affixation must be filed with the MDR.⁷⁵

An Affidavit of Affixation must contain or be accompanied by:

1. The name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home, and whether the manufactured home is new or used;
2. A statement that the party executing the affidavit is the owner of the real estate described therein or, if not the owner of the real estate:
 - a. A statement that the party executing the affidavit is in possession of the real estate under the terms of a lease in recordable form that has a term that continues for at least twenty (20) years after the date of execution of the affidavit; and
 - b. The consent of the lessor of the real estate endorsed upon or attached to the affidavit and acknowledge or proved in the manner as to entitle a conveyance to be recorded;
3. The street address and the legal description of the real estate to which the manufactured home is or will be permanently affixed;
4. If the manufactured home is not yet covered by a Certificate of Title, a statement by the owner to that effect, and either:
 - a. A statement by the owner of the manufactured home that the manufactured home is covered by a Manufacturer's Certificate of Origin, the date the Manufacturer's Certificate of Origin was issued, the manufacturer's serial number, and a statement that annexed to the affidavit of affixation is the original Manufacturer's Certificate of Origin for the manufactured home, duly endorsed to the owner of the manufactured home, and that the owner of the manufactured home must surrender the Manufacturer's Certificate of Origin to the MDR; or

⁷⁴ Note: Fannie Mae's *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).

⁷⁵ Mo. Rev. Stat. § 442.015(2).



- b. A statement that the owner of the manufactured home, after diligent search and inquiry, is unable to produce the original Manufacturer's Certificate of Origin for the manufactured home and that the owner of the manufactured home must apply to the MDR for a confirmation of conversion of the manufactured home; or
5. If the manufactured home is covered by a Certificate of Title, either:
 - a. A statement by the owner of the manufactured home that the manufactured home is covered by a Certificate of Title, the date the title was issued, the title number, and that the owner of the manufactured home must surrender the title; or
 - b. A statement that the owner of the manufactured home, after diligent search and inquiry, is unable to produce the Certificate of Title for the manufactured home and that the owner of the manufactured home must apply to the MDR for a confirmation of conversion of the manufactured home;
6. A statement as to whether or not the manufactured home is subject to one or more security interests or liens, and:
 - a. If the manufactured home is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home, including, but not limited to, each holder shown on any Certificate of Title issued by the MDR, if any, the original principal amount secured by each security interest or lien, and a statement that the security interest or lien may be released; or
 - b. A statement that each security interest in or lien on the manufactured home, if any, has been released, together with due proof of each such release;
7. If the manufactured home is covered by neither a Manufacturer's Certificate of Origin nor a Certificate of Title, a statement by the owner of the manufactured home to that effect and that the owner of the manufactured home must file an Application for Confirmation of Conversion with the MDR;
8. A statement that the manufactured home is permanently affixed to the real estate; and
9. The name and address of a person designated for filing the certified copy of the affidavit of affixation with the MDR, after it has been duly recorded in the real estate records.⁷⁶

The Missouri Affidavit of Affixation (Form 5312) may be found here:

<https://dor.mo.gov/motorv/homes>.

⁷⁶ Mo. Rev. Stat. § 442.015(3). Importantly, the MDR will not issue a Certificate of Title to a manufactured home where an Affidavit of Affixation was recorded unless an Affidavit of Severance was subsequently recorded. Mo. Rev. Stat. § 700.320(5). An Affidavit of Severance is filed when a manufactured home is detached or severed from the real estate to which it is affixed. Mo. Rev. Stat. § 442.015(10)(1).



Once the owner of a manufactured home permanently affixes it to real property, the owner may surrender the Certificate of Title by filing with the MDR an Application for Surrender of Title containing or accompanied by:

1. The name, residence, and mailing address of the owner;
2. A description of the manufactured home, including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home and whether it is new or used and any other information the director of revenue requires;
3. The date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired, and the names and addresses of any security interest holders and lienholders in the order of their apparent priority;
4. A statement signed by the owner, stating either:
 - a. Any facts or information known to the owner that could affect the validity of the title to the manufactured home or the existence or nonexistence of a security interest in or lien on it; or
 - b. That no such facts or information are known to the owner;
5. A certified copy of the Affidavit of Affixation;
6. The original Manufacturer's Certificate of Origin or original Certificate of Title;
7. The name and mailing address of each person wishing written acknowledgment of surrender from the director of revenue;
8. The applicable fee for filing the application for surrender; and
9. Any other information and documents the MDR reasonably requires.⁷⁷

The Missouri Application for Surrender of Title or Manufacturer's Certification of Origin (Form 5315) may be found here: <https://dor.mo.gov/motorv/homes>.

⁷⁷ Mo. Rev. Stat. § 700.111(1), (2).





Montana

Under Montana law, the process of obtaining a Certificate of Title issued by the Montana Motor Vehicle Division (“MMVD”) may be avoided for a manufactured home that is an improvement to real property (i.e., permanently attached to real estate).

To convert a manufactured home to real property without having to obtain a Certificate of Title, a Statement of Intent to Declare a Manufactured Home an Improvement to Real Property (Form MV72) (“Statement of Intent”) must be recorded and processed by several municipal offices and divisions as follows:

1. The Statement of Intent must be recorded in the clerk and recorder’s office of the county in which the manufactured home is located.
2. Upon receipt of the recorded Statement of Intent from the clerk and recorder’s office, the clerk and recorder’s office recorded Statement of Intent and the Certificate of Origin for the manufactured home must be submitted to the county treasurer’s office of the county in which the manufactured home is located.
3. Once the treasurer’s office has processed the Statement of Intent, the treasurer’s office will forward the Statement of Intent to the MMVD.
4. Upon receipt of the certified copy of the Statement of Intent from the MMVD, the MMVD certified Statement of Intent must be:
 - a. Resubmitted to the appropriate clerk and recorder’s office; and
 - b. Submitted to the county appraisal and assessment office.

The Statement of Intent (Form MV72) may be found here:

<https://dojmt.gov/wp-content/uploads/Statement-of-Intent-to-Declare-a-Manufactured-Home-an-Improvement-to-Real-Property.pdf>.

A manufactured home that has been declared an improvement to real property in accordance with statutory requirements and the procedures of the MMVD will be treated by the state and lending institutions in the same manner as any other residence that is classified as an improvement to real property.



An aerial photograph of a suburban neighborhood, showing a grid of streets, numerous houses with varying roof colors, and green lawns. A large, semi-transparent orange circle is centered over the middle of the image. The word "Nebraska" is written in white, serif font across the center of this circle.

Nebraska

Under Nebraska law, obtaining a Certificate of Title issued by the Nebraska Department of Motor Vehicles (“NDMV”) for a new manufactured home is required prior to affixing the manufactured home to real estate. The Certificate of Title must be obtained within thirty (30) days of the date of purchase. All sales tax for the manufactured home must be paid before title will be issued.

To obtain a Certificate of Title for a manufactured home, the owner must submit an Application for a Certificate of Title to the NDMV along with a Manufacturer’s Certificate of Origin, Manufactured Housing Transfer Statement (Form 521 MH), and the appropriate fees.

The Application for Certificate of Title may be found here:

<https://dmv.nebraska.gov/sites/dmv.nebraska.gov/files/doc/dvr/forms/titleapp.pdf>.

The Manufactured Housing Transfer Statement (Form 521 MH) may be found here:

http://www.revenue.nebraska.gov/PAD/forms/521MH_Mfg_Housing_Transfer_Statement.pdf.

To cancel the Certificate of Title, the owner of the manufactured home must affix the manufactured home to the real property in which the owner has an ownership interest. A manufactured home is affixed to real estate if the wheels, towing hitches, and running gear are removed and is permanently attached to a foundation or other support system.

The Certificate of Title is surrendered for cancellation to the NDMV (i.e., county treasury) of the county where the manufactured home is affixed to real property. Along with the Certificate of Title to be surrendered, the owner must also submit an Affidavit of Affixture for a Mobile Home with a Nebraska Certificate of Title (“Affidavit of Affixture”) and the appropriate fees.

The Affidavit of Affixture for a Mobile Home with a Nebraska Certificate of Title may be found here:

<https://dmv.nebraska.gov/sites/dmv.nebraska.gov/files/doc/dvr/forms/affixaff.pdf>.

After the Certificate of Title is cancelled and the Affidavit of Affixture is recorded, the manufactured home is treated as part of the real property. Any lien on the manufactured property will be perfected and enforced in the same manner as a lien on real estate.



A scenic view of a residential development in Nevada. The foreground shows a row of modern, single-story houses with light-colored walls and brown tiled roofs. A stone retaining wall runs along the front of the houses. In the background, there are rolling hills and a range of rugged, brown mountains under a clear blue sky. A large, semi-transparent blue circle is overlaid in the center of the image, containing the word "Nevada" in white, serif font.

Nevada

Purchase money loans for new manufactured housing

Under Nevada law, a title to a manufactured home⁷⁸ must be initially in the form of a Certificate of Title⁷⁹ issued by the Nevada Housing Division of the Department of Business and Industry (“Division”).⁸⁰

A manufactured home is eligible to become real property if it becomes permanently affixed to land which is: (1) owned by the owner of the manufactured home; or (2) leased⁸¹ by the owner of the manufactured home if the home is being financed in accordance with the guidelines of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the United States Department of Agriculture, or any other entity that requires as part of its financing program restrictions on ownership and actions affecting title and possession similar to those required by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the United States Department of Agriculture.⁸²

The seller must complete and submit an application to the Division, along with the Dealer’s Report of Sale. The name and address of the secured party or his or her assignee must be entered on the Manufacturer’s Certificate or Statement of Origin. Seller must also submit the Manufacturer’s Certificate or Statement of Origin to the Division within thirty (30) days after the execution of all instruments required to be executed at the time of sale or within thirty (30) days after the date of sale, whichever is later, unless an extension of time is granted by the Division.

Note that any document submitted to the Division in support of an application for a Certificate of Title for a manufactured home must be the original document or a certified copy of the original document.⁸³

Upon completion of the application process, the Certificate of Title, showing the lender’s lien, is issued to the lender.

Surrender the Certificate of Title (see [“Cancelling the Certificate of Title”](#)).

78 “Manufactured home” means a structure which is: (1) built on a permanent chassis; (2) designed to be used with or without a permanent foundation as a dwelling when connected to utilities; (3) transportable in one or more sections; and (4) eight feet or more in body width or forty (40) feet or more in body length when transported, or, when erected on-site, contains three hundred-twenty (320) square feet or more. Note that Nevada defines “mobile home” to mean a structure which is: (1) built on a permanent chassis; (2) designed to be used with or without a permanent foundation as a dwelling when connected to utilities; and (3) transportable in one or more sections. Nev. Rev. Stat. § 489.120(1).

79 Most often referred to as a Certificate of Ownership in Nevada.

80 Nev. Rev. Stat. § 489.501(2).

81 Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).

82 Nev. Rev. Stat. § 361.244(1).

83 Nev. Rev. Stat. § 489.730.



Canceling the Certificate of Title

To convert a new manufactured home to real property, an Affidavit-Conversion of Mobile Home to Real Property must be completed, which varies in every county and must be obtained from the assessor in the county in which the manufactured home will be located. Further, an original recorded or certified recorded copy of the Manufacturer's Certificate of Origin and the Dealer's Report of Sale for the manufactured home being converted, along with the appropriate fee for the issuance of the new title record and the conversion to real property, must be submitted to the Division.⁸⁴

The Certificate of Title must be properly signed off by the owner and the lienholder on the back before being submitted to the Division. This releases all interest the owners/lienholders have in the manufactured home. Additionally, the Certificate of Title must be completed reflecting the name of purchasers, and the lienholders must submit the appropriate sections of the Certificate of Title.

The manufactured home becomes real property when the assessor of the county in which the manufactured home is located has placed it on the tax roll as real property. Generally, the assessor must not place a manufactured home on the tax roll until:

1. The assessor has received verification from the Manufactured Housing Division of the Department of Business and Industry that the manufactured home has been converted to real property;
2. The unsecured personal property tax has been paid in full for the current fiscal year;
3. An affidavit of conversion of the manufactured home from personal to real property has been recorded in the county recorder's office of the county in which the manufactured home is located; and
4. The dealer or owner has delivered to the Division a copy of the recorded affidavit of conversion and all documents relating to the manufactured home in its former condition as personal property.⁸⁵

The lender should undertake steps to ensure that the existing Certificate of Title is surrendered and should make sure it is properly signed off by the owner and the lienholder on the back of the Certificate of Title before it is submitted to the Division.

Purchase money loans for previously owned manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Division and the Nevada Department of Taxation), proceed to obtain the lien as for real property.

⁸⁴ *Titling Procedures, Manufactured and Mobile Homes*, State of Nevada Housing Division Manufactured Housing, available at: https://housing.nv.gov/ManfHousing/Titling/Titling_Forms/. (last visited July 13, 2019).

⁸⁵ Nev. Rev. Stat. § 361.244(2).



- If a Certificate of Title has been issued by the Division and not surrendered, surrender the Certificate of Title (see “[Cancelling the Certificate of Title](#)”).

Note, when a used manufactured home is sold by a dealer, the Certificate of Ownership and a Dealer’s Report of Sale must be completed by the dealer prior to submission of paperwork to the Department for processing. Further, an Affidavit-Conversion of Mobile Home to Real Property form must be completed.⁸⁶

Refinance loans for manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land and titled as part of the real property (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Division), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not surrendered, surrender the Certificate of Title (see “[Cancelling the Certificate of Title](#)”).

⁸⁶ *Titling Procedures, Manufactured and Mobile Homes*, State of Nevada Housing Division Manufactured Housing, available at: https://housing.nv.gov/ManfHousing/Titling/Titling_Forms/ (last visited July 13, 2019).





New Hampshire

Under New Hampshire law, the New Hampshire Certificate of Title requirements do not apply to manufactured housing.

New Hampshire does not have statutes that set forth a specific procedure to convert a manufactured home from personal to real property and document such conversion. New Hampshire law provides that manufactured homes placed on a site and connected to utilities are considered real estate for the purposes of transfer and are conveyed, mortgaged and leased, and subject to attachment, liens, foreclosure and execution in the same manner as real estate. In addition, New Hampshire law allows lenders the option of creating and perfecting a security interest in a manufactured home under the Uniform Commercial Code, with filings at the local town clerk or the New Hampshire Secretary of State.



An aerial photograph of New Jersey, showing a dense residential area in the foreground with various colored houses and trees. In the middle ground, there is a large body of water, likely a bay or harbor, with a bridge spanning across it. The background shows a hazy horizon under a clear blue sky. A large, dark blue circular graphic is overlaid in the center of the image, containing the text "New Jersey" in white, serif font.

New Jersey

Under New Jersey law, a “mobile home” (“manufactured home”) must be titled within ten (10) days of purchase, or a penalty fee will apply. The New Jersey Application for Certificate of Ownership can be found here: https://www.state.nj.us/mvc/pdf/about/ISM_SS-7.pdf.

A manufactured home, however, is subject to taxation as real property when the home:

1. Is affixed to the land on which it is sited by a permanent foundation; or
2. Is affixed to that land by a nonpermanent foundation and connected to utility systems in such manner as to render the home habitable as a dwelling unit on a permanent basis.

Thus, a manufactured home is considered a fixture to real property, and a lender may record its lien on real property by way of a mortgage, including a description of the manufactured home in the mortgage. The legal description should include the make, model, Vehicle Identification Number (VIN), and the language, “which is permanently affixed and attached to the land and is part of the real property.”



An aerial photograph of Albuquerque, New Mexico, taken during the "golden hour" of sunset. The sky is a vibrant mix of pink, orange, and purple. In the foreground, there are residential houses with various roof colors (red, grey, blue) and lush green trees. The middle ground shows a mix of commercial buildings, including a large multi-story office building with a grid-like facade, and a parking garage. In the background, the city extends to the horizon under the colorful sky. A large, semi-transparent teal circle is centered over the image, containing the text "New Mexico" in a white, serif font.

New Mexico

Under New Mexico law, title to a manufactured home is initially held in the form of a Certificate of Title issued by the Motor Vehicle Division (“MVD”) of the New Mexico Taxation and Revenue Department (“NMTRD”).⁸⁷ A person usually must apply for a Certificate of Title for a manufactured home within ninety (90) days after the date on which the person acquires the manufactured home.⁸⁸

Generally, an Application for a Certificate of Title must contain or be accompanied by:

1. The name, bona fide New Mexico residence address, and mail address of the owner;
2. A description of the manufactured home, including, to the extent that the following specified data may exist with respect to a given manufactured home, the make, model, type of body, serial number, engine, or other identification number provided by the manufacturer of the manufactured home, whether new or used, and, if a manufactured home was not previously registered, the date of sale by the manufacturer or dealer;
3. A statement of the applicant’s title and all liens or encumbrances upon the manufactured home and the names and addresses of all persons having an interest in the manufactured home, the nature of each interest, and the name and address of the person to whom the Certificate of Title must be delivered by the MVD;
4. A certificate from the treasurer or assessor of the county in which the manufactured home is located, showing that either:
 - a. All property taxes due or to become due on the manufactured home for the current tax year or any past tax years have been paid; or
 - b. No liability for property taxes on the manufactured home exists for the current year or any past tax years; and
5. Further information as may reasonably be required by the MVD to enable it to determine whether the manufactured home is lawfully entitled to registration and the owner entitled to a Certificate of Title.⁸⁹

The New Mexico Application for a Certificate of Title (MVD10901) may be found here:

<http://www.mvd.newmexico.gov/register-your-vehicle.aspx>.

When an application for a Certificate of Title refers to a manufactured home not previously registered and the manufactured home is purchased from a dealer licensed in New Mexico or a dealer licensed or recognized as such in any other state, territory, or possession of the United States, the application must be accompanied by a Manufacturer’s Certificate of Origin duly assigned by the dealer to the purchaser.⁹⁰

⁸⁷ N.M. Stat. Ann. § 66-3-4(A).

⁸⁸ N.M. Taxation and Revenue Dept., Motor Vehicle Div., Vehicle Titles, available at <http://www.mvd.newmexico.gov/vehicle-titles.aspx> (last visited March 11, 2020).

⁸⁹ N.M. Stat. Ann. § 66-3-4(A). Note that the New Mexico Motor Vehicle Division’s Vehicle Procedure Manual lists certain forms that should be used to fulfill these requirements. See N.M. Taxation and Revenue Dept., Motor Vehicle Div., Vehicle Procedures Manual, Chapter 17, Section A (2017), available at <http://www.mvd.newmexico.gov/vehicle-procedures-manual.aspx> (last visited March 11, 2020).

⁹⁰ N.M. Stat. Ann. § 66-3-4(C).



A manufactured home becomes real property when the tongue (hitch) and axles have been removed and the manufactured home is affixed to a permanent foundation. Once affixed, the county tax assessor must be notified, and title to the manufactured home must be deactivated. The assessor will then assess the home, together with the land on which it sits, as real property.⁹¹

To deactivate the title to a manufactured home, the owner must:

1. Submit a copy of the Certificate of Title and request in writing that the NMTRD deactivate the title;
2. Submit all applicable lien releases; and
3. Submit a completed Request to Change Valuation Status, obtained from the county tax assessor where the manufactured home is located.⁹²

The New Mexico Limited Durable Power of Attorney form (MVD11020) may be found here:

<http://www.mvd.newmexico.gov/most-popular-forms.aspx>.

91 N.M. Taxation and Revenue Dept., Motor Vehicle Div., Vehicle Procedures Manual, Chapter 17, Section A (2017), available at <http://www.mvd.newmexico.gov/vehicle-procedures-manual.aspx> (last visited Sept. 11, 2019).

92 18.19.3.16 NMAC; 18.19.3.71 NMAC; See also N.M. Taxation and Revenue Dep't., Motor Vehicle Div., Vehicle Procedures Manual, Chapter 17, Section D (2017), available at <http://www.mvd.newmexico.gov/vehicle-procedures-manual.aspx> (last visited March 11, 2020). Note the Request to Change Valuation Status contains a certification by the valuation authority that, once title is deactivated, the housing structure will be taxed as real property.



A photograph of a light-colored house with white shutters and a green circular overlay containing the text 'New York'. The house has a white gutter and a dark roof. There are yellow flowers and green plants in the foreground. A paved area is visible at the bottom left.

New York

Under New York law, title to a manufactured home is initially held in the form of a Certificate of Title issued by the New York State Department of Motor Vehicles (“NYDMV”).⁹³ A person generally must apply for a Certificate of Title for a manufactured home within thirty (30) days of the transfer of the manufactured home.⁹⁴

An application for a Certificate of Title must be made on the form prescribed by the NYDMV and must generally contain or be accompanied by:

1. The name, Social Security number, residence, and mailing address of the owner and proof of ownership;
2. A description of the manufactured home, including, so far as the following data exists: its make, year model, identifying number, type of body, and whether new or used; and any other information required by the NYDMV;
3. The date of purchase by the applicant, the name and address of the person from whom the manufactured home was acquired (if applicable), and the names and addresses of any lienholders in the order of their apparent priority, proof of sales tax clearance, if any, and a lien filing fee of \$125;
4. A statement signed by the applicant, stating either:
 - a. Any facts or information known to the applicant that could reasonably affect the validity of the title of the vehicle or the existence or non-existence of security interest in it; or
 - b. That no such facts or information are known to the applicant; and
5. Any other information and documents the NYDMV reasonably requires to identify the vehicle and to enable the NYDMV to determine whether the owner is entitled to a Certificate of Title and the existence or non-existence of security interests in the vehicle.⁹⁵

The New York Application for Title (MV-82TON) can be found here:

<https://dmv.ny.gov/forms/mv82ton.pdf>.

If the application for a Certificate of Title refers to a manufactured home that is purchased from a dealer, it must contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and be signed by the dealer as well as the owner, and the dealer must promptly mail or deliver the application to the NYDMV.⁹⁶

⁹³ N.Y. Veh. & Traf. Law § 2104. A mobile home or a manufactured home, manufactured prior to July 1, 1994, and designated by the manufacturer as being a 1994 or earlier model year mobile home or manufactured home, and any mobile home or manufactured home manufactured or assembled prior to January 1, 1994, for which the manufacturer has not designated a model year, are excluded from the Certificate of Title requirement. N.Y. Veh. & Traf. Law § 2102(a)(19).

⁹⁴ N.Y. Veh. & Traf. Law § 2104.

⁹⁵ N.Y. Veh. & Traf. Law § 2105(a). Note that if a Certificate of Title is lost or stolen, the owner may make an application for and obtain a duplicate Certificate of Title N.Y. Veh. & Traf. Law § 2112.

⁹⁶ N.Y. Veh. & Traf. Law § 2105(b).



It is important to note that a Certificate of Title to a mobile home or a manufactured home issued by the NYDMV is *prima facie* evidence of the facts appearing on it, notwithstanding the fact that such vehicle, at any time, in any manner, may have become attached to realty.⁹⁷

⁹⁷ N.Y. Veh. & Traf. Law § 2108(e).



An aerial photograph of a suburban residential development in North Carolina. The image shows a grid of winding roads, numerous single-story houses with dark roofs, and green lawns. A prominent feature is a large, semi-circular pond or retention basin in the middle-right section. A large, semi-transparent orange circle is overlaid in the center of the image, containing the text "North Carolina" in white serif font.

North Carolina

Purchase money loans for new manufactured housing

Under North Carolina law, a title to a manufactured home⁹⁸ must be initially in the form of a Certificate of Title issued by the North Carolina Division of Motor Vehicles (“Division”). An owner of a vehicle subject to registration must apply to the Division for a Certificate of Title, a registration plate, and a registration card for the vehicle. Under North Carolina law, a mobile home (“manufactured home”)⁹⁹ is a motor vehicle and is subject to registration and title requirements.¹⁰⁰

An application for Registration and Certificate of Title must include:

1. The owner’s name;
2. If the owner is an individual, the following information:
 - a. The owner’s mailing address and residence address;
 - b. One of the following at the option of the applicant:
 - i. The owner’s North Carolina driver license number or North Carolina special identification card number;
 - ii. The owner’s home state driver license number or home state special identification card number and valid active duty military identification card number or military dependent identification card number if the owner is a person or the spouse or dependent child of a person on active duty in the Armed Forces of the United States who is stationed in North Carolina or deployed outside the state from a home base in North Carolina;
 - iii. The owner’s home state driver license number or home state special identification card number and proof of enrollment in a school in North Carolina if the owner is a permanent resident of another state but is currently enrolled in a school in North Carolina;
 - iv. The owner’s home state driver license number or home state special identification card number, provided that the application is made pursuant to a court-authorized sale or a sale authorized by N.C. Gen. Stat. 44A-4 for the purpose of issuing a title to be registered in another state or country; or

⁹⁸ “Manufactured home” is defined by the North Carolina statutes to mean a structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or is forty (40) feet or more in length, or when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. N.C. Gen. Stat. § 143-143.9(6).

⁹⁹ The North Carolina Supreme Court refers to a “mobile home” as a motor vehicle. However, the Court does not provide a definition for “mobile home.” It does however, reference requirements in statutes that refer to manufactured homes. For the purposes of this document, and to achieve uniformity in the discussion found in each state analysis within, we use the term “manufactured home” to mean “mobile home” as referred to by the North Carolina Supreme Court. As used in the North Carolina state analysis, the term “manufactured home” has the definition provided by the North Carolina statutes, which is discussed above.

¹⁰⁰ 273 N.C. 84, 159 S.E.2d 329 (1968)



- v. The co-owner’s home state driver license number or home state special identification card number if at least one co-owner provides a North Carolina driver license number or North Carolina special identification number;
 - c. If the owner is a firm, partnership, a corporation, or another entity, the address of the entity;
3. A description of the manufactured home, including the following:
 - a. The make, model, type of body, and Vehicle Identification Number (VIN); and
 - b. Whether the manufactured home is new or used and, if it is a new manufactured home, the date the manufacturer or dealer sold the home to the owner and the date the manufacturer or dealer delivered the manufactured home to the owner;
 4. A statement of the owner’s title and of all liens upon the manufactured home, including the names and addresses of all lienholders in the order of their priority, and the date and nature of each lien; and
 5. A statement that the owner has proof of financial responsibility.¹⁰¹

When the application refers to a new manufactured home purchased from a manufacturer or dealer, such application must be accompanied with a manufacturer’s certificate of origin that is properly assigned to the applicant. If the new manufactured home is acquired from a dealer or person located in another jurisdiction other than a manufacturer, the application must be accompanied with such evidence of ownership as is required by the laws of that jurisdiction duly assigned by the disposer to the purchaser, or, if no such evidence of ownership be required by the laws of such other jurisdiction, a notarized bill of sale from the disposer.¹⁰²

Surrender the Certificate of Title (see [“Cancelling the Certificate of Title”](#)).

Cancelling the Certificate of Title

To convert a manufactured home to real property when: (1) a Certificate of Title has been issued for a manufactured home, (2) the owner listed on the title has the title, and (3) the manufactured home fits the definition of “real property,” the owner listed on the Title must submit an affidavit to the Division that the manufactured home meets this definition and surrender the Certificate of Title to the Division.¹⁰³

“Real property” means, among other things, a manufactured home that is a residential structure, has the moving hitch, wheels, and axles removed, and is placed upon a permanent foundation either on land owned by the owner of the manufactured home or on land in which the owner of the manufactured home has a leasehold interest¹⁰⁴ pursuant to a lease with a primary term of at least

¹⁰¹ N.C. Gen. Stat. § 20-52(a).

¹⁰² N.C. Gen. Stat. § 20-52(b).

¹⁰³ N.C. Gen. Stat. § 20-109.2(a); N.C. Gen. Stat. § 47-20.6(a).

¹⁰⁴ Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).



twenty (20) years and the lease expressly provides for the disposition of the manufactured home upon termination of the lease.¹⁰⁵

If a Certificate of Title has been issued for a manufactured home, no title can be produced, and the manufactured home qualifies as real property, the owner listed on the title must be deemed to have surrendered the title to the Division if the owner of the real property on which the manufactured home is affixed submits an affidavit to the Division that the manufactured home meets the definition of real property and submits the appropriate affidavit and tax record showing the manufactured home listed for ad valorem taxes as real property in the name of the record owner of the real property on which the manufactured home is affixed.¹⁰⁶

The affidavit must include:

1. The manufacturer and, if applicable, the model name of the manufactured home affixed to real property upon which cancellation is sought;
2. The manufactured home identification number and serial number of the manufactured home affixed to real property upon which cancellation is sought;
3. The legal description of the real property on which the manufactured home is affixed, stating that the owner of the manufactured home also owns the real property or that the owner of the manufactured home has entered into a lease with a primary term of at least twenty (20) years for the real property on which the manufactured home is affixed with a copy of the lease or a memorandum thereof pursuant to N.C. Gen. Stat. 47-18 attached to the affidavit, if not previously recorded;
4. A description of any security interests in the manufactured home affixed to real property upon which cancellation is sought;
5. A section for the Division's notation or statement that either the procedure for surrendering the title has been surrendered and the title has been cancelled by the Division or the affiant submits this affidavit to have the title deemed surrendered by the owner listed on the certificate of title;
6. An affirmative statement that the affiant is (a) the record owner of the real property on which the manufactured home is affixed and the lease for the manufactured home does not include a provision allowing the owner listed on the certificate of title to dispose of the manufactured home prior to the end of the primary term of the lease, or (b) is the owner of the manufactured home and either owns the real property on which the manufactured home is affixed or has entered into a lease with a primary term of at least twenty (20) years for the real property on which the manufactured home is affixed.

¹⁰⁵ N.C. Gen. Stat. § 105-273(13).

¹⁰⁶ N.C. Gen. Stat. § 20-109.2.



7. The affiant affirms that he or she has sent notice of this cancellation by hand-delivery or by first-class mail to the last known address of the owner listed on the certificate of title prior to filing this affidavit with the Division.¹⁰⁷

The affidavit may be found here:

<https://www.ncdot.gov/dmv/downloads/Documents/MVR-46G.pdf>.

Upon the surrender of the Certificate of Title, the Division must rescind and cancel the Certificate of Title. If a security interest has been recorded on the Certificate of Title and not released by the secured party, the Division may not cancel the Certificate of Title without written consent from all secured parties. After cancelling the Title, the Division must return the original of the affidavit to the affiant or to the secured party having the first recorded security interest, with the Division's notation or statement that the title has been surrendered and has been cancelled by the Division. The affiant or secured party must file the affidavit returned by the Division with the office of the register of the county where the real property is located.¹⁰⁸

Note that if the owner of real property on which the manufactured home is affixed has surrendered the Certificate of Title to a manufactured home that is placed on the real property and the Certificate of Title has been cancelled by the Division, the owner, or the secured party having the first security interest in the manufactured home at time of surrender, must record the affidavit to cancel the Certificate of Title with the office of the register of deeds of the county where the real property is located. Upon recordation, the affidavit must be indexed on the grantor index in the name of the owner of the manufactured home and on the grantee index in the name of the secured party or lienholder, if any.¹⁰⁹

Additionally, after the affidavit is recorded, the manufactured home becomes an improvement to real property. Any lien on the manufactured home must be perfected and given priority in the manner provided for a lien on real property. Following recordation of the affidavit, all existing liens on the real property are considered to include the manufactured home. Thereafter, no conveyance of any interest, lien, or encumbrance must attach to the manufactured home, unless the interest, lien, or encumbrance is applicable to the real property on which the home is located and is recorded in the office of the register of deeds of the county where the real property is located.¹¹⁰

¹⁰⁷ N.C. Gen. Stat. § 20-109.2(b).

¹⁰⁸ N.C. Gen. Stat. § 20-109.2(c).

¹⁰⁹ N.C. Gen. Stat. § 47.20.6(a).

¹¹⁰ N.C. Gen. Stat. § 47.20.6(b)-(c).



Purchase money loans for previously owned manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Division), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Division and not surrendered, surrender the Certificate of Title (see “[Cancelling the Certificate of Title](#)”).

Refinance loans for manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is permanently affixed to the land and titled as part of the real property (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Division) proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Division and not surrendered, surrender the Certificate of Title (see “[Cancelling the Certificate of Title](#)”).



A photograph of a modern house with a white deck and railing, featuring a large blue circular graphic with the text "North Dakota" overlaid. The house has light-colored siding and a dark roof. The deck is made of white wood and has a white railing with a decorative post. The text "North Dakota" is written in a white, serif font inside the blue circle.

North Dakota

Under North Dakota law, the process of obtaining a Certificate of Title issued by the North Dakota Motor Vehicle Division (“NDMVD”) may be avoided for a manufactured home that is permanently affixed to real property.

In order to convert a manufactured home into real property, the following conditions must be met:

1. The manufactured home is permanently affixed to real property;
2. The ownership interests in the manufactured home and the real property to which the manufactured home is permanently affixed are identical, or the owner of the manufactured home is in possession of the real property under a recordable lease¹¹¹ for at least twenty (20) years and with the consent of the real property owner;
3. The owner of the manufactured home executes and records an Affidavit of Affixation with the recorder of the county in which the real property is located;
4. Upon receipt of a recorded copy of the Affidavit of Affixation, the owner of the manufactured home (or person designated in the affidavit) files the recorded copy of the affidavit with the NDMVD, along with:
 - a. The original Manufacturer’s Certificate of Origin;
 - b. The Application for Certificate of Title and Registration of Vehicle (SFN 2872);
 - c. The Affidavit of Use for a Manufactured Home (SFN 53658); and
 - d. The name and mailing address of each person wishing written acknowledgement of surrender from the NDMVD; and
5. All appropriate recording and filing fees.

Once the conditions listed above are satisfied, the manufactured home is deemed to be real property. Any mortgage, deed of trust, lien, or security interest that can attach to land, buildings erected on the land, or fixtures affixed to the land attach as of the date of its recording in the same manner as if the manufactured home were built from ordinary building materials onsite. Title to the manufactured home must be transferred by deed or other form of conveyance that is effective to transfer an interest in real property, together with the land to which the structure has been affixed.

Note that if the original Manufacturer’s Certificate of Origin and other required documents are delivered to the NDMVD within sixty (60) days of recording the related Affidavit of Affixation with the appropriate recorder and the items are accepted by the NDMVD, the manufactured home will be deemed to be real property as of the date the Affidavit of Affixation was recorded.

¹¹¹ Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).



The Application for Certificate of Title and Registration of Vehicle (SFN 2872) may be found here:
<https://www.htags.com/blog/wp-content/uploads/2018/05/ND-DMV-Form-SFN-2872.pdf>.

The Affidavit of Use for a Manufactured Home (SFN53658) may be found here:
<https://www.dot.nd.gov/forms/sfn53658.pdf>.

The NDMVD does not provide a prescribed Affidavit of Affixation form.





Ohio

Under Ohio law, every owner of a manufactured home is required to obtain a Certificate of Title prior to affixing a manufactured home to real estate.

To obtain a Certificate of Title for a manufactured home, the owner must submit a notarized Application for Certificate of Title to a Motor Vehicle (Form 3774), together with evidence of ownership (i.e., a Manufacturer's Certificate of Origin) and appropriate fees. All taxes for the manufactured home must be paid before the title will be issued.

The Application for Certificate of Title to a Motor Vehicle may be found here:

<https://publicsafety.ohio.gov/links/bmv3774.pdf>.

With respect to a manufactured home that acquired situs in Ohio or ownership in the home was transferred on or after January 1, 2000, in order to cancel the Certificate of Title, the manufactured home must qualify for taxation as real property by satisfying the following two conditions:

1. The manufactured home must be affixed to a permanent foundation; and
2. The manufactured home must be located on land that is owned by the owner of the home.

Once a manufactured home meets these two conditions (and no outstanding lien exists against the home), the owner must surrender the Certificate of Title to the auditor of the county containing the taxing district in which the manufactured home is located within fifteen (15) days. Upon processing, the auditor will deliver the Certificate of Title to the clerk of the court of common pleas that issued it. The clerk will then inactivate the Certificate of Title and retain it for thirty (30) years.

If an outstanding lien exists against a manufactured home, before the Certificate of Title can be inactivated, the owner must provide written notice to the lienholder requesting that the Certificate of Title be surrendered and either must pay off the remaining balance or, with the lienholder's consent, must execute and deliver to the lienholder a mortgage on the home and land on which the home is located in the amount of the remaining balance. The lienholder must surrender the Certificate of Title within thirty (30) days after these conditions are met.





Oklahoma

In Oklahoma, it appears that the owner of a new manufactured home may make an application to cancel the Certificate of Title before it is issued using the Oklahoma Application for Title Cancellation. Generally, the application for cancellation must contain or be accompanied by:

1. The manufactured home's Manufacturer's Statement of Origin;
2. Proof of ownership;
3. The legal description or the appropriate tract or parcel number of the real estate;
4. Any applicable lien releases;
5. Any applicable application fees; and
6. Any other information as may be required on a form provided by the OTC.

The Oklahoma Application for Title Cancellation of a Manufactured Home Permanently Affixed to Real Estate (Form 756) can be found here:

www.ok.gov/tax/documents/2019%20Mobile%20Home%20Guide.pdf.

Please note that before the title cancellation documents may be submitted to the Oklahoma Tax Commission ("OTC"), the applicant must take the form to the applicable county assessor's office for their certification of the land description and owner of record. Importantly, note that the OTC will not cancel a Certificate of Title if a lien has been registered or recorded or if the owner of the manufactured home is not the owner of the land the manufactured home is affixed to. Moreover, cancellation of the title must take place within sixty (60) days of the county assessor's certification.



An aerial photograph of a town in Oregon. In the foreground, a river flows through a lush green area. The middle ground shows a residential and commercial area with various buildings, parking lots, and trees. In the background, there are rolling hills and mountains under a sky filled with large, dramatic clouds. A large, semi-transparent teal circle is overlaid on the center of the image, containing the word "Oregon" in white text.

Oregon

Purchase money loans for new manufactured housing

Oregon no longer provides a Certificate of Title for a manufactured home,¹¹² but rather provides an ownership document that reflects all owners and security interests recorded as of the date they are printed.¹¹³ If a Certificate of Title has been issued¹¹⁴ by the Department and not cancelled, that Certificate of Title remains valid until the home is sold or moved, at which point an application for an ownership document must be submitted.

Under current Oregon law, the owner of a manufactured structure¹¹⁴ (“manufactured home”) must apply to the Department of Consumer and Business Services (“Department”) for an ownership document. Upon receipt of an application in appropriate form, the Department must issue an ownership document for a manufactured home. Generally, a manufactured home for which an ownership document is issued is subject to assessment and taxation as personal property under the ad valorem tax laws of Oregon. Owners, dealers, or escrow agents of a manufactured home must use the Manufactured Home Ownership Document System (“MHODS”) to apply for an ownership document. This system may be found here: https://aca-oregon.accela.com/OR_MHODS/.

For a new manufactured home, generally, the application for an ownership document must be filed on behalf of the owner by the manufactured home dealer, by a lender, or by an escrow agent. For a used manufactured home, generally, the owner must file the application with the county assessor for the county in which the manufactured home is located.¹¹⁵ Further, the Department must note all security interests in the manufactured home on the ownership document and in the records maintained by the Department. The recording of the security interests in the records maintained by the Department is constructive notice of the interests. The Department must send the ownership document to the holder of the earliest perfected unreleased security interest in the manufactured home or, if none, to the owner of the home. The Department must also send a copy of the ownership document to the county assessor for the county in which the manufactured home is being located. If an interest in a manufactured home other than an ownership interest is satisfied or assigned, the holder of the interest must notify the Department. If the holder of the satisfied interest is in possession of the ownership document for the home, the holder must return the ownership

112 “Manufactured home” is defined as a structure construed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. Or. Rev. Stat. § 446.003(24).

113 *Manufactured Home Ownership, MHODS System Information*, Oregon.gov, available at: <https://www.oregon.gov/bcd/man-home-own/Pages/man-home-MHODS-info.aspx> (last visited July 15, 2019).

114 “Manufactured home” means, among other things, a manufactured dwelling. Or. Rev. Stat. § 446.561(1)(a). “Manufactured dwelling” means a residential trailer, mobile home, or manufactured home. “Manufactured home,” unless otherwise provided, means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. Or. Rev. Stat. § 446.561(1)(a).

115 Or. Rev. Stat. § 446.571(1)(b).



document to the Department. The Department must adjust the ownership document and send the adjusted ownership document and copy.¹¹⁶

An application for ownership document may be found at <https://www.oregon.gov/bcd/Formslibrary/2952.pdf> and must include:

1. The year, manufacturer's name, model if available and identification number for the manufactured home;
2. Any existing ownership document for the home or, if none, the manufacturer's certificate of origin or other document evidencing ownership of the manufactured home;
3. The legal description or street address for the proposed situs for the manufactured home;
4. The identity of the owner of record for the location where the manufactured home is being located or, if the structure is being located in a facility, the name of the facility;
5. The name and mailing address of each person acquiring an ownership interest in the manufactured home;
6. The name and mailing address of each person acquiring a security interest in the manufactured home; and
7. Any other information required by the Department by rule for processing an application.¹¹⁷

Upon completion of the application process, showing the lender's lien, the ownership document is issued to the lender and the county assessor for the county in which the manufactured home is being located.

Note, however, that an ownership document is not required for a new manufactured home that will go directly to real property status, and such properties must not be processed through MHODS except as noted below.¹¹⁸ Instead, to record a manufactured home as real property, the following must be submitted:

1. Valid County tax certification (a valid tax certification is one that has been certified by the county in which the home is located and submitted before the expiration date entered by the county official on the certification — this form is obtained from the county);
2. Recorded Application for Recording Manufactured Home as Real Property ([form 5176](#));
3. If ownership is changing, the Manufactured Structure Ownership Document Application for New and Used Homes ([form 2952](#)); and
4. If there is a secured party already of record, they must sign acknowledging the transfer or release of their interest before ownership can transfer.¹¹⁹

¹¹⁶ Or. Rev. Stat. § 446.571(2)-(5).

¹¹⁷ Or. Rev. Stat. § 446.736(2).

¹¹⁸ *Manufactured Home Ownership, MHODS System Information*, Oregon.gov, 14, available at: <https://www.oregon.gov/bcd/man-home-own/Pages/man-home-MHODS-info.aspx> (last visited July 14, 2019).

¹¹⁹ *Manufactured Home Ownership, MHODS System Information*, Oregon.gov, 14, available at: <https://www.oregon.gov/bcd/man-home-own/Pages/man-home-MHODS-info.aspx> (last visited July 14, 2019).



Note, however, that the recording of a manufactured home in the deed records of the county is independent of the assessment and taxation of the home as real property.¹²⁰ Under Or. Rev. Stat. § 308.875, if the manufactured home and the land upon which the manufactured home is situated are owned by the same person, the assessor must assess the manufactured home as real property. If the manufactured home is owned separately and apart from the land upon which it is located, the assessor must assess and tax the manufactured home as personal property. A change in the property classification of a manufactured home for ad valorem tax purposes does not change the property classification of the structure with respect to any transactions between the owner and security interest holders or other persons.¹²¹

Canceling the ownership document

An ownership document may be cancelled if the manufactured home qualifies for recording in the deed records of the county and the appropriate application is submitted. A manufactured home qualifies for recording in the deed records if the owner of the home:

1. Also owns the land on which the manufactured home is located;
2. Is the holder of a recorded leasehold estate¹²² of twenty (20) years or more if the lease specifically permits the manufactured homeowner to record the home; or
3. Is a member of a manufactured dwelling park nonprofit cooperative that owns the land on which the manufactured home is located.¹²³

If the Department has issued an ownership document for the manufactured structure, the owner must submit the ownership document to the assessor with the application to cancel the ownership document and record in the deed records.

Upon recording the manufactured home in the deed records, the assessor must send the ownership document to the Department for cancellation. The Department must cancel the ownership document and send confirmation of the cancellation to the assessor and the owner.

Note, however, that if a Certificate of Title for a manufactured home was issued by the Oregon Department of Transportation prior to May 1, 2005, the Certificate of Title remains ineffective as a document evidencing ownership of the manufactured home.¹²⁴ Further, the owner of the manufactured home for which a Certificate of Title was issued prior to the mentioned date is not required to obtain an ownership document for the structure unless the structure is moved or sold.¹²⁵

¹²⁰ Or. Rev. Stat. § 446.626(3).

¹²¹ Or. Rev. Stat. § 308.875.

¹²² Note: Fannie Mae's *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).

¹²³ Or. Rev. Stat. § 446.626(1).

¹²⁴ Or. Rev. Stat. § 446.621(1).

¹²⁵ Or. Rev. Stat. § 446.621(2).



Purchase money loans for previously owned manufactured housing

The lender should ascertain whether a Certificate of Title or ownership document is outstanding and, if so, cancel them.

- If the manufactured home is permanently affixed to the land (the ownership document being cancelled in accordance with statutory requirements and the procedures of the Division and the Oregon Department of Revenue), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Division, obtain an ownership document and cancel it (see “[Cancelling the Ownership Document](#)”).

The lender should record the manufactured home as real property by submitting the following documents:

1. Valid county tax certification (a valid tax certification is one that has been certified by the county in which the home is located AND submitted before the expiration date entered by the county official on the certification — this form is obtained from the county);
2. Recorded Application for Recording Manufactured Home as Real Property ([form 5176](#));
3. Manufactured Structure Ownership Document Application for New and Used Homes ([form 2952](#)); and
4. If there is a secured party already of record, they must sign acknowledging the transfer or release of their interest before ownership can transfer.

Note, however, that if a Certificate of Title for a manufactured home was issued by the Oregon Department of Transportation prior to May 1, 2005, the Certificate of Title remains ineffective as a document evidencing ownership of the manufactured home.¹²⁶ Further, the owner of the manufactured home for which a Certificate of Title was issued prior to the mentioned date is not required to obtain an ownership document for the structure unless the structure is moved or sold.¹²⁷

Refinance loans for manufactured housing

The lender should ascertain whether a Certificate of Title or ownership document is outstanding and, if so, cancel them.

- If the manufactured home is permanently affixed to the land (the ownership document being cancelled in accordance with statutory requirements and the procedures of the Division and the Oregon Department of Revenue), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Division, obtain an ownership document and cancel it (see “[Cancelling the Ownership Document](#)”).

¹²⁶ Or. Rev. Stat. § 446.621(1).

¹²⁷ Or. Rev. Stat. § 446.621(2).



If the manufactured home is permanently affixed to the land and titled as part of the real property (the ownership document having been cancelled in accordance with statutory requirements and the procedures of the Division and the manufactured home being recorded as real property), proceed to obtain the lien as for real property.

Note that if a Certificate of Title for a manufactured home was issued by the Oregon Department of Transportation prior to May 1, 2005, the Certificate of Title remains ineffective as a document evidencing ownership of the manufactured home.¹²⁸ Further, the owner of the manufactured home for which a Certificate of Title was issued prior to the mentioned date is not required to obtain an ownership document for the structure unless the structure is moved or sold.¹²⁹

If the assessor, as agent for the Department, determines that the manufactured home qualifies for recording in the deed records of the county, the assessor must record it in the deed records. The deed records must contain any unreleased security interest in the manufactured home. If the Department has issued an ownership document for the manufactured structure, the owner must submit the ownership document to the assessor with the application to cancel the ownership document and record in the deed records. Upon recording the manufactured home in the deed records, the assessor must send the ownership document to the Department for cancellation. The Department must cancel the ownership document and send confirmation of the cancellation to the assessor and the owner.¹³⁰

128 Or. Rev. Stat. § 446.621(1).

129 Or. Rev. Stat. § 446.621(2).

130 Or. Rev. Stat. § 446.626(2).



A photograph of a house with a green circular overlay containing the text "Pennsylvania". The house has a dark brown roof, a central chimney, and a front porch with white columns. There are windows with blinds and a mailbox. The foreground features a large pink flowering bush and other greenery. The background shows tall green trees and a clear blue sky.

Pennsylvania

Under Pennsylvania law, title to a manufactured home is initially held in the form of a Certificate of Title issued by the Pennsylvania Department of Transportation (“PDOT”). The Application for Certificate of Title must be submitted within twenty (20) days of the sale or transfer of the manufactured home or its entry into Pennsylvania from another jurisdiction, whatever is later.¹³¹

An application for a Certificate of Title must contain or be accompanied by, among other things:

1. Full description of the manufactured home;
2. The Vehicle Identification Number (VIN);
3. The date of purchase;
4. The actual or bona fide name and address of the owner;
5. A statement of the title of applicant;
6. The description of any security interest in the manufactured home; and
7. Any information or documents the PDOT requires to identify the home and confirm the owner’s identity.¹³²

The Pennsylvania Application for Certificate of Title (Form MV-1) must be completed by an authorized agent of PDOT, which includes notaries, dealers, and messenger services, and be submitted directly to PDOT.¹³³

Note that if the application for Certificate of Title refers to a new manufactured home, it must be accompanied by the Manufacturer’s Statement of Origin.¹³⁴ Additionally, if the application refers to a vehicle purchased from a dealer, generally, the dealer must mail or deliver the application to the PDOT within twenty (20) days of the date of purchase.¹³⁵ Such application must also contain the names and addresses of any lienholders, if any, in order of priority and the amounts and the dates of the security and be assigned by the dealer to the owner and signed by the owner.¹³⁶

¹³¹ 75 Pa. Cons. Stat. Ann. §§ 1101(a), 1103.1(b).

¹³² 75 Pa. Cons. Stat. Ann. § 1103.1(b). Note that the applicant must also pay any applicable fee and/or tax or provide evidence that the tax was collected. 75 Pa. Cons. Stat. Ann. § 1103.1(b).

¹³³ See Pennsylvania Dept. of Transportation, Driver & Vehicle Services, Motor Vehicle Information for New Residents, available at <https://www.dmv.pa.gov/Driver-Services/New-Resident-Relocation-Information/New%20Residents/Pages/Motor-Vehicle-Information-for-New-Residents.aspx> (last visited March 11, 2020).

¹³⁴ 75 Pa. Cons. Stat. Ann. § 1103.1(c).

¹³⁵ 75 Pa. Cons. Stat. Ann. § 1103.1(d).

¹³⁶ 75 Pa. Cons. Stat. Ann. § 1103.1(d).



Once a manufactured home is permanently affixed to real property, the Certificate of Title may be cancelled.¹³⁷ The person requesting the cancellation of the Certificate of Title must submit to the PDOT an Application for Cancellation of Certificate of Title.¹³⁸

The Pennsylvania Application for Cancellation of Certificate of Title (Form MV-16) may be found here: <http://www.dot.state.pa.us/public/dvspubsforms/BMV/BMV%20Forms/mv-16.pdf>.

Upon cancellation, the ownership interest in the manufactured homes, together with all liens and encumbrances thereon, are transferred to and will encumber the real property to which the manufactured home has become affixed.¹³⁹

¹³⁷ 75 Pa. Cons. Stat. Ann. § 1140(a).

¹³⁸ 75 Pa. Cons. Stat. Ann. § 1140(a). Note that if a previously titled manufactured home has been permanently affixed and used as a residence in Pennsylvania immediately preceding its sale or transfer, the transferor must obtain a tax status certification from the Tax Claim Bureau of the county in which the home is situated. See Pennsylvania Dept. of Transportation, FACT SHEET, Titling a Mobile Home or Manufactured Home (2018), available at <http://www.dot.state.pa.us/public/dvspubsforms/BMV/BMV%20Fact%20Sheets/fs-tmhmh.pdf> (last visited March 11, 2020). However, if a new mobile home or manufactured home is being titled using the Manufacturer's Certificate of Origin as the proof of ownership, neither the tax status certification nor Form MV-16T is required.

¹³⁹ 75 Pa. Cons. Stat. Ann. § 1140(a).





Rhode Island

Under Rhode Island law, the Certificate of Title requirements do not apply to manufactured homes.

Rhode Island does not have statutes that specify a procedure for converting a manufactured home from personal property to real property and document such conversion. Rhode Island's general laws regarding manufactured homes also do not address with particularity the physical features or attributes of ownership that convert a manufactured home from personal property to real property. However, a Rhode Island Superior Court has held that if a manufactured home is permanently affixed (i.e., rests upon a permanent foundation) to land owned by the owner of the manufactured home, the manufactured home will be classified as real property for purposes of taxation.

In addition, Rhode Island law allows lenders to create and perfect a security interest in a manufactured home under the Rhode Island Uniform Commercial Code, with filings at the Rhode Island Department of State, Business Services Division.

Note that Rhode Island law requires every deed, instrument, or writing that grants, assigns, transfers, or conveys the interest in any manufactured home to be filed with the recorder of deeds of the city or town in which the mobile or manufactured home is located within ten (10) days after execution of that deed, instrument, or writing.



An aerial photograph of a densely populated residential neighborhood in South Carolina. The houses are mostly two-story structures with various roof colors, including red, grey, and blue. The area is interspersed with lush green trees. A large, semi-transparent blue circle is centered over the image, containing the text "South Carolina" in a white, serif font. In the lower portion of the image, a yellow truck is visible on a street, and several cars are parked or driving. The overall scene depicts a typical suburban or urban residential area.

South Carolina

Under South Carolina law, title to a mobile home (“manufactured home”) is initially held in the form of a Certificate of Title issued by the South Carolina Department of Motor Vehicles (“SCDMV”).

Generally, an application for a Certificate of Title for a manufactured home must be made by the owner to the SCDMV on the form it prescribes and must contain or be accompanied by:

1. The full legal name of the owner;
2. The South Carolina residence address of the owner and mailing address, if different from residence address;
3. The issuing state and number of the owner’s identification;
4. The address of the site on which the manufactured home is to be placed if different from the owner’s address; and
5. The Manufacturer’s Certificate of Origin or previous Certificate of Title.¹⁴⁰

The South Carolina Application for Title/Registration of Mobile Home Title Application (SCDMV Form 400) may be found here: <http://scdmvonline.com/Vehicle-Owners/Types-Of-Vehicles/Mobile-Home>.

If the application refers to a manufactured home purchased from a dealer, the application must contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of the security agreement.¹⁴¹ The application must be signed by the dealer and the owner, and the dealer must mail or deliver the application to the SCDMV.¹⁴² If the application refers to a new manufactured home purchased from the dealer, the application must also be accompanied by the Manufacturer’s Certificate of Origin.¹⁴³

Importantly, South Carolina law prohibits a person, other than a dealer with a Manufacturer’s Certificate of Origin, from offering for sale, selling, or mortgaging a mobile home without a Certificate of Title that is currently valid.¹⁴⁴

The owner of a manufactured home may affix the home to real property by:

1. Installing the home in accordance with the required installation standards and removing the wheels, axles, and towing hitch; and

¹⁴⁰ S.C. Code Ann. § 56-19-240(A)(1), (F). See also South Carolina Dept. of Motor Vehicles Website, available at <http://www.scdm-online.com/Vehicle-Owners/Types-Of-Vehicles/Mobile-Home> (last visited March 11, 2020). Note that if the manufactured home previously had a Certificate of Title, the application must be accompanied by the last Certificate of Title previously issued for manufactured home, whether it was issued by South Carolina or another state or country. S.C. Code Ann. § 56-19-240(B).

¹⁴¹ S.C. Code Ann. § 56-19-240(C).

¹⁴² S.C. Code Ann. § 56-19-240(C).

¹⁴³ S.C. Code Ann. § 56-19-240(C).

¹⁴⁴ S.C. Code Ann. § 56-19-210.



2. Filing with the register of deeds or clerk of the court, as appropriate, for the county in which the manufactured home is located, the Manufactured Home Affidavit for the Retirement of Title Certificate.¹⁴⁵

The Manufactured Home Affidavit for Retirement of Title Certificate must, among other things, contain or be accompanied by:

1. Proof of ownership as evidenced by a copy of the most recent deed of record or other instrument vesting title;
2. Any applicable lien releases;
3. Current paid property tax receipt or a letter from the county treasurer confirming no tax is owed; and
4. The required filing fee.¹⁴⁶

¹⁴⁵ S.C. Code Ann. § 56-19-510(A). Upon filing of the affidavit, the manufactured home will be treated for all purposes except condemnation as real property, and title of the manufactured home is thereby vested in the lawful owner of the real property to which it is affixed. S.C. Code Ann. § 56-19-510(C). Note that if at the time of the filing of the Manufactured Home Affidavit for the Retirement of Title Certificate by the register of deeds or clerk of the court, the manufactured home is subject to a lien reflected on the affidavit but not otherwise evidenced by a mortgage, then a separate Manufactured Home Lien Affidavit must be filed along with a filing fee. S.C. Code Ann. § 56-19-540. The Manufactured Home Lien Affidavit must be in a specific form as described by the South Carolina Legislature. S.C. Code Ann. § 56-19-540.

¹⁴⁶ S.C. Code Ann. § 56-19-510(A)(2). See also South Carolina Dept. of Motor Vehicles Website, available at <http://www.scdmvonline.com/Vehicle-Owners/Types-Of-Vehicles/Mobile-Home> (last visited March 11, 2020). Note that the South Carolina Legislature has a specific form for the Manufactured Home Affidavit for the Retirement of Title Certificate, which can be found in S.C. Code Ann. § 56-19-510(D). However, according to the SCDMV, the Manufactured Home Affidavit for the Retirement of Title Certificate can also be obtained from the manufactured home's county register of deeds or the clerk of the court. S.C. Code Ann. § 56-19-510(D). Samples of such forms may be found here: <https://www.kershaw.sc.gov/home/showdocument?id=2056>; and here: <https://www.beaufortcountysc.gov/register-of-deeds/documents/MH%20AFF%20OF%20TITLE%20RETIREMENT.pdf> (last visited March 11, 2020).



A photograph of a modern, two-story house with a large, light-colored wooden deck. The house has large windows and a dark roof. A large, semi-transparent maroon circle is overlaid on the center of the image, containing the text "South Dakota" in white. The background is a clear blue sky.

South Dakota

Under South Dakota law, a Certificate of Title issued by the South Dakota Motor Vehicle Division (“SDMVD”) must be obtained for a new manufactured home prior to affixing it to real estate.

To obtain a Certificate of Title for a manufactured home, the applicant must submit an Application for Motor Vehicle Title & Registration form (Form 0864) to the county treasurer’s office where the home is located, together with:

1. The Manufacturer’s Certificate of Origin (or Manufacturer’s Statement of Origin);
2. Required fees and bill of sale;
3. A listing of all owners, along with either a South Dakota driver license number or Social Security number;
4. A full description of the vehicle with the Vehicle Identification Number (VIN);
5. A statement of the applicant’s title and all liens and encumbrances on the vehicle;
6. The county in which the vehicle is to be kept; and
7. The names and address of the holders of all liens, title reservations, and encumbrances on the vehicle.

The Certificate of Title must be obtained within 45 days of the date of purchase.

The Application for Motor Vehicle Title & Registration (Form 0864) may be found here: <https://www.state.sd.us/eforms/secure/eforms/E0864V18-SDApplicationForMotorVehicleTitle&Registration.pdf>.

To cancel the Certificate of Title, the owner of the manufactured home must affix the manufactured home to real estate and submit to the treasurer’s office of the county where the home is located:

1. An Affidavit of Declaration for a Manufactured Home Placed on Real Estate (Form 2078);
2. The Certificate of Title; and
3. The appropriate fees.

South Dakota laws do not define the term “fixture to real estate” or address requirements concerning ownership interests in the manufactured home and real estate to which the home will be affixed.

The Affidavit of Declaration for a Manufactured Home Placed on Real Estate (Form 2078) may be found here: <https://www.state.sd.us/eforms/secure/eforms/E2078V1-AffidavitofDeclarationForaManufacturedHomePlacedonRealEstate.pdf>.

After the Certificate of Title is cancelled, the manufactured home is treated as real property. The property will be treated as mortgaged property and subject to the requirements thereof.

Upon cancellation of any Certificate of Title, the Secretary of Revenue will notify the treasurer of the county where the duplicate Certificate of Title is kept. The treasurer will then enter the cancellation upon the treasurer’s records. The Secretary of Revenue will also notify the person to whom the Certificate of Title was issued as well as any lienholder appearing on the cancellation and will demand the surrender of the Certificate of Title.



An aerial photograph of a suburban neighborhood in Tennessee. The scene shows a mix of single-story and two-story houses with various roof colors, mostly in shades of grey and brown. The houses are set on green lawns, many of which are enclosed by wooden fences. A paved road curves through the lower-left portion of the image. In the background, a dense line of green trees separates the residential area from a more distant, hazy landscape. A large, dark blue circular graphic is superimposed over the center of the image, containing the word "Tennessee" in a white, serif font.

Tennessee

Under Tennessee law, a Certificate of Title is not required for a new manufactured home. Instead, the owner must surrender the Manufacturer's Certificate of Origin and file the Affidavit of Affixation to the Tennessee Department of Revenue ("TDR").

To surrender the Manufacturer's Certificate of Origin, the following documentation must be provided:

1. Either:
 - a. The Manufacturer's Certificate of Origin; or
 - b. If after diligent search and inquiry, the owner is unable to produce the original Manufacturer's Certificate of Origin, a statement to that effect in the Affidavit of Affixation;
2. A copy of the deed or other instrument of conveyance of legal ownership to the real property to which the manufactured home has become affixed conveying a fee simple or other legal ownership interest in the subject real property that has been certified by the office of the register of deeds of the county in which the real property is located; and
3. A certificate copy of an Affidavit of Affixation executed by all persons who have such legal ownership interest in the manufactured home and the real property to which the manufactured home has become affixed stating that the manufactured home is affixed to the real property described in the deed or other instrument that has been duly recorded in the office of the register of deeds of the county in which the real property and manufactured home are located.

The Affidavit of Affixation must contain:

1. The names of all of the legal owners of the manufactured home and real property to which the manufactured home has become affixed;
2. The year built, manufacturer's name, model name or model number, serial number, and length and width of the manufactured home;
3. The physical address of the real property to which the manufactured home has become affixed;
4. The legal description of the real property to which the manufactured home has become affixed;
5. A statement that the manufactured home is to be taxed as an improvement to the real property;
6. A statement that:
 - a. The manufactured home is covered by a Manufacturer's Certificate of Origin that the owner will surrender to the TDR; or
 - b. The manufactured home is not covered by a Certificate of Title and the owner of the manufactured home, after diligent search and inquiry, is unable to produce the original Manufacturer's Certificate of Origin for the manufactured home;
7. The name and mailing addresses of any lienholders holding consensual security interests in the manufactured home or whose liens have been noted upon any Certificate of Title covering the manufactured home;



8. A statement that:
 - a. All permits required by applicable governmental authorities have been obtained;
 - b. The foundation system for the manufactured home complies with all laws, rules, regulations and codes, and manufacturer's specifications applicable to the manufactured home becoming a permanent structure upon the real property; and
 - c. The wheels and axles have been removed; and
9. A statement that the manufactured home is permanently connected to a septic or sewer system and other utilities, such as electricity, water, and gas.

The Tennessee Affidavit of Affixation for a Manufactured or Mobile Home can be found here:
<https://www.tn.gov/content/dam/tn/revenue/documents/forms/titlereg/f1322101Fillin.pdf>.





Texas

Purchase money loans for new manufactured housing

Effective September 1, 2013, Texas no longer provides a Certificate of Title for a manufactured home,¹⁴⁷ but rather provides statement of ownership.¹⁴⁸ All manufactured home statements of ownership in Texas are issued by the Texas Department of Housing and Community Affairs — Manufactured Housing Division (“the Department”). Note, however, that all outstanding documents of title or certificates of attachment are considered to be statements of ownership.¹⁴⁹

At the first retail sale of a manufactured home, the retailer must provide for the installation of the home and ensure that the application for the issuance of a statement of ownership is properly completed. The consumer must return the completed application to the retailer. The retailer must surrender to the Department the original manufacturer’s statement of origin at the same time that the retailer applies for the first statement of ownership. No later than the 60th day after the date of the retail sale, the retailer must provide to the Department the completed application for the issuance of a statement of ownership. If for any reason the retailer does not comply in a timely manner with these requirements, the consumer may apply for the issuance of the statement.

A statement of ownership must include:

1. The name and address of the seller and the name and, if it is different from the location of the home, the mailing address of the new owner;
2. The manufacturer’s name and address and any model designation, if available;
3. In accordance with the Manufactured Housing Board’s (“Board”) rules:
 - a. The outside dimensions of the manufactured home when installed for occupancy, as measured to the nearest one-half foot at the base of the home, exclusive of the tongue or other towing device; and
 - b. The approximate square footage of the home when installed for occupancy;
4. The identification number for each section or module of the home;
5. The physical address where the home is installed for occupancy, including the name of the county and, if it is different from the physical address, the mailing address of the owner of the home;
6. In chronological order of recordation, the date of each lien, other than a tax lien, on the home and the name and address of each lienholder, or, if a lien is not recorded, a statement of that fact;
7. A statement regarding tax liens as follows: “On January 1st of each year, a new tax lien comes into existence on a manufactured home in favor of each taxing unit having jurisdiction where

¹⁴⁷ “Manufactured home” or “manufactured housing” means a HUD-code manufactured home or a mobile home. Tex. Occ. Code § 1201.003(18). “HUD-code manufactured home” means a structure: (1) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; (2) built on a permanent chassis; (3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (4) transportable in one or more sections; and (5) in the traveling mode, at least eight body feet in width or at least forty (40) body feet in length or, when erected on site, at least three hundred-twenty (320) square feet.

¹⁴⁸ *Frequently Asked Questions: Statement of Ownership*, Texas Department of Housing and Community Affairs — Manufactured Housing Division, available at: <https://www.tdhca.state.tx.us/mh/faqs-sol.htm> (last visited July 15, 2019).

¹⁴⁹ Tex. Occ. Code § 1201.214(a).



the home is actually located on January 1st. In order to be enforced, any such lien must be recorded with the Texas Department of Housing and Community Affairs — Manufactured Housing Division as provided by law. You may check that division’s records through its website or contact that division to learn any recorded tax liens. To find out about the amount of any unpaid tax liabilities, contact the tax office for the county where the home was actually located on January 1st of that year.”;

8. A statement that if two or more eligible persons file with the application for the issuance of a statement of ownership an agreement signed by all the persons providing that the home is to be held jointly with a right of survivorship, the director must issue the statement of ownership in all the names;
9. The location of the home;
10. A statement of whether the owner has elected to treat the home as real property;
11. Statements of whether the home is a salvaged manufactured home and whether the home is reserved for business use only or for another nonresidential use; and
12. Any other information the Board requires.¹⁵⁰

Upon issuance of a Statement of Ownership, the Department will mail one copy to the owner and one copy to the lienholder.¹⁵¹

Converting to real property

A manufactured home that is personal property may be converted into real property.¹⁵² To convert the manufactured home, an affidavit of Real Fact for Real Property must be submitted and may be found here: <https://www.tdhca.state.tx.us/mh/docs/1070-AOF-RP.pdf>.

Note that to convert a manufactured home to real property, the home must be attached to land that is owned by the manufactured home’s owner or land that is being leased under a qualifying long-term lease.¹⁵³

Additionally, if there are any liens on the manufactured home (such as a consumer loan lien), the liens will need to be discharged or the lienholders will have to give written consent.¹⁵⁴ Note that to convert a manufactured home to real property, the home must be attached to land that is owned by the manufactured home’s owner or land that is being leased under a qualifying long-term lease.

¹⁵⁰ Tex. Occ. Code § 1201.205.

¹⁵¹ 10 Tex. Admin. Code § 80.90 (d).

¹⁵² Tex. Occ. Code § 1201.2075(a).

¹⁵³ “Long-term lease” is a lease on land to which the manufactured home has been attached and which: (1) has been approved by each lienholder for the manufactured home by placing on file with the Department written consent to have the home treated as real property; or (2) is for at least five (5) years if the home is not financed. 10 Tex. Admin. Code § 80.2(20). Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).

¹⁵⁴ Tex. Occ. Code § 1201.2075(a); *Frequently Asked Questions: Statement of Ownership*, Texas Department of Housing and Community Affairs-Manufactured Housing Division, available at: <https://www.tdhca.state.tx.us/mh/faqs-sol.htm> (last visited July 15, 2019).



The only exception to this requirement is where the transaction is being handled through a title company that is insuring against existing liens, such as the situation where the manufactured home is being converted from personal property to real property and the consumer loan is paid off by refinancing with a mortgage loan. In that case, a copy of the title commitment or policy is required. Further, a complete application for statement of ownership must be submitted with all documentation and fees. The Department will issue the statement of ownership and, until a certified copy is recorded in the real property records of the county shown on the Statement of Ownership, the conversion to real property status is not complete.¹⁵⁵

The lender should submit an application for a statement of ownership with all documentation and fees.

The Department will issue a statement of ownership and, until a certified copy is recorded in the real property records of the county shown on the statement of ownership, the conversion to real property status is not complete.

Purchase money loans for previously owned manufactured housing

Effective September 1, 2013, Texas no longer provides a Certificate of Title for a manufactured home,¹⁵⁶ but rather provides a statement of ownership.¹⁵⁷ All manufactured home statements of ownership in Texas are issued by the Texas Department of Housing and Community Affairs — Manufactured Housing Division (“the Department”). Note, however, that all outstanding documents of title or certificates of attachment are considered to be statements of ownership.¹⁵⁸

The lender should ascertain whether a statement of ownership is outstanding.

If the manufactured home is permanently affixed to the land and the manufactured was converted into real property in accordance with statutory requirements and the procedures of the Department, proceed to obtain the lien as for real property.

¹⁵⁵ *Frequently Asked Questions: Statement of Ownership*, Texas Department of Housing and Community Affairs -Manufactured Housing Division, available at: <https://www.tdhca.state.tx.us/mh/faqs-sol.htm> (last visited July 15, 2019).

¹⁵⁶ “Manufactured home” or “manufactured housing” means a HUD-code manufactured home or a mobile home. Tex. Occ. Code § 1201.003(18). “HUD-code manufactured home” means a structure: (1) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; (2) built on a permanent chassis; (3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (4) transportable in one or more sections; and (5) in the traveling mode, at least eight body feet in width or at least forty (40) body feet in length or, when erected on site, at least three hundred-twenty (320) square feet.

¹⁵⁷ *Frequently Asked Questions: Statement of Ownership*, Texas Department of Housing and Community Affairs — Manufactured Housing Division, available at: <https://www.tdhca.state.tx.us/mh/faqs-sol.htm> (last visited July 15, 2019).

¹⁵⁸ Tex. Occ. Code § 1201.214(a).



If a statement of ownership has been issued by the Department and the manufactured home has not been converted into real property, convert the home into real property (see “[Converting to Real Property](#)”).

The lender should record the lien on real property by way of a mortgage, including a description of the manufactured home in the mortgage. The legal description should include the make, model, Vehicle Identification Number (VIN), and the language, “which is permanently affixed and attached to the land and is part of the real property.”

Closing instructions should affirm that the title company or closing agent will take all actions necessary to obtain any statement of ownership to the manufactured home that has been issued and ascertain that the manufactured home has been permanently affixed to the appropriate land and that the manufactured home has been converted to real property. To comply with the requirements in the *Selling Guide*, a Manufactured Housing Endorsement (T-31) to the title policy should also be ordered and issued as affirmative coverage that the manufactured housing unit(s) situated on the insured land is included in the policy definition of “Land.”

Note that when an application is filed for the issuance of a statement of ownership for a used manufactured home that is not in a retailer’s inventory or is being converted from personal property to real property, a statement from the tax assessor-collector for the taxing unit having power to tax the manufactured home must also be filed with the Department. The statement from the tax assessor-collector must indicate that, with respect to each January 1 occurring in the 18-month period preceding the date of the sale, there are no perfected and enforceable tax liens on the manufactured home that have not been extinguished and cancelled or personal property taxes due on the manufactured home.¹⁵⁹

Also note, ownership of a manufactured home does not pass or vest at a sale or transfer of the home until a completed application for the issuance of a statement of ownership is filed with the Department. If the owner of a manufactured home relocates the home, the owner must apply for the issuance of a new statement of ownership not later than the 60th day after the date the home is relocated. The Department must require that the owner submit evidence that the home was relocated in accordance with the requirements of the Texas Department of Motor Vehicles.¹⁶⁰

¹⁵⁹ Tex. Occ. Code § 1201.206(g).

¹⁶⁰ Tex. Occ. Code § 1201.206(f).



Refinance loans for manufactured housing

Effective September 1, 2013, Texas no longer provides a Certificate of Title for a manufactured home,¹⁶¹ but rather provides a statement of ownership.¹⁶² All manufactured home statements of ownership in Texas are issued by the Texas Department of Housing and Community Affairs — Manufactured Housing Division (“the Department”). Note, however, that all outstanding documents of title or certificates of attachment are considered to be statements of ownership.¹⁶³

The lender should ascertain whether a statement of ownership is outstanding.

If the manufactured home is permanently affixed to the appropriate land and titled as part of the real property (the conversion process to real property accomplished in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.

If a statement of ownership has been issued, but the manufactured home has not been converted into real property, convert it (see “[Converting to Real Property](#)”).

If there are any liens on the manufactured home, the liens will need to be discharged or the lienholders will have to give written consent to convert the manufactured home to real property, unless the transaction is being handled through a title company that is insuring against existing liens, such as the situation where the manufactured home is being converted from personal property to real property and the consumer loan is paid off by refinancing with a mortgage loan. In that case, a copy of the title commitment or policy is required.

¹⁶¹ “Manufactured home” or “manufactured housing” means a HUD-code manufactured home or a mobile home. Tex. Occ. Code § 1201.003(18). “HUD-code manufactured home” means a structure: (1) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; (2) built on a permanent chassis; (3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (4) transportable in one or more sections; and (5) in the traveling mode, at least eight body feet in width or at least forty (40) body feet in length or, when erected on site, at least three hundred-twenty (320) square feet.

¹⁶² *Frequently Asked Questions: Statement of Ownership*, Texas Department of Housing and Community Affairs — Manufactured Housing Division, available at: <https://www.tdhca.state.tx.us/mh/faqs-sol.htm> (last visited July 15, 2019).

¹⁶³ Tex. Occ. Code § 1201.214(a).



A scenic view of a residential development in Utah. In the foreground, there is a row of modern, two-story houses with light-colored siding and dark roofs. A beige fence runs along the front of the houses. The background features a range of mountains, with the peaks illuminated by a warm, golden light, suggesting a sunrise or sunset. A large, semi-transparent green circle is overlaid on the center of the image, containing the word "Utah" in white text.

Utah

Under Utah law, the process of obtaining a Certificate of Title issued by the Utah Motor Vehicle Division of the State Tax Commission (“UMVD”) may be avoided for a manufactured home that is permanently affixed to real property.

In order to convert a manufactured home to real property, the following requirements must be met:

1. The manufactured home is an improvement to real property (i.e., real property);
2. The owner of the manufactured home surrenders to the UMVD the Manufacturer’s Certificate of Origin (i.e., ownership documents);
3. The owner of the manufactured home submits to the county recorder an Affidavit of Affixture (see content requirements below), together with the receipt of surrender of ownership documents issued by the UMVD;
4. The Affidavit of Affixture and receipt of surrender of ownership documents are recorded by the county recorder; and
5. The owner of the manufactured home provides a copy of the recorded Affidavit of Affixture to:
 - a. The UMVD; and
 - b. The assessor of the county in which the manufactured home is located.

In general, a manufactured home is considered to be an improvement to real property if the owner:

1. Owns the real property to which the manufactured home is permanently affixed; or
2. Leases¹⁶⁴ the real property to which the manufactured home is permanently affixed and the manufactured home is financed in accordance with state law.

The UMVD does not provide a prescribed Affidavit of Affixture form. However, Utah state law provides that an Affidavit of Affixture must contain certain information:

1. The Vehicle Identification Number (VIN) of the manufactured home;
2. The legal description of the real property to which the manufactured home is permanently affixed;
3. A statement certified by the assessor of the county in which the manufactured home is located that the owner of the manufactured home:
 - a. Is not required to pay personal property tax in Utah on the manufactured home; or
 - b. If the manufactured home is subject to personal property tax in Utah, has paid all current and prior year personal property taxes assessed on the manufactured home; and
4. A description of any security interests in the manufactured home.

Note that a lien on a manufactured home that is considered to be an improvement to real property will be perfected in the manner provided for the perfection of a lien on real property.

¹⁶⁴ Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).





Vermont

Under Vermont law, the Certificate of Title requirements do not apply to mobile homes (i.e., manufactured homes).

Vermont law classifies manufactured homes as residential real estate if they are permanently sited for continuous residential occupancy by the owner and are financed as residential real estate. Note that the intention to permanently site a manufactured home on owned or leased land for continuous residential occupancy is sufficient for the financing of the manufactured home as real estate. In addition, while Vermont law requires manufactured homes permanently sited on land owned by the homeowner to be financed as residential real estate, it merely allows manufactured homes permanently sited on leased land¹⁶⁵ to be financed as residential real estate.

For these purposes, “permanently sited” means the manufactured home has become affixed to the land. Factors that show a manufactured home is permanently sited include:

1. The manufactured home has been set up on blocks or otherwise stabilized so that the wheels do not form a major part of the structural support;
2. The manufactured home has been connected to utilities such as electricity, sewage, water, gas, or oil;
3. Skirting has been installed around the base of the manufactured home;
4. The wheels or axles have been removed; and
5. The manufactured home has been situated in a place that makes removal unlikely.

¹⁶⁵ Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).



An aerial photograph of a Virginia landscape, featuring a mix of green fields, residential houses, and commercial buildings. A multi-lane highway curves through the scene. In the background, there are rolling hills under a cloudy sky. A large, semi-transparent blue circle is centered over the image, containing the word "Virginia" in white, serif font.

Virginia

For new manufactured homes, unless exempted, the owner of a manufactured home¹⁶⁶ must obtain a Certificate of Title from the Virginia Department of Motor Vehicles (“VDMV”).¹⁶⁷

The application for a Certificate of Title for a manufactured home must contain or be accompanied by:

1. A statement of the applicant’s Certificate of Title and of all liens or encumbrances on the manufactured home;
2. The names and addresses of all persons having any interest in the manufactured home and the nature of every interest;
3. The Social Security number, if any, of the owner;
4. A brief description of the manufactured home, including the name of the maker, the Vehicle Identification Number (VIN) or serial number, and, when titling or registering a new manufactured home, the date of sale by the manufacturer or dealer to the person first operating the manufactured home;
5. Ownership documents;
6. Proof of address;
7. Any applicable fees and/or taxes; and
8. Additional information as may be required by the VDMV.¹⁶⁸

The Virginia Application for Certificate of Title — Manufactured Home (VSA 17B) may be found here:

<https://www.dmv.virginia.gov/vehicles/#mobile.asp>.

The owner may convert a manufactured home to real property after it has:¹⁶⁹

1. Been titled in Virginia;
2. Had the wheels and other equipment previously used for mobility removed; and
3. Been attached to real property owned by the owner of the manufactured home.

¹⁶⁶ “Manufactured home” means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. “Manufactured home” does not include a park model recreational vehicle, which is a vehicle that is (1) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (2) not permanently affixed to real property for use as a permanent dwelling; (3) built on a single chassis mounted on wheels; and (4) certified by the manufacturer as complying with the American National Standards Institute A119.5 Park Model Recreational Vehicle Standard. Va. Code Ann. § 46.2-100.

¹⁶⁷ Va. Code Ann. § 46.2-600.

¹⁶⁸ Va. Code Ann. § 46.2-623(A); Virginia Dept. of Motor Vehicles, Manufactured (Mobile) Homes and Mobile Offices, available at <https://www.dmv.virginia.gov/vehicles/#mobile.asp> (last visited March 11, 2020).

¹⁶⁹ Va. Code Ann. § 46.2-653.1(A).



To do so, the owner must submit an Affidavit for Manufactured Home Conversion to Real Property and the original existing Certificate of Title free of security interest to the VDMV.¹⁷⁰ The VDMV will then issue a printout confirming that the Virginia title has been surrendered and cancelled.¹⁷¹

The Virginia Affidavit for Manufactured Home Conversion to Real Property (VSA 35) may be found here: <https://www.dmv.virginia.gov/webdoc/pdf/vsa35.pdf>.

Upon receipt of confirmation that the title has been surrendered and cancelled by the VDMV, the owner of the manufactured home must file an Affidavit of Affixation with the circuit court of the locality where the real property is located.¹⁷²

The Affidavit of Affixation must, among other things, include or be accompanied by:

1. The manufacturer and, if applicable, the model name of the manufactured home;
2. The Vehicle Identification Number (VIN) and serial number of the manufactured home;
3. The legal description of the real property on which the manufactured home is placed, including the property address, stating that the owner of the manufactured home also owns the real property;
4. Certification that there are no security interests in the manufactured home that have not been released by the secured party;
5. The homeowner's statement that the Certificate of Title has been surrendered and has been cancelled by the VDMV and that the home is intended to be a permanent fixture and improvement to the land, to the same extent as any site-built home, and assessed and taxed with the land as real property; and
6. A copy of the confirmation provided by the VDMV that the Certificate of Title has been surrendered and cancelled by the VDMV.¹⁷³

It appears the Virginia Judicial System permits an Affidavit Regarding Manufactured Home to be used as the Affidavit of Affixation.¹⁷⁴ The Affidavit Regarding Manufactured Home can be found here: <http://www.courts.state.va.us/forms/circuit/cc1560.pdf>.

170 Va. Code Ann. § 46.2-653.1(B). See also Virginia Dept. of Motor Vehicles, Converting a Manufactured Home to Real Property, available at <https://www.dmv.virginia.gov/webdoc/pdf/dmv276.pdf> (last visited March 11, 2020).

171 Virginia Dept. of Motor Vehicles, Converting a Manufactured Home to Real Property, available at <https://www.dmv.virginia.gov/webdoc/pdf/dmv276.pdf> (last visited March 11, 2020).

172 Va. Code Ann. § 46.2-653.1(B).

173 Va. Code Ann. § 46.2-653.1(B).

174 See Virginia Judicial System, Circuit Courts, Affidavit Regarding Manufactured Home, available at <http://www.courts.state.va.us/forms/circuit/cc1560.pdf> (last visited March 11, 2020). The top of this document refers to its applicability to Va. Code. § 46.2-653.1. See also Virginia Housing Development Authority, VHDA Policies Regarding Manufactured Homes (2014), available at <https://www.vhda.com/BusinessPartners/Lenders/UpdatesAnnouncements/Pages/08202014.aspx#.XY47PX8pCUk> (last visited March 11, 2020).



Upon filing the Affidavit of Affixation, the manufactured home will be deemed to be real estate and must be conveyed and encumbered only as real estate is conveyed and encumbered, except when the home is thereafter physically severed from the real property and a new title issued.¹⁷⁵

¹⁷⁵ Va. Code Ann. § 46.2-653.1(B).



An aerial photograph of a suburban neighborhood with numerous houses, trees, and a large body of water in the distance. A large, semi-transparent maroon circle is overlaid in the center of the image, containing the word "Washington" in white, serif font.

Washington

Under Washington law, an owner of a manufactured home must establish ownership in the manufactured home by either (1) applying for a Certificate of Title; or (2) eliminating the Certificate of Title. Note, however, that this titling requirement does not apply to a manufactured home held for resale by a dealer or manufacturer.

Purchase money loans for new manufactured housing

The title to a manufactured home must be initially in the form of a Certificate of Title issued by the Department of Licensing (“Department”).

To obtain a Certificate of Title, an application for a Certificate of Title must be submitted by the owner’s representative and must contain:

1. A description of the manufactured home, including make, model, Vehicle Identification Number (VIN), and type of body at the time of delivery;
2. The name and address of the person who is to be the registered owner of the manufactured home and, if the manufactured home is subject to a security interest, the name and address of the secured party; and
3. Other information the Department may require.

Before accepting an application for a Certificate of Title for a manufactured home, the Department, county auditor, or other agent or subagent appointed by the Director must require the applicant to provide evidence that any taxes due on the sale of the manufactured home have been paid. Acceptable evidence includes a copy of: (1) the real estate excise tax affidavit that has been stamped by the county treasurer; or (2) a treasurer certificate that is prepared by the treasurer of the county in which a used manufactured home is located and that states that all property taxes due upon the used manufactured home being sold have been satisfied.¹⁷⁶

The Department must issue an electronic record of ownership or a written Certificate of Title if the Department is satisfied from the statements on the application that the applicant is the legal owner of the manufactured home entitled to have a Certificate of Title in the applicant’s name. The Department must deliver the registration certificate to the registered owner and the Certificate of Title to the legal owner, or both to the person who is both the registered owner and legal owner.¹⁷⁷

Upon completion of the application process, the Certificate of Title, showing the lender’s lien, is issued to the lender and the owner of the manufactured home.

¹⁷⁶ Rev. Code Wash. § 46.12.700.

¹⁷⁷ Rev. Code Wash. § 46.12.540(1), (3). “Legal owner” means a person having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or the lessor of a vehicle unencumbered by a security interest. Rev. Code Wash. § 46.04.270.



Eliminate the Certificate of Title (see “[Cancelling the Certificate of Title](#)”).

Note that the Washington statutes also state that a Certificate of Title for a manufactured home may be eliminated or not issued when the manufactured home is registered pursuant to section 65.20.050 of the Rev. Code Wash. If the Certificate of Title is eliminated or not issued, the application for the Certificate of Title must be recorded in the county property records of the county where the real property to which the home is affixed.¹⁷⁸

For purposes of perfecting and realizing upon security interests, manufactured homes must always be treated as follows:

1. If the Certificate of Title has not been eliminated, security interests in the manufactured home must be perfected only under chapter 62A.9A Rev. Code Wash. in the case of a manufactured home held as inventory by a manufacturer or dealer, or chapter 46.12 Rev. Code Wash. in all other cases, and the lien must be treated as securing personal property for purposes of realizing upon the security interest; or
2. If the title has been eliminated, a separate security interest in the manufactured home must not exist, and the manufactured home must only be secured as part of the real property through a mortgage, deed of trust, or real estate contract.¹⁷⁹

Cancelling the Certificate of Title

If a manufactured home is affixed¹⁸⁰ to land that is owned by the homeowner, the homeowner may apply to the Department to have the Certificate of Title to the manufactured home eliminated.¹⁸¹ The application package to have the Certificate of Title be eliminated must include:

1. An affidavit, in the form prescribed by the Department, signed by all the owners of the manufactured home and containing:
 - a. The date;
 - b. The names of all of the owners of record of the manufactured home;
 - c. The legal description of the real property;¹⁸²
 - d. A description of the manufactured home including model year, make, width, length, and Vehicle Identification Number (VIN);
 - e. The names of all secured parties in the manufactured home; and

¹⁷⁸ Rev. Code Wash. § 46.12.700(6).

¹⁷⁹ Rev. Code Wash. § 65.20.030.

¹⁸⁰ “Affixed” means that the manufactured home is installed in accordance with the installation standards in Washington law. Rev. Code Wash. § 65.20.020(1).

¹⁸¹ Rev. Code Wash. § 65.20.040.

¹⁸² Where a title company is involved in the elimination transaction, it must certify that the legal description of the land is true and correct per real property records. Wash. Admin. Code § 308-56A-505(3)(c).



- f. A statement that the owner of the manufactured home owns the real property to which it is affixed;
2. Certificate of Title for the manufactured home or the manufacturer's statement of origin in the case of a new manufactured home;
3. Where title is held by the secured party as legal owner, the consent of the secured party must be indicated by the legal owner releasing his or her security interest;
4. A certification by the local government indicating that the manufactured home is affixed to the land;
5. Payment of all manufactured home license fees, excise tax, use tax, real estate tax, recording fees, and proof of payment of all property taxes then due; and
6. Any other information the Department may require.¹⁸³

The completed application for the elimination of the Certificate of Title must be recorded with the county where the manufactured home and land are located. After recording, the original or certified copy of the elimination application and any other documents required by the Department must be submitted to a vehicle licensing office to complete the elimination process with the appropriate fees.

A confirmation letter is sent from the department confirming the elimination of the Certificate of Title.¹⁸⁴ The form to affix manufactured home to land and eliminate the Certificate of Title may be found here: <https://www.dol.wa.gov/forms/420729.pdf>.

The lender should assure receipt of a confirmation letter sent from the Department confirming the elimination of the Certificate of Title.

Purchase money loans for previously owned manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is affixed to the land (the Certificate of Title having been eliminated in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not eliminated, eliminate the Certificate of Title.

¹⁸³ Rev. Code Wash. § 65.20.040.

¹⁸⁴ Rev. Admin. Code Wash. § 308-56A-505(3)(d)-(e).



Refinance loans for manufactured housing

The lender should ascertain whether a Certificate of Title is outstanding.

- If the manufactured home is affixed to the land and titled as part of the real property (the Certificate of Title having been surrendered in accordance with statutory requirements and the procedures of the Department), proceed to obtain the lien as for real property.
- If a Certificate of Title has been issued by the Department and not eliminated, eliminate the Certificate of Title.



An aerial photograph of a town in West Virginia. In the foreground, there is a residential neighborhood with various houses, some with porches and lawns. A road winds through the houses. In the middle ground, a large river flows through the town. A bridge with a green arch spans the river. On the right side of the river, there are industrial buildings and a parking lot. In the background, there are rolling hills and mountains under a clear blue sky. A large, semi-transparent dark blue circle is overlaid on the center of the image, containing the text "West Virginia".

West Virginia

Under West Virginia law, title to a manufactured home must initially be in the form of a Certificate of Title issued by the West Virginia Division of Motor Vehicles (“WVDMV”). In West Virginia, all manufactured homes are required to be titled before the manufactured home can be converted to real property, regardless of whether the home has a permanent foundation.

The application for a Certificate of Title must be on a blank form furnished by the WVDMV and must contain or be accompanied by:

1. A full description of the manufactured home, including a description of any distinguishing marks;
2. The manufacturer’s serial or identification number;
3. A statement of the applicant’s title and of any liens or encumbrances upon the vehicle, including the names and addresses of the holders of the liens;
4. Any applicable fees; and
5. Any other information the WVDMV may require.

If the manufactured home is purchased from a dealer, the dealer will provide the purchaser with a Mobile Home Certificate of Ownership signed over to the purchaser. The purchaser must then submit the Mobile Home Certificate of Ownership with the Application for Certificate of Title.

The West Virginia Application for Certificate of Title (DMV-1-TR) can be found here: https://transportation.wv.gov/DMV/DMVFormSearch/DMV-1-TR_Certificate-for-Title-of-Motor-Vehicle-wf.pdf.

A titled owner of a manufactured home may convert their home to real property and obtain a deed in place of a Certificate of Title once the manufactured home is permanently affixed to real property. To do so, the owner must apply to the WVDMV to cancel the Certificate of Title using the Application/Certificate for Cancellation of Title for a Mobile or Manufactured Home Affixed to Real Property and submit the Certificate of Title and any applicable cancellation fees.

The West Virginia Application/Certificate for Cancellation of Title for a Mobile or Manufactured Home Affixed to Real Property (DMV-2-TR) can be found here: https://transportation.wv.gov/DMV/DMVFormSearch/DMV-2-TR_cancellation_mobile_home_title_-_WF.pdf.

The Form DMV-2-TR must contain information on the homeowner, the home, and the lienholder.

The WVDMV will return one copy of the cancellation certificate to the owner and send a copy of the cancellation certificate to the clerk of the county commission to be recorded and indexed in the same manner as a deed, with the owner’s name being indexed in the grantor index. The clerk will return a copy of the recorded cancellation certificate to the owner, unless there is a lien attached to the



manufactured home, in which case the copy of the recorded cancellation certificate will be returned to the lienholder. Once the cancellation certificate is recorded, the manufactured home will be treated for all purposes as an appurtenance to the real estate to which it is affixed and be transferred only as real estate. The ownership interest in the manufactured home, together with all liens and encumbrances on the home, will be transferred to and will encumber the real property to which the manufactured home has become affixed.



An aerial photograph of a city, likely Madison, Wisconsin, showing a mix of residential houses in the foreground and a dense urban skyline with various skyscrapers in the background. A large, semi-transparent teal circle is centered over the image, containing the word "Wisconsin" in white, serif font.

Wisconsin

Under Wisconsin law, the process of obtaining a Certificate of Title issued by the Wisconsin Department of Safety and Professional Services (“WDSPS”) may be avoided for a manufactured home if the owner of the manufactured home intends, upon acquiring a manufactured home situated in or intended to be situated in Wisconsin, to make the manufactured home a fixture to land in which the owner of the manufactured home has an ownership or leasehold interest.¹⁸⁵ A state tax statute provides that a manufactured home is treated as an improvement to real property if it is connected to utilities and is set upon a foundation (i.e., its wheels have been removed and it is set upon some other support) upon land owned by the homeowner.

Although Wisconsin law provides that the owner of a manufactured home situated in Wisconsin does not need to obtain a Certificate of Title if the owner intends to make the manufactured home a fixture to land in which the homeowner has an ownership or leasehold interest, Wisconsin law specifies a procedure for converting a manufactured home to real property when a Certificate of Title was issued at the original purchase of the home. This title surrender form may be found here:

<https://dsps.wi.gov/Credentialing/ManufacturedHomes/SB3209.pdf>.

¹⁸⁵ Note: Fannie Mae’s *Selling Guide* does not permit leasehold estates for manufactured housing unless located in a Fannie Mae-approved condo project (Section B5-2-02).



A photograph of a single-story house with beige horizontal siding and dark green shutters. A large, semi-transparent green circle is overlaid in the center of the image, containing the word "Wyoming" in white, serif font. The house has a white downspout on the left and a window with dark green shutters on the right. In the foreground, there is a garden bed with yellow and white gravel, a red brick border, and some green shrubs. The sky is overcast.

Wyoming

Under Wyoming law, the process of obtaining a Certificate of Title issued by the Wyoming Department of Motor Vehicles may be avoided for a mobile home (i.e., manufactured home) that is installed on a permanent foundation and is taxable as real property.

In order to do so, the owner must surrender the manufactured home's Manufacturer's Certificate of Origin for cancellation to the clerk of the county in which the home is located. The county clerk will then issue a Certificate of Title for the purpose of immediate surrender to and cancellation by the clerk. Upon completion of processing, the county clerk will provide a document certifying the cancellation of the Certificate of Title for recording in real estate records of the clerk.





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