



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

As a general principle, 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" or other formulation required by applicable law. For more information, see section B5-2-05, Manufactured Housing Legal Considerations, in the Fannie Mae *Selling Guide*.

Note, for all states, lenders must assure that the *Selling Guide* requirements relating to the status of the manufactured home as real property must be met. To that end, the closing instructions must 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 (unless the *Selling Guide* provides otherwise) 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."

## MH in leasehold estates

Some states allow for MH sited in a Leasehold Estate to be titled as real property. Financing for such properties may be eligible for sale to Fannie Mae. In states where there is a process for titling MH in a leasehold estate as real property, we have included guidance in this document. These properties must also meet additional Fannie Mae *Selling Guide* requirements, including the requirement that they must be in a condo or PUD project approved by Fannie Mae's Project Review Eligibility Service (PERS). See *Selling Guide* topic B2-3-03, Special Property Eligibility and Underwriting Considerations: Leasehold Estates for details.



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\*States identified with an asterisk **allow for the titling of a home in a leasehold estate as real property**. The process for titling such homes as real property has been included in these entries. [Refer to page ii](#) for more information.

A photograph of a cityscape in Alabama, featuring a mix of historic brick buildings and modern skyscrapers. In the foreground, there are several multi-story brick houses with white window frames. In the background, taller buildings, including a prominent glass skyscraper, rise against a clear sky. A large, semi-transparent blue circle is centered over the image, containing the word "Alabama" in a white, serif font.

Alabama

## Purchase Money Loans for New Manufactured Homes

To de-title a new manufactured home securing a purchase money loan on real property owned by the homeowner, the lender must follow the statutory process for canceling the Certificate of Title or Manufacturer's Certificate of Origin (MCO) after filing the requisite documents.

A lender must obtain a Certificate of Cancellation from Alabama Department of Revenue (ADR) and record the certificate in the county probate records in the county in which the real property is located to evidence that the home is (or will be) permanently affixed to the land upon which it is situated, and then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Alabama Uniform Commercial Code (UCC), ADR, and the county probate office in the county in which the real property is located.<sup>1</sup>

The owner may apply for a cancellation of an MCO or Certificate of Title to a manufactured home through a "Designated Agent" (a party previously approved by the ADR) by delivering to ADR the following:

1. The MCO or Certificate of Title to the manufactured home, or each separate MCO or Certificate of Title if the manufactured home consists of more than one unit;
2. The lien release from the lienholder as recorded on the Certificate of Title;
3. 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.<sup>2</sup>

The Designated Agent will prepare Form MVT 5-39E "Notice of Cancellation of a Certificate of Origin or Alabama Certificate of Title for a Manufactured Home Classified as Real Property". 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 also 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 as being permanently affixed and recorded as real property in that county.<sup>3</sup>

<sup>1</sup> See, e.g., Ala. Code §§ 7-9A-301, 7-9A-308, 7-9A-310, 7-9A-501, 7-9A-502.

<sup>2</sup> Ala. Code § 32-20-20(b).

<sup>3</sup> Ala. Admin. Code r. 810-5-75-.66(1)(a)(1), (3), (4).





The Designated Agent will then complete Form MVT 5-1E “Application for Cancellation of Certificate of Origin/Title”, based on information listed on the MVT 5-39E<sup>4</sup> and assemble the cancellation package (MVT 5-1E, MVT 5-39E, certificate of origin/title for each separate unit, lien release, etc.), and submit it to ADR.<sup>5</sup>

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.<sup>6</sup> The Certificate of Cancellation must be recorded in the county probate records in the county in which the real property is located.

In addition to obtaining a Certificate of Cancellation from ADR, recording the certificate in the county probate records in the county in which the real property is located, and providing the information required under the Alabama UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>7</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Certificates of Title are retained electronically by ADR through the use of an electronic title application processing system. An electronic title must be converted to paper to be surrendered.

## Power of Attorney

The ADR provides a model power of attorney form for a third-party to file titling paperwork on behalf of homeowners.<sup>8</sup>

<sup>4</sup> Ala. Admin. Code r. 810-5-75-.66(1)(a)(4).

<sup>5</sup> Ala. Admin. Code r. 810-5-75-.66(1)(a)(5).

<sup>6</sup> Ala. Admin. Code r. 810-5-75-.66(1)(a)(6).

<sup>7</sup> Ala. Code § 7-9A-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>8</sup> Arizona power of Attorney form may be found at [https://www.revenue.alabama.gov/ultraviewer/viewer/basic\\_viewer/index.html?form=2021/10/MVT-5-13-4-21.qxp\\_-2.pdf](https://www.revenue.alabama.gov/ultraviewer/viewer/basic_viewer/index.html?form=2021/10/MVT-5-13-4-21.qxp_-2.pdf).





Alaska



## Purchase Money Loans for New Manufactured Homes

To convey and encumber a manufactured home as real property, a homeowner must first surrender a Manufacturer's Certificate of Origin (MCO) or Certificate of Title.

If a manufactured home is permanently affixed to real property or if the owner intends to permanently affix the manufactured home to real property owned by the owner or subject to a 20 year lease, to which the lessor consents, the owner may submit an "Application for Manufactured Home," DMV Form 870, requesting Division of Motor Vehicles (DMV) to cancel the MCO or Certificate of Title and update the DMV's records of the cancellation.<sup>1</sup>

A state affixation affidavit, part of Form 870, must be recorded with the recording office of the district recorder where the real property to which the home is permanently affixed is located.<sup>2</sup> The affidavit must be accompanied by, among other things and where applicable:

1. Proof of the release of any liens or encumbrances,
2. When the land is subject to a 20 year lease and the lessor has not consented directly on the state affixation affidavit, the lessor's consent; and
3. Recording fee and fee to obtain a certified copy as established under Alaska Admin. Code tit. 11, § 05.200.<sup>3</sup>

The certified copy of the recorded state affixation affidavit returned by the district recorder must be sent to the DMV, along with:

1. "Application for Manufactured Home," DMV Form 870;
2. The original MCO or certificate of title; and
3. A fee, if one is set by DMV.<sup>4</sup>

If DMV is satisfied that the application requirements have been met, DMV shall cancel the MCO or Certificate of Title and update their records. DMV will issue a written acknowledgment that the MCO or Certificate of Title has been cancelled and deliver it to the owner of the manufactured home and to one other person identified in the application for cancellation.<sup>5</sup> When DMV has cancelled the MCO or Certificate of Title, the manufactured home is no longer subject to the Motor Vehicle Registration, Liens, and Title chapter, Alaska §§ 28.10.011 et seq., and the manufactured home is governed by the laws applicable to real property.<sup>6</sup>

<sup>1</sup> Alaska §§ 28.10.262; 28.10.263; 28.10.266; 34.85.010; 34.85.040.

<sup>2</sup> Alaska §§ 34.85.010(2); 40.17.125.

<sup>3</sup> Alaska Stat. §§ 34.85.060; 40.17.125.

<sup>4</sup> Alaska §§ 28.10.262; 28.10.263; 28.10.266; 34.85.090.

<sup>5</sup> Alaska §§ 28.10.262(c); 28.10.263(c).

<sup>6</sup> Alaska §§ 28.10.262(d); 28.10.263(d); 28.10.391; 34.85.020.





A lender wanting to secure a manufactured home as real property in Alaska must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Alaska Uniform Commercial Code (UCC), the Alaska DMV, and the district recorder where the real property to which the home is permanently affixed is located.<sup>7</sup>

In addition to filing the required affidavits/applications with the appropriate state offices, and providing the information required under the Alaska UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>8</sup>

### Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

The process to convert a manufactured home to real property extends to manufactured homes situated upon real property that is held by the homeowner under a lease that has a term of at least 20 years after the date of execution of the affixation affidavit.<sup>9</sup>

After the process has been completed, the lender should record the lien on the real property with the affixed manufactured home by way of a leasehold mortgage, including a description of the manufactured home and the name and address of the person who created such description. 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.” The lender also must file an Affidavit of Affixture as required by Fannie Mae Single Family *Selling Guide* section B5-2-05.

### Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

At present, Alaska does not have an electronic titling program.

### Limited Power of Attorney

DMV does not provide a model limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.

<sup>7</sup> See, e.g., Alaska Stat. §§ 45.29.301, 45.29.308, 45.29.310, 45.29.501, 45.29.502.

<sup>8</sup> Alaska Stat. § 45.29.502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>9</sup> Alaska Stat. §§ 34.85.010(3); 34.85.040.



A photograph of a city skyline, likely Phoenix, Arizona, at sunset or sunrise. The sky is a warm orange-pink color. In the foreground, a large teal circle is superimposed over the image. The word "Arizona" is written in white serif font inside the circle. The city skyline is visible in the background, with various skyscrapers and buildings. The mountains in the distance are silhouetted against the sky.

Arizona

## Purchase Money Loans for New Manufactured Homes

A homeowner with an ownership interest in the land where the home is permanently affixed may elect to have the home conveyed, encumbered and taxed as real property.

To make this election, the homeowner must surrender the original Certificate of Title or Manufacturer's Certificate of Origin (MCO) to the Arizona Department of Transportation (DOT). DOT then issues a receipt for the surrendered document.<sup>1</sup>

The homeowner then must file the receipt and an Affidavit of Affixture<sup>2</sup> with the county recorder of the county in which the real property is located.<sup>3</sup>

The entire surrender procedure is done at the county level. All that is done at the state level is the retiring of the certificate once it is reported by the county.

A lender wanting to secure a manufactured home as real property in Arizona must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Arizona Uniform Commercial Code (UCC), the DOT, and the county recorder of the county in which the real property is located.<sup>4</sup>

Generally, 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 that it also 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 manufactured home is related.<sup>5</sup>

In addition to filing an Affidavit of Affixture with the county recorder, and providing the information required under the Arizona UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home.<sup>6</sup>

<sup>1</sup> Ariz. Rev. Stat. § 28-2063(A)(3).

<sup>2</sup> The Affidavit of Affixture (Form DOR 82528) may be found on the Arizona Department of Revenue's website, available here: <https://azdor.gov/forms/property-forms/affidavit-affixture>.

<sup>3</sup> Ariz. Rev. Stat. § 42-15203(B)(5).

<sup>4</sup> See, e.g., Ariz. Rev. Stat. §§ 47-9301, 4-9-308, 4-9-310, 4-9-501, 4-9-502.

<sup>5</sup> Ariz. Rev. Stat. §§ 47-9334(D), (E); 47-9502(A), (B).

<sup>6</sup> Ariz. Rev. Stat. § 47-9502(C).





## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

A person who owns a mobile home that is permanently affixed to a leased site in a mobile home park may elect to convey and encumber the home as real property. “Mobile home park” means any parcel of land that contains four or more mobile home spaces.<sup>7</sup>

To make this election, the homeowner must satisfy all of the following conditions:

1. The home must be installed on the real property with all wheels and axles removed, and in compliance with applicable state and local mobile home installation standards;
2. The owner of the mobile home has entered into a lease for the real property on which the mobile home is located for a primary term of at least twenty years, and the lease specifically permits the recording of an Affidavit of Affixture; and
3. Before filing the Affidavit of Affixture, a memorandum of lease is recorded that includes all of the following:
  - a. The names and addresses of the landlord and the tenant;
  - b. The duration of the primary term of the lease;
  - c. The conditions of any lease renewal provisions;
  - d. The make, year, size, manufacturer's list price and vehicle identification numbers of the mobile home;
  - e. The legal description of the real property on which the mobile home is located; and
  - f. The acknowledged signatures of both the landlord and the tenant (a memorandum of lease is not valid unless the signatures of both the landlord and the tenant are included on the memorandum and are acknowledged).<sup>8</sup>

The owner of the home must surrender the original Certificate of Title or MCO to the home to the DOT. DOT then will issue a receipt for the surrendered document.<sup>9</sup> DOT's receipt must be filed with the assessor in the county in which the Affidavit of Affixture is recorded.<sup>10</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

At present, Arizona does not have an electronic titling program.

## Limited Power of Attorney

DOT provides a model limited power of attorney form,<sup>11</sup> for a third-party to file titling paperwork on behalf of homeowners.

<sup>7</sup> Ariz. Rev. Stat. § 33-1409(15).

<sup>8</sup> Ariz. Rev. Stat. § 33-1501(A).

<sup>9</sup> Ariz. Rev. Stat. § 28-2063(A)(3).

<sup>10</sup> Ariz. Rev. Stat. § 33-1501(D).

<sup>11</sup> The power of attorney form (Form 48-1001) may be found at <https://apps.azdot.gov/files/mvd/mvd-forms-lib/48-1001.pdf>.





A scenic view of a town in Arkansas, featuring a mix of red brick and white buildings, lush green trees, and a blue sky with white clouds. A large, semi-transparent blue circle is centered over the image, containing the word "Arkansas" in white serif font.

Arkansas



## Purchase Money Loans for New Manufactured Homes

Arkansas law permits, but does not require, cancelation of title or Manufacturer's Certificate of Origin (MCO) for a home that is to be affixed to real property.<sup>1</sup> However, surrendering the title or MCO is required for the home to be eligible for conventional mortgage financing.

The Arkansas process for converting a manufactured home to real property requires that the manufactured home be "affixed to real estate" owned by the owner of the home. For these purposes, the term "affixed to real estate" means that the manufactured home is/will be attached to a permanent foundation system in accordance with the manufacturer's requirements for anchoring, support, and maintenance, and appropriate for the soil conditions for the site that meet state codes.<sup>2</sup>

The Arkansas Department of Finance and Administration (DFA) must cancel an MCO or Certificate of Title to a manufactured home upon receipt of:

1. The original MCO or Certificate of Title which has been assigned to the party that will affix the manufactured home to the real estate;
2. An application for cancellation of the MCO or Certificate of Title on DFA Form 10-318; and
3. A copy of an affidavit of affixation recorded in the county in which the manufactured home is to be affixed.<sup>3</sup>

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; and
4. One 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 DFA 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

<sup>1</sup> Ark. Code Ann. § 27-14-1603.

<sup>2</sup> Ark. Code R. 006.05.405(D).

<sup>3</sup> Ark. Code Ann. § 27-14-1603(b).





- b. A statement that if a security interest or lien on the manufactured home previously existed, the security interest or lien has been released that attaches proof of the release executed by the holder of the security interest or lien.<sup>4</sup>

The applicant must attach the MCO to the application for cancellation of title.<sup>5</sup> All owners of the manufactured home, and all parties having a mortgage, lien, or other security interest in the manufactured home must sign the application as evidence of consent to the elimination of the Certificate of Title.<sup>6</sup>

The DFA will not accept a Certificate of Title that displays an unreleased lien unless accompanied by a written acknowledgment of notice of the cancellation of title from the lienholder.<sup>7</sup> The DFA will approve the application for cancellation of title upon satisfaction of all the foregoing requirements. After approval of the application, the DFA will cancel the title or MCO and provide notification of the cancellation to the owner, lending agency, or other entity as listed on the application.<sup>8</sup>

If the lienholders make application to the DFA for the cancellation of title to a manufactured home on behalf of the owner(s) of the manufactured home, the application must be signed by the owner(s) and be accompanied by all documentation described above.<sup>9</sup>

The DFA will also cancel an existing title or MCO on a manufactured home to be affixed to real estate if the owner affixing the home presents a court order directing DFA to issue a title cancellation along with a copy of the affidavit of affixation recorded in the county where the home is affixed or a bond in the amount equal to one and one-half times the value of the home as determined by DFA.<sup>10</sup>

A security interest, lien, or encumbrance on a manufactured home for which the Certificate of Title has been cancelled under Ark. Code Ann. § 27-14-1603 must be obtained in the same manner used to perfect a security interest, lien or encumbrance against other real property.<sup>11</sup> Further, a manufactured home for which the Certificate of Title has been cancelled under Ark. Code Ann. § 27-14-1603 is not subject to vehicle registration.<sup>12</sup>

Following cancellation of the title, recording a mortgage with a fixtures clause and an appropriate description of the home perfects a security interest in a manufactured home permanently affixed to land.<sup>13</sup>

<sup>4</sup> Ark. Code Ann. § 27-14-1603(b)(3)(B).

<sup>5</sup> Ark. Code R. 006.05.405(A)(2).

<sup>6</sup> Ark. Code R. 006.05.405(A)(3).

<sup>7</sup> Ark. Code R. 006.05.405(B).

<sup>8</sup> Ark. Code R. 006.05.405(C).

<sup>9</sup> Ark. Code R. 006.05.405(E).

<sup>10</sup> Ark. Code Ann. § 27-14-1603(c).

<sup>11</sup> Ark. Code Ann. § 27-14-807(b).

<sup>12</sup> Ark. Code Ann. § 27-14-703(6).

<sup>13</sup> Ark. Code Ann. § 27-14-807(b).



A lender wanting to secure a manufactured home as real property in Arkansas must record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Arkansas Uniform Commercial Code (UCC), the DFA, and the county recorder for the county in which the manufactured home is to be affixed.<sup>14</sup>

Generally, 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 that it also 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 manufactured home is related.<sup>15</sup>

In addition to filing the required affidavits/applications with the appropriate state offices, and providing the information required under the Arkansas UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home.<sup>16</sup>

The Arkansas UCC provides that a record of mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing if:

1. The record indicates the goods that it covers;
2. The goods are or are to become fixtures related to the real property described in the record;
3. The record satisfies the requirements for a financing statement other than an indication that it is to be filed in the real property records; and
4. The record is duly recorded.<sup>17</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

At present, Arkansas does not have an electronic titling program.

## Limited Power of Attorney

The DFA publishes a Power of Attorney for Vehicle Transactions form<sup>18</sup> for a third-party to file titling paperwork on behalf of homeowners.

<sup>14</sup> See, e.g., Ark. Code §§ 4-9-301, 4-9-308, 4-9-310, 4-9-501, 4-9-502

<sup>15</sup> Ark. Code §§ 4-9-334(d), (e); 4-9-502(a), (b).

<sup>16</sup> Ark. Code § 4-9-502(c).

<sup>17</sup> Ark. Code § 4-9-502(c)(1)-(4). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>18</sup> The DFA Power of Attorney for Vehicle Transactions form may be found here: <https://www.dfa.arkansas.gov/office/motor-vehicle/motor-vehicle-forms/>.





An aerial photograph of a city in California, likely San Jose, showing a mix of suburban houses and a downtown skyline with mountains in the background. A large, semi-transparent blue circle is centered over the image, containing the word "California" in white serif font.

California



## Purchase Money Loans for New Manufactured Homes

To convey and encumber a manufactured home as real property a homeowner must cancel its Manufacturer's Certificate of Origin (MCO) or Certificate of Title.

The MCO or Certificate of Title to a manufactured home is surrendered once the home is permanently affixed and a California Department of Housing and Community Development (HCD) Form 433A is recorded in the county land records.<sup>1</sup> Homes that have not been previously titled will not have registration cards, plates or decals. A request for surrender, in the form of a letter, must be submitted to the HCD together with:

1. Title evidence (MCO or Certificate of Title);
2. Lien release, consent of lienors as applicable;
3. Recorded acknowledgment of the local enforcement agency overseeing installation certifying that the home has been installed in accordance with applicable law (Form 433A)<sup>2</sup>; and
4. Payment of appropriate fees and taxes.<sup>3</sup>

For new homes, title must be surrendered within 20 days of installation; within 10 days if installation is through dealer.<sup>4</sup>

A lender wanting to secure a manufactured home as real property in California must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the California Uniform Commercial Code (UCC), the HCD, and the County Recorder of the county where the real property is situated.<sup>5</sup>

In addition to filing the required documents with the appropriate state offices, and providing the information required under the California UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>6</sup>

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

California extended the surrender provisions in Cal. Health and Safety Code § 18551 to an owner of a manufactured home who has entered into a lease with a primary term of at least 35 years for the real property on which the manufactured home is affixed.<sup>7</sup>

The process to convert the home to real property is the same for homes subject to leasehold interest

<sup>1</sup> Cal. Health and Safety Code § 18551(a)(3).

<sup>2</sup> Form HCD 433A may be found here: <https://www.hcd.ca.gov/manufactured-and-mobilehomes/modifying-mobilehome>.

<sup>3</sup> See Cal. Code Regs. tit. 25, §§ 5610, 5611, 5612.

<sup>4</sup> Cal. Code Regs. tit. 25, § 5610.

<sup>5</sup> See, e.g., Cal. Com. Code §§ 9301, 9308, 9310, 9501, 9502.

<sup>6</sup> Cal. Com. Code § 9502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>7</sup> Cal. Health and Safety Code § 18551(a)(1)(A).



except that a lease is submitted with the request for a building permit instead of evidence of real estate ownership.

## Special Rule for Cooperatives

The owner of a manufactured home in a mobile home park, converted or proposed to be converted to a resident-owned subdivision, cooperative, condominium, or nonprofit corporation may, if such owner is also a participant in the resident ownership, apply for voluntary conversion of the manufactured home to a fixture and improvement to the underlying real property without compliance with the title conversion procedure outlined above.<sup>8</sup>

The resident ownership organization must establish an escrow account with an escrow agent on behalf of the owner applying for conversion.<sup>9</sup> The following items must be deposited in the escrow account:

1. A copy of the owner's application for conversion, Form HCD MH 433(C);
2. The Certificate of Title or the MCO<sup>10</sup>, the current registration card, decals, and other indicia of registration of the manufactured home;
  - a. In the absence of a Certificate of Title for the manufactured home, written evidence from lienholders on record with the HCD that the lienholders consent to conversion of the manufactured home to a fixture and improvement to the underlying real property upon the discharge of any personal lien, that may be conditioned upon the satisfaction by the owner of the obligation secured by the lien;
3. A nominal fee payable to the HCD for each transportable section of the manufactured home; and
4. Escrow instructions describing the terms and conditions of compliance with Cal. Health and Safety Code § 18555, the requirements of the HCD, and other applicable terms and conditions.

On the same or following day that the escrow is closed, the escrow agent must record Form HCD MH 433(C) with the county recorder of the county where the converted manufactured home is situated.<sup>11</sup> Upon recording, the escrow agent must transmit a completed copy of form HCD MH 433(C), the Certificate of Title or the MCO, the current registration card, other indicia of registration, and fees to the HCD. The HCD will then cancel the registration of the manufactured home.<sup>12</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

<sup>8</sup> Cal. Health and Safety Code § 18555(a).

<sup>9</sup> Cal. Health and Safety Code § 18555(b).

<sup>10</sup> While the statute does not specify, a representative from HCD confirmed on September 4, 2024 that an MCO can be surrendered.

<sup>11</sup> Cal. Health and Safety Code § 18555(d).

<sup>12</sup> Cal. Health and Safety Code § 18555(e); see also Form HCD MH 433(C).



At present, California does not have an electronic titling program.

### **Power of Attorney**

HCD does not provide a model limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.





An aerial photograph of a suburban neighborhood in Colorado during autumn. The scene shows several houses with grey roofs, surrounded by trees with vibrant yellow, orange, and red foliage. A large teal circle is superimposed over the center of the image, containing the word "Colorado" in white serif font. The background features a mix of residential buildings, green lawns, and a winding path through the trees.

Colorado



## Purchase Money Loans for New Manufactured Homes

To convey and encumber a manufactured home as real property where the home is permanently affixed to land owned or leased by the homeowner, a homeowner must retire a home's Manufacturer's Certificate of Origin (MCO) or Certificate of Title.

Any purchaser of a new manufactured home that is (or will be) transported to a site and permanently affixed to the ground is not required to procure a Colorado Certificate of Title. Instead, the purchaser must file a Certificate of Permanent Location<sup>1</sup> along with the home's ownership documentation, such as the MCO, to have the home permanently affixed to the ground.<sup>2</sup>

The Certificate of Permanent Location must be acknowledged and must contain or be accompanied by a written declaration that the statements made therein are made under the penalties of perjury in the second degree, as provided under Colorado law.<sup>3</sup>

Additionally, at least one of the owners of the home, as reflected on the home's title, the bill of sale, or the MCO or its equivalent, must be an owner of record of the real property to which the home is to be affixed or permanently located, except that this requirement does not apply to any home that occupies real property subject to a long-term lease that has an express term of at least 10 years.<sup>4</sup>

The Certificate of Permanent Location must be filed with the clerk and recorder for the county or city and county in which the home is located. For a home that occupies real property subject to a long-term lease that has an express term of at least 10 years, a copy of the lease must also be filed along with the Certificate of Permanent Location. The clerk and recorder will file and record the Certificate of Permanent Location, a copy of the bill of sale, a copy of the MCO or its equivalent, and, if applicable, a copy of the long-term lease in the clerk's office and destroy the original MCO or its equivalent.<sup>5</sup>

Upon the filing and recording of the Certificate of Permanent Location, the manufactured home shall become real property.<sup>6</sup>

A lender wanting to secure a home as real property in Colorado must record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Colorado Uniform Commercial Code (UCC), the Colorado Division of Property Taxation (DPT), and the clerk and recorder for the county or city and county in which the home is (or will be) located.<sup>7</sup>

<sup>1</sup> Colorado Form 15-DPT-AR MH 301 "Certificate of Permanent Location for a Manufactured Home" (rev. August 2009) may be found here: <https://dpt.colorado.gov/forms-index#M>. Colorado Form 15-DPT-AR MH 306 "Certificate of Permanent Location for a Manufactured Home Subject to a Long-Term Land Lease" (rev. September 2009) may be found here: <https://dpt.colorado.gov/forms-index#M>.

<sup>2</sup> Colo. Rev. Stat. §§ 38-29-114(2); 38-29-202(1)(a).

<sup>3</sup> Colo. Rev. Stat. § 38-29-202(3).

<sup>4</sup> Colo. Rev. Stat. § 38-29-202(1)(d).

<sup>5</sup> Colo. Rev. Stat. §§ 38-29-202(1)(c); 38-29-205; 38-29-206.

<sup>6</sup> Colo. Rev. Stat. § 38-29-114(2).

<sup>7</sup> See, e.g., Colo. Rev. Stat. §§ 4-9-301; 4-9-308; 4-9-310; 4-9-501; 4-9-502.



In addition to filing the Certificate of Permanent Location and providing the information required under the Colorado UCC, the deed of trust, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>8</sup>

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

The Colorado Titles of Manufactured Homes Act (TMHA) also provides a process by which the owner of a manufactured home that is (or will be) permanently affixed to real property and is (or will be) subject to a long-term lease may retire the home's ownership documentation, such as its title or MCO.

Any purchaser of a new home that is transported to a site and permanently affixed to real property, but subject to a long-term lease of at least 10 years, may file a Certificate of Permanent Location, along with the home's ownership documentation, such as its title or MCO, and a copy of the lease with the clerk and recorder for the county or city and county in which the new home is permanently affixed. The home will become real property upon the filing, approval, and recordation of these documents.<sup>9</sup>

As such, provided a homeowner has, at minimum, a 10-year leasehold interest in the land upon which the home is sited and has recorded (or will record) the leasehold interest, the home can be permanently affixed to the real property and the home's title or MCO retired (see above).

## Electronic Transmission of Home Title, Recordation, and/or Surrender

At present, Colorado does not have an electronic titling program. However, the Colorado Uniform Motor Vehicle Law provides that, on or before March 31, 2026, the Colorado Division of Motor Vehicles (DMV) must establish a system to allow the electronic transmission of registration, lien, and titling information for motor vehicles, off-highway vehicles, or special mobile machinery.<sup>10</sup>

While manufactured home titling is separately regulated under the Colorado TMHA, the Colorado DMV is the prudential regulator under both the Uniform Motor Vehicle Law and the TMHA, and manufactured home titling will likely be included. At this time it is unclear if participation will be required.

## Power of Attorney

At this time, neither the Colorado DMV nor the Colorado DPT provide a dedicated power of attorney form in connection with manufactured housing.

<sup>8</sup> Colo. Rev. Stat. § 4-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>9</sup> Colo. Rev. Stat. §§ 38-29-114(2); 38-29-202(b), (c). While not expressly required by statute, it is recommended that the homeowner also obtain permission from the lessor.

<sup>10</sup> Colo. Rev. Stat. § 42-1-234(1).





A photograph of a suburban street scene. In the foreground, there's a grassy area with a small decorative arrangement of evergreen branches and a wooden crate. A black lamppost stands on the right. In the middle ground, a red stop sign is visible on a street corner. Behind it, there are houses: a pink one on the left and a white one on the right. Bare trees are scattered throughout the scene. The sky is blue with large, white, fluffy clouds. A large, semi-transparent blue circle is centered over the image, containing the word "Connecticut" in white serif font.

Connecticut

## Purchase Money Loans for New Manufactured Homes

A person owning a manufactured home must file with the town clerk of the municipality in which the home is located for a Certificate of Title, a Bill of Sale, or other document evidencing the person's ownership of the home, such as the Manufacturer's Certificate of Origin (MCO), and any person holding a security interest in any such home may file the security interest for recording in the land records of the municipality in which the home is located.<sup>1</sup>

While a home can be permanently affixed to real property, the home's original title or other ownership documentation, if any, is never actually retired.

With regards to establishing intent to permanently affix a home to real property in Connecticut, state case law outlines specific criteria for determining whether a home has been or is intended to be permanently affixed to land:

1. Intent to immobilize the home (i.e., permanent affixation to a foundation, connection of utilities, installation of onsite improvements, etc.)
2. Intent to unify the home with the real estate
3. Intent to unify ownership (i.e., the homeowner is also the landowner)
4. Intent for the combined property to be assessed and taxed as real property; and/or
5. A general expression of intent (i.e., the homeowner, landowner, and/or lienholder have filed paperwork or otherwise demonstrated a desire for the home to be affixed and characterized as real property).<sup>2</sup>

Given that Connecticut has no legal process for titling a home and/or surrendering title or other ownership documentation and permanently affixing a home to real property, the actions of the parties involved in the transaction (i.e., the homeowner, the landowner, and/or the lienholder, if any) are important for determining intent. Accordingly, recording an Affidavit of Affixture as required by Fannie Mae Single Family *Selling Guide* section B5-2-05 is essential.

Likewise, any public documents purporting to create an encumbrance on a manufactured home, including, but not limited to, a mortgage, a security interest, a chattel mortgage, or an attachment, must also be recorded in the town clerk's office of the municipality in which the home is located. Of note, the filing of any document in said land records evidencing the encumbrance and used to perfect the encumbrance under the Connecticut Uniform Commercial Code (UCC) shall be deemed compliance with the Manufactured Home Law, but failure to comply with the Manufactured Home Law does not affect any security rights of the secured party in the home, except that any document creating an

1 Conn. Gen. Stat. § 21-67a(b). Note that, while the statute uses the exact term "Certificate of Title," Connecticut does not issue title certificates for mobile manufactured homes. Presumably, this concerns a home titled in another jurisdiction that later enters Connecticut.

2 See, e.g., *Waterbury Petroleum Prod. v. Canaan Oil & Fuel, Co.*, 477 A.2d 988, 993-994 (Conn. 1984). See also *ATC Partnership v. Town of Windham*, 845 A.2d 389, 396-397 (Conn. 2004); *Burkamp v. Burkamp*, 2006 WL 696323\*2 (Conn. Super. 2006).





encumbrance upon a home shall not be perfected under the Connecticut UCC until the document has been recorded in the town clerk's office of the municipality in which the home was located.<sup>3</sup>

As such, a lender wanting to secure a manufactured home as real property in Connecticut should provide notice that the home is permanently affixed to the land upon which it is situated by filing the requisite documentation in the town clerk's office of the municipality in which the home is (or will be) located. The filing must accurately describe the home as being part of the real property securing the loan. The lender should also make sure that the mortgage filing meets the fixture requirements of the Connecticut UCC, as well as the requirements of the town clerk's office of the municipality in which the home is (or will be) located.<sup>4</sup>

In addition to complying with the requirements of the Connecticut UCC, as well as the requirements of the town clerk's office of the municipality in which the home is (or will be) located, the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

Connecticut law is generally silent with regards to a manufactured home that is or will be permanently affixed to real property subject to a leasehold estate.

However, conveyances of title of homes in manufactured home parks or located on single-family lots owned by a person other than the homeowner must comply with the following requirements:

1. The document(s) conveying the title must contain:
  - a. A description of the home, setting forth the name of the manufacturer, the model number, the serial number, and all encumbrances on the home,
  - b. The name and address of the manufactured home park in which the home is located, including lot number, if any, within the park, or for those homes not situated in manufactured home parks, the name and address of the individual owning the lot on which the home is located and the address of the lot; and
  - c. The amount due and owing, if any, for property taxes to the municipality in which the manufactured home is located;
2. The document(s) conveying title must be filed in the town clerk's office of the municipality in which the home is located for recording on the land records; and
3. Any sales and use taxes that have become due must have been paid-in-full.<sup>6</sup>

<sup>3</sup> Conn. Gen. Stat. § 21-67a(e).

<sup>4</sup> See, e.g., Conn. Gen. Stat. § 42a-9-301; 42a-9-308; 42a-9-310; 42a-9-501; 42a-9-502.

<sup>5</sup> Conn. Gen. Stat. § 42a-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>6</sup> Conn. Gen. Stat. § 21-67a(c).





Any document transferring title to a home located in a manufactured home park or on a single-family lot, when duly executed and recorded in accordance with these provisions, shall have the force and effect of the equivalent statutory form of deed and/or mortgage as provided under Connecticut law.<sup>7</sup> However, no purchaser of a manufactured home shall be entitled to assume the tenancy or rental agreement of the seller in a manufactured home park until such purchaser has paid-in-full any sales and use taxes that have become due and filed the document(s) conveying title in the town clerk's office of the municipality in which the home is located for recording on the land records.<sup>8</sup>

### Electronic Transmission of Home Title, Recordation, and/or Surrender

At present, Connecticut does not have a mandated electronic titling program.

### Power of Attorney

At this time, Connecticut does not provide a dedicated power of attorney form in connection with manufactured home transactions.

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<sup>7</sup> Conn. Gen. Stat. §§ 21-67a(d); 47-36c.

<sup>8</sup> Conn. Gen. Stat. § 21-67a(c).



An aerial photograph of a city in Delaware, likely Wilmington, showing a mix of urban and suburban architecture. In the foreground, there are rows of brick and white-painted townhouses. The middle ground features larger commercial and institutional buildings. In the background, a large body of water (the Delaware Bay) is visible under a soft, hazy sky. A large, semi-transparent blue circle is centered over the image, containing the word "Delaware" in white serif font.

Delaware

## Purchase Money Loans for New Mobile Homes

When a mobile home is sold by a Delaware licensed mobile home dealer, the dealer is responsible for immediately submitting the application for Certificate of Title, related documents, and all fees to the Delaware Division of Motor Vehicles (DMV) for the purpose of securing a title.<sup>1</sup>

Every application for an original Certificate of Title<sup>2</sup> shall be made upon the appropriate form furnished or approved by the Delaware DMV.<sup>3</sup>

For a new vehicle purchased from a dealer, the Certificate of Title application must also include a statement of transfer by the dealer and the home's Manufacturer's Certificate of Origin (MCO).<sup>4</sup>

Finally, the owner must certify, under penalty of perjury, that the statements made on the Certificate of Title application are true and correct to the best of the owner's knowledge, information, and belief.<sup>5</sup>

Of note, the Delaware DMV will not transfer title of a mobile home to a new owner until all county taxes levied by the jurisdiction in which the home is located have been paid in full.<sup>6</sup> As such, all Certificate of Title applications must be accompanied by a county tax form confirming that taxes have been paid in full.

Next, the homeowner (or the owner's agent) must permanently affix the home to real property in Delaware and ensure that the necessary steps have been completed for the home to be taxed as real property.

Delaware does not have a statutory procedure for retiring a mobile home's Certificate of Title. However, if a mobile home meets the following requirements, then it need not be considered a mobile home for Certificate of Title purposes:

1. Previously affixed to the realty;
2. Annual realty taxes have been assessed and paid;
3. The affixation has been so noted on the appropriate deed; and
4. A realty transfer tax has previously been paid on the resale of the home.<sup>7</sup>

<sup>1</sup> Del. Code tit. 21, § 2302(e).

<sup>2</sup> Delaware Form MV212 "Application for Title" (rev. September 2022) may be found here: <https://dmv.de.gov/forms/index.shtml>

<sup>3</sup> Delaware DMV guidance indicates that, for all new and used mobile homes entering Delaware from out-of-state, a DMV representative will provide the new owner with Form MV212A "Application for Title." At present, Form MV212A is not available on the Delaware DMV website.

<sup>4</sup> Del. Code tit. 21, § 2302(a).

<sup>5</sup> Del. Code tit. 21, § 2302(b).

<sup>6</sup> Del. Code tit. 21, § 2301(d).

<sup>7</sup> 2 Del. Admin. Code § 2263-2.0.





This provision suggests that, once a home has been permanently affixed to the homeowner's land and the necessary steps have been completed to have the home taxed as real property, then the home's title is effectively retired. However, the process for retiring a home's Certificate of Title depends on the county in which the home is located, and the process varies slightly for each of Delaware's three counties.

Of note, Delaware DMV regulations do not clarify whether a homeowner who intends to permanently affix a mobile home to real property can forego obtaining a home's Certificate of Title and, instead, retire the home's ownership documents, such as the MCO. Consequently, it is recommended that the lender first obtain title and then proceed with having the title certificate retired.

### **Kent County**

First, the homeowner should contact Kent County to schedule a physical inspection<sup>8</sup> of the mobile home. The homeowner will likely need to present the home's Certificate of Title, along with the applicable form and payment of a fee, if any. A Kent County inspector will then physically inspect the home to confirm that it has been permanently affixed to the land and the Finance and Tax Office will issue a Mobile Home Certification Letter<sup>9</sup> on Kent County letterhead verifying that the home meets all qualifications to be classified as real property.

Next, the Mobile Home Certification Letter and the home's Certificate of Title, including evidence that all liens, if any, have been released, must be presented to the Delaware DMV. The Delaware DMV will then issue a Classification Notice confirming that the home's Certificate of Title has been retired based on the county's determination that the home has been permanently affixed to land in Kent County.

Finally, assuming the Delaware DMV does not provide notice to Kent County, the homeowner must present the Classification Notice to the Kent County Finance and Tax Office to have the home reclassified as real property in the county records.

### **New Castle County**

First, the homeowner should contact the New Castle County Department of Land Use to schedule a physical inspection of the mobile home<sup>10</sup>. The homeowner will likely need to present the home's Certificate of Title, along with the applicable form and payment of a fee, if any. A New Castle County inspector will then physically inspect the home to confirm that it has been permanently affixed to the land and issue a Mobile Home Class C Letter on New Castle County letterhead verifying that the home meets all qualifications to be classified as real property.

8 Kent County inspection information may be found here: <https://www.kentcountyyde.gov/Doing-Business-with-Kent-County/Inspections>.

9 Kent County information regarding Mobile Home Certification Letters may be found here: [https://www.kentcountyyde.gov/files/sharedassets/public/v/1/content-publishers/finance\\_tax/finance-pdf/mobile-home-letter-application-and-instructions.pdf](https://www.kentcountyyde.gov/files/sharedassets/public/v/1/content-publishers/finance_tax/finance-pdf/mobile-home-letter-application-and-instructions.pdf).

10 New Castle County inspection information may be found here: <https://www.newcastlede.gov/228/Building-Inspections>.



Next, the Mobile Home Class C Letter and the home's Certificate of Title, including evidence that all liens, if any, have been released, must be presented to the Delaware DMV. The Delaware DMV will then issue a Classification Notice confirming that the home's Certificate of Title has been retired based on the county's determination that the home has been permanently affixed to land in New Castle County.<sup>11</sup>

Finally, assuming the Delaware DMV does not provide notice to New Castle County, the homeowner must present the Classification Notice to the New Castle County Assessor's Office to have the home reclassified as real property in the county records.

### Sussex County

First, the homeowner should contact the Sussex County Assessor's Office to schedule a physical inspection of the mobile home. The homeowner will likely need to present the home's Certificate of Title, along with the applicable form and payment of a fee, if any. A Sussex County inspector will then physically inspect the home to confirm that it has been permanently affixed to the land and issue a Mobile Home Class C Letter on Sussex County letterhead verifying that the home meets all qualifications to be classified as real property.<sup>12</sup>

Next, the Mobile Home Class C Letter and the home's Certificate of Title, including evidence that all liens, if any, have been released, must be presented to the Delaware DMV. The Delaware DMV will then issue a Classification Notice confirming that the home's Certificate of Title has been retired based on the county's determination that the home has been permanently affixed to land in Sussex County.

Finally, assuming the Delaware DMV does not provide notice to Sussex County, the homeowner must present the Classification Notice to the Sussex County Assessor's Office to have the home reclassified as real property in the county records.

Delaware does not have a formal statutory procedure for retiring a mobile home's Certificate of Title. However, Delaware DMV regulations provide that, if a home has been permanently affixed to land owned by the homeowner, affixation has been noted on the deed or other applicable conveyance documents, and the home is being (or will be) taxed as real property, then a Certificate of Title is no longer required.<sup>13</sup> As such, the most effective solution is to "retire" the home's Certificate of Title and record a mortgage with a fixtures clause that includes a clear description of the home.

While it does not appear that a fixture filing under the Delaware UCC is required, a lender wanting to secure a mobile home as real property in Delaware should provide notice that the home is permanently affixed to the land upon which it is situated by filing the requisite documentation with the Recorder of Deeds of the Delaware county where the mobile home is (or will be) located. The filing must accurately

11 New Castle County Form "Request for Mobile Home Retirement Letter (Class C Letter)" (rev. November 2022) may be found here: <https://www.newcastlede.gov/224/Use>.

12 Sussex County information regarding Mobile Home Class C Letters may be found here: <https://sussexcountyde.gov/assessment>.

13 2 Del. Admin. Code § 2263-2.0.



describe the home as being part of the real property securing the loan. The lender should also make sure that the mortgage filing meets the fixture filing requirements of the Delaware UCC, as well as the requirements of the Recorder of Deeds of the Delaware county where the home is (or will be) located.<sup>14</sup>

In addition to complying with the requirements of the Delaware UCC, as well as the requirements of the Recorder of Deeds of the Delaware county where the home is (or will be) located, the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>15</sup>

### Electronic Transmission of Home Title, Recordation, and/or Surrender

At present, Delaware does not have a mandated electronic titling program.

### Power of Attorney

The Delaware DMV provides a dedicated power of attorney form<sup>16</sup>, where the principal may authorize another person to sign all papers and documents that may be necessary in order to conduct vehicle business on the principal's behalf. Given that mobile homes are titled through the Delaware DMV, this form should still apply.

<sup>14</sup> See, e.g., Del. Code tit. 6, §§ 9-301; 9-308; 9-310; 9-501; 9-502.

<sup>15</sup> Del. Code tit. 6, § 9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>16</sup> Delaware Form MV386 "Power of Attorney to Conduct Motor Vehicle Business" (rev. February 2022) may be found here: <https://dmv.de.gov/forms/index.shtml>.





An aerial photograph of a suburban neighborhood with rows of houses, streets, and green lawns. A large, semi-transparent teal circle is centered over the image, containing the text "District of Columbia" in white serif font.

# District of Columbia



## Purchase Money Loans for New Manufactured Homes

The District of Columbia (District) does not title manufactured homes. There is also no legal process for surrendering a home's title or other ownership documentation, such as the home's Manufacturer's Certificate of Origin (MCO), and permanently affixing the home to real property.

However, a manufactured home may still be treated as real property in the District if the home is physically affixed and integrated into the land upon which it is situated. Consequently, the District of Columbia's Uniform Commercial Code (UCC) provisions with regards to fixtures and attachment would apply.

With regards to establishing intent to permanently affix a home to real property in the District, state case law is silent regarding specific criteria for determining whether a home has been or is intended to be permanently affixed to land. However, important factors likely include:

1. Intent to immobilize the home (i.e., permanent affixation to a foundation, connection of utilities, installation of onsite improvements, etc.)
2. Intent to unify the home with the real estate
3. Intent to unify ownership (i.e., the homeowner is also the landowner)
4. Intent for the combined property to be assessed and taxed as real property; and/or
5. A general expression of intent (i.e., the homeowner, landowner, and/or lienholder have filed paperwork or otherwise demonstrated a desire for the home to be affixed and characterized as real property).

Given that the District has no legal process for titling a home and/or surrendering title or other ownership documentation and permanently affixing a home to real property, the actions of the parties involved in the transaction (i.e., the homeowner, the landowner, and/or the lienholder, if any) are important for determining intent. Accordingly, recording an Affidavit of Affixture as required by Fannie Mae Single Family *Selling Guide* section B5-2-05 is essential.

Without a dedicated process, the most effective solution is to record a deed of trust with a fixtures clause that includes a clear description of the home.

While it does not appear that a fixture filing under the District of Columbia UCC is required, a lender wanting to secure a manufactured home as real property in the District should provide notice that the home is permanently affixed to the land upon which it is situated by filing the requisite documentation with the District of Columbia's Recorder of Deeds consistent with the District's Real Property Law. The filing must accurately describe the home as being part of the real property securing the loan. The lender should also make sure that the deed of trust filing meets the fixture filing requirements of both the District of Columbia UCC and the Recorder of Deeds.<sup>1</sup>

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<sup>1</sup> See, e.g., D.C. Code §§ 28:9-301; 28:9-308; 28:9-310; 28:9-501; 28:9-502.



In addition to complying with the requirements of the District of Columbia UCC, as well as the requirements of the Recorder of Deeds, deed of trust, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>2</sup>

### **Electronic Transmission of Home Title, Recordation, and/or Surrender**

At present, the District provides for a voluntary electronic titling program.<sup>3</sup> However, because the District does not title manufactured homes, participation is not available in connection with manufactured home titling.

### **Power of Attorney Requirements**

At this time, the District does not provide a dedicated power of attorney form in connection with manufactured home transactions.

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<sup>2</sup> D.C. Code § 28:9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>3</sup> See, e.g., D.C. Code § 50-1218.







Florida



## Purchase Money Loans for New Manufactured Homes

To convert a manufactured home to real property, a lender must retire the home's Certificate of Title and record a mortgage with a fixtures clause that includes a clear description of the home.<sup>1</sup> If the Florida Department of Highway Safety and Motor Vehicles (DMV) has not yet issued a title for the home, the lender must first secure a title.

The Florida Motor Vehicles Code (MVC) provides that no manufacturer, distributor, licensed dealer, or other person may sell or otherwise dispose of a new mobile home without delivering a Manufacturers Certificate of Origin (MCO); nor shall any distributor, licensed dealer, or other person purchase a new home without obtaining from the seller thereof the MCO.

Application for Certificate of Mobile Home Title<sup>2</sup> must be filed with the Florida DMV, accompanied by the home's MCO.<sup>3</sup> The application for a Certificate of Title must be filed within 30 days after consummation of the sale of the home to the purchaser.<sup>4</sup>

In the case of the sale of a home by a licensed dealer to a consumer purchaser, the Certificate of Title must be obtained in the name of the purchaser by the dealer upon application signed by the purchaser.

The Florida DMV will issue a Certificate of Title upon receipt of a completed title application, satisfaction of all statutory requirements, and the payment of all appropriate fees.

The title to a home may be retired by the Florida DMV if the owner of the real property records 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 paper title (or a copy thereof) to the home with 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, a copy of the lease agreement; and
3. A sworn statement by the owner of the real property, as shown on the real property deed or long-term lease, that such owner is also the owner of the home and that the home is permanently affixed to the real property in accordance with Florida law.<sup>5</sup> For purposes of this section, the term "real property owned by that same person" shall include any tenancy of a recorded leasehold interest in the real property for a term of 30 years or more.

<sup>1</sup> Note that, prior to June 10, 2004, in the case of a new mobile home, Florida law permitted retirement of the home's title certificate or the manufacturer's Statement of Origin. However, Fla. Stat. § 319.261 has since been amended and now only permits retirement of the home's Certificate of Title.

<sup>2</sup> Application for Certificate of Mobile Home Title (HSMV 82040 MH can be found at <https://www.flhsmv.gov/resources/forms/>

<sup>3</sup> Fla. Stat. § 319.23(1).

<sup>4</sup> Fla. Stat. § 319.23(6)(a).

<sup>5</sup> Fla. Stat. § 319.261(2).



The county's clerk of court, upon receipt of the required documents for recordation, will record said documents against the real property and provide a copy of the recorded title to the owner of the real property, including a copy of all the other recorded documents.<sup>6</sup>

After completing the above requirements, the owner of the home, or a lienholder as shown on the Certificate of Title pursuant to a power of attorney from the owner of the home, must file an application with the Florida DMV for retirement of the home's title<sup>7</sup>.

The Florida DMV will retire the home's title upon receipt of an application from the owner of the home or a lienholder requesting retirement of the title, accompanied by the documents that have been recorded by the clerk of court. Upon retirement of the Certificate of Title, the Florida DMV will notify the applicant, confirming that the home's title has been retired.<sup>8</sup>

Of note, the Florida MVC does not define "permanently affixed," but the Florida Tax Code provides that a home shall be considered permanently affixed if it is tied down and connected to the normal and usual utilities. Further, a home taxed as real property must have a current "RP" series sticker properly affixed to the home.<sup>9</sup>

A lender wanting to secure a home as real property in Florida must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Florida Uniform Commercial Code (UCC), the Florida DMV, and the clerk of court.<sup>10</sup>

Generally, 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 that it also covers a 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.<sup>11</sup>

In addition to complying with the requirements of the Florida DMV and providing the information required under the Florida UCC, the mortgage, or a rider to that instrument, should accurately describe the home.<sup>12</sup>

<sup>6</sup> Fla. Stat. § 319.261(3).

<sup>7</sup> Florida Form HSMV 82109 "Application for Retirement of a Mobile Home Certificate of Title" (rev. October 2011) may be found here: <https://www.flhsmv.gov/resources/forms/>.

<sup>8</sup> Fla. Stat. § 319.261(4).

<sup>9</sup> Fla. Stat. §§ 193.075(1); 320.0815(2).

<sup>10</sup> See, e.g., Fla. Stat. §§ 679.3011; 679.3081; 679.3101; 679.5011; 679.5021.

<sup>11</sup> Fla. Stat. §§ 679.334(4), (5); 679.5021(1), (2).

<sup>12</sup> Fla. Stat. § 679.5021(3).





The Florida UCC provides that a record of mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing if:

1. The record indicates the goods that it covers;
2. The goods are or are to become fixtures related to the real property described in the record;
3. The record satisfies the requirements for a financing statement other than an indication that it is to be filed in the real property records; and
4. The record is duly recorded.<sup>13</sup>

As such, the mortgage, or a rider to that instrument, should accurately describe the home, including by make, model, dimensions, year of manufacture, and serial number.

### Manufactured Homes Upon Real Property Subject to a Leasehold Estate

Florida law also provides a formal process by which the owner of a mobile home that is (or will be) permanently affixed to real property and is (or will be) subject to a long-term lease may retire the home's Certificate of Title, as long as the homeowner's interest provides for any tenancy of a recorded leasehold interest in the real property for a term of 30 years or more.<sup>14</sup>

As such, provided a homeowner has, at minimum, a 30-year leasehold interest in the land upon which the home is sited and has recorded (or will record) the leasehold interest, the home can be permanently affixed to the real property and the home's title retired. However, if the Florida DMV has not yet issued a Certificate of Title for the home, the homeowner or lender must first secure title (see above).

### Electronic Transmission of Mobile Home Title, Recordation, and/or Surrender

Participation in Florida's Electronic Lien and Title (ELT) Program<sup>15</sup> is mandatory for all dealers, finance companies, and other entities in the business or practice of financing vehicles, mobile homes, or vessels in Florida.<sup>16</sup> In general, lien and title records are stored electronically until the Florida DMV receives notice that a lien has been satisfied or a request for paper title.

### Power of Attorney

The Florida DMV provides a dedicated power of attorney form<sup>17</sup>, where the principal may authorize another person to sign all papers and documents that may be necessary in order to conduct vehicle business on the principal's behalf. Given that mobile homes are titled through the Florida DMV, this form should also apply to manufactured housing.

<sup>13</sup> Fla. Stat. § 679.5021(3)(a)–(d). Of note, the Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>14</sup> Fla. Stat. § 319.261(1). While not expressly required by statute, it is recommended that the homeowner also obtain permission from the lessor.

<sup>15</sup> Information regarding Florida's ELT Program, including how to convert an electronic title to a paper title, is available here: <https://www.flhsmv.gov/motor-vehicles-tags-titles/liens-and-titles/elt/>.

<sup>16</sup> See, e.g., Fla. Stat. §§ 319.001(1); 319.24(8); 319.40.

<sup>17</sup> Florida Form HSMV 82053 "Power of Attorney for a Motor Vehicle, Mobile Home, Vessel, or Vessel with Trailer" (rev. June 2022) may be found here: <https://www.flhsmv.gov/motor-vehicles-tags-titles/liens-and-titles/>.







Georgia



## Purchase Money Loans for New Manufactured Homes

To retire a certificate of title or Manufacturer's Certificate of Origin (MCO), a Manufactured Home Certificate of Permanent Location<sup>1</sup> must be filed with the Clerk of Superior Court.

A certified copy of the Manufactured Home Certificate of Permanent Location, as filed with the Clerk of the Superior Court, and the original Certificate of Title, must be delivered to Vehicle Services Division of the Department of Revenue (MVSD). MVSD will file and retain a copy of the Manufactured Home Certificate of Permanent Location, together with all other prior title records related to the home

The home will become for all legal purposes a part of the real property on which it is located once a Manufactured Home Certificate of Permanent Location has been properly filed with the Clerk of the Superior Court, and a certified copy of the document is properly filed with MVSD, along with the surrender of the original Certificate of Title. The home will 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.<sup>2</sup>

When a home has become a part of the real property, it is unlawful for any person to remove such home from the real property except with the written consent of the owner of the real property and the holders of all security interests in the real property.<sup>3</sup>

A lender wanting to secure a manufactured home as real property in Georgia must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Georgia Uniform Commercial Code (UCC), the MVSD, and the Clerk of the Superior Court of the county in which the real property is located.<sup>4</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

An entity that records five (5) or more security interests or liens on Georgia certificates of title in the immediately prior calendar year, or who has recorded five (5) or more security interests or liens on Georgia certificates of title within the same calendar year, will be required to utilize the Electronic Lien Titling Program (ELT) for all security interests and liens on Georgia certificates of title. ELT provides paperless certificates of title to participating financial institutions.<sup>5</sup> An electronic title must be converted to a paper title in order for the title to be surrendered.

<sup>1</sup> The Manufactured Home Certificate of Permanent Location (Form T-234) may be found here: <https://dor.georgia.gov/documents/forms>.

<sup>2</sup> Ga. Code Ann. §§ 8-2-183(a).

<sup>3</sup> Ga. Code Ann. §§ 8-2-183(b).

<sup>4</sup> See, e.g., Ga. Code §§ 11-9-301, 11-9-308, 11-9-310, 11-9-501, 11-9-502.

<sup>5</sup> See <https://dor.georgia.gov/electronic-lien-and-title-elt-program> for more information on ELT.





## Power of Attorney

MVSD allows a limited power of attorney<sup>6</sup> for a third-party to file titling paperwork on behalf of homeowners.

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<sup>6</sup> MVSD Limited Power of Attorney form (Form T-8) may be found at:  
<https://dor.georgia.gov/t-8-limited-power-attorneymotor-vehicle-transactions>.





Hawaii



## Purchase Money Loans for New Manufactured Homes

Hawaii does not issue Certificates of Title for manufactured homes. As a result, Hawaii law does not provide a procedure for converting a manufactured home from personal property to real property and documenting such conversion.

However, Hawaii law allows lenders to create and perfect security interests in manufactured homes under the Hawaii Uniform Commercial Code (UCC), with filings at the Hawaii Bureau of Conveyances.<sup>1</sup>

Where the owner of the manufactured home and real property are the same, a lender wanting to secure the manufactured home as real property in Hawaii must record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Hawaii UCC and the Land Court Division within the Bureau of Conveyances.<sup>2</sup>

There are no Hawaii statutes or case law addressing affixation requirements for a home to become real estate.

Hawaii has not adopted statewide installation standards. The treatment of manufactured home installations is controlled at the county level.

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

Possession of real property in Hawaii typically is pursuant to a leasehold interest. The owner of the home leases the real estate, usually for a lease term of 50 years, at which point the owner has an option to purchase the real estate.

If a manufactured home is affixed to the land of someone other than the owner of the manufactured home, we recommend obtaining a disclaimer of interest in the manufactured home from each owner or encumbrancer of the land.

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Hawaii does not title manufactured homes. As a result, Hawaii does not have an electronic titling program for manufactured homes.

## Power of Attorney

Hawaii does not title manufactured homes. As a result, Hawaii does not provide a model limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.

- 1 Haw. Rev. Stat. §§ 490:9-501; 490:9-515. Contrary to Haw. Rev. Stat. § 490:9-501(a)(1)(b), which states, “a financing statement filed as a fixture filing is filed in the office designated for the filing or recording of a mortgage on the real property”, all UCC Financing Statements, regardless of the type of collateral, are filed with the “Regular System” within the Bureau of Conveyances. Mortgage documents are recorded with the “Land Court” within the Bureau of Conveyances. This process was confirmed by a representative with the Bureau of Conveyances.
- 2 See, e.g., Haw. Rev. Stat. §§ 490:9-301, 490:9-308, 490:9-310, 490:9-501, 46:9-502.





An aerial photograph of a town at sunset. The sky is a mix of orange, yellow, and blue. A large, dark blue circle is centered over the town. The town features a river, a park with a playground, and various residential and commercial buildings. The word "Idaho" is written in white serif font inside the blue circle.

Idaho

## Purchase Money Loans for New Manufactured Homes

A manufactured home may be converted to real property if:

1. The running gear is removed;
2. The manufactured home is permanently affixed<sup>1</sup> to a foundation on land which is owned or being purchased by the owner or purchaser of said manufactured home; and
3. The owner or purchaser of the manufactured home records with the county recorder in the county in which the manufactured home will be situated a Statement of Intent to Declare the Manufactured Home as Real Property (SID).<sup>2</sup>

All parties with an interest in the real property must sign a SID. Each county prepares its own form of SID<sup>3</sup>. The SID states that the home must comply with local zoning ordinances and, if located within city limits, must be approved by the city's Building Department or Public Works Director. If the home is located in Ada County, it must be approved by Ada County Development Services Department.

For purposes of establishing ownership of the manufactured home, a Manufacturer's Certificate of Origin (MCO) or title, in the declarant's name is sufficient. Verification of land ownership can be made by a copy of a deed or by a copy of a sales contract in the declarant's name. A copy of the form must be given by the Recorder to the Assessor's Office for appraisal purposes. After recording the SID with the county recorder, the homeowner must provide a copy of the recorded SID and the title or MCO to the assessor. Any sales or use tax collected by the assessor is remitted to the State Tax Commission. The assessor forwards a copy of the SID and the title or MCO to the Idaho Transportation Department (ITD), Motor Vehicle Division. The ITD cancels the title or MCO.<sup>4</sup>

A lender wanting to secure a manufactured home as real property in Idaho must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Idaho Uniform Commercial Code (UCC), the county assessor, and the recorder of the county in which the home is located.<sup>5</sup>

In addition to filing the SID with the county assessor and providing the information required under the Idaho UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home.<sup>6</sup>

1 For manufactured home installations from 1989 to present, "permanently affixed" means complying with "The Idaho Manufactured Home Installation Standards" as adopted by Idaho Admin Code r. 07.03.12.004 ("Rules Governing Manufactured/Mobile Home Licensing").

2 Idaho Code § 63-304.

3 See sample copy of form here: <https://twinfallscounty.org/wp-content/uploads/Statement-of-Intent-2021-Fill-In-Form.pdf>.

4 Idaho Admin. Code r. 35.01.03.304.

5 See, e.g., Idaho Code §§ 28-9-301, 28-9-308, 28-9-310, 28-9-501, 28-9-502

6 Idaho Code § 28-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.





## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

Idaho extends the title conversion procedure to a home permanently affixed to a foundation on land that is leased by the owner or purchaser of the home. Financing the home must be in accordance with guidelines of Fannie Mae, Freddie Mac, the U.S. 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.<sup>7</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Participation is optional in Idaho's Electronic Lien Titling (ELT) program.<sup>8</sup> A lienholder participating in Idaho's ELT program receives an electronic transmission of the lien and maintains the record on a database. When the loan has been satisfied, the lienholder sends an electronic transmission to ITD who prints a paper title and mails it to the owner or to another party specified by the lienholder. Participating lienholders must enter into an agreement with an ITD approved service provider.

## Power of Attorney

The ITD publishes a power of attorney form<sup>9</sup> for a third-party to file titling paperwork on behalf of homeowners.

<sup>7</sup> Idaho Code § 63-304(1)(a)(ii). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>8</sup> See <https://itd.idaho.gov/itddmv/for-information-on-Idaho's-ELT-program>.

<sup>9</sup> A power of attorney form (Form ITD 3368) may be found at:  
<https://itd.idaho.gov/itddmv/?target=registration-plates-titles#forms-publications>.





An aerial photograph of a suburban neighborhood in Illinois. The scene features a mix of residential architecture, including a long, light-colored building with a prominent tower, several smaller houses with grey roofs, and a large multi-story apartment complex. The area is surrounded by lush green trees and lawns. In the background, a large body of water, likely Lake Michigan, stretches across the horizon under a clear blue sky. A large, semi-transparent blue circle is overlaid in the center of the image, containing the word "Illinois" in a white serif font.

Illinois



## Purchase Money Loans for New Manufactured Homes

To de-title a new manufactured home securing a purchase money loan on real property owned by the homeowner, the lender must follow the statutory process for canceling the Certificate of Title or Manufacturer's Certificate of Origin (MCO) and obtaining and filing the requisite documents.

Under the title conversion procedure, the owner of a manufactured home located outside of a mobile home park who either owns the real property to which the home is or will be affixed or is in possession of the real property under a 20 year lease, for which the consent of the lessor of the real property has been given, may convert the manufactured home to real property. Satisfaction of the following conditions are required:

1. The manufactured home is affixed to a permanent foundation and the wheels, axles and towing hitch are removed and the manufactured home is connected to residential utilities.
2. An Affidavit of Affixation<sup>1</sup>, has been recorded with the county recorder of land records where the manufactured home will be located. A certification from a certified residential or general real estate appraiser, licensed manufactured home installer or a licensed professional engineer stating that the home is attached to a permanent foundation and a copy of the MCO must be attached to the Affidavit of Affixation. Upon recording by the county clerk, a certified copy of the Affidavit of Affixation will be returned by the county clerk to the filer.
3. A certified copy of the Affidavit of Affixation, the original document of title (either the MCO or the Certificate of Title), and an Application for Surrender of Manufactured Home Certificate of Title or Manufacturer's Statement of Origin<sup>2</sup>, must be delivered to the Secretary of State so that the Certificate of Title or the MCO can be cancelled. The Secretary of State, once satisfied as to the genuineness of the delivered documents, will cancel the document of title and provide written acknowledgment of compliance to the filer. If the Application for Surrender of the Certificate of Title or MCO is delivered to the Secretary of State within 60 days of recording of the Affidavit of Affixation with the county recorder and is accepted by the Secretary of State, the Application for Surrender will be deemed satisfied as of the date of the recording of the Affidavit of Affixation.

Note, the Secretary of State may not cancel either an MCO or a Certificate of Title if the manufactured home is subject to any security interests.

Upon satisfaction of these requirements, a manufactured home is deemed to be real property and is conveyed and encumbered as such and any mortgage, deed of trust, lien or security interest will attach to the land as of the date of its recording. Any perfection or termination of a security interest with respect to such permanently affixed property will be governed by the laws applicable to real property.<sup>3</sup>

<sup>1</sup> The statutory form of the Affidavit of Affixation can be found in 765 Ill. Comp. Stat. 170/5-15,

<sup>2</sup> An Application for Surrender of Manufactured Home Certificate of Title or Manufacturer's Statement of Origin, Form VSD-973, may be found here: <https://www.ilsos.gov/publications/motorist/titlereg.html>.

<sup>3</sup> 765 Ill. Comp. Stat. 170/5-1 et seq.; 625 Ill. Comp. Stat. 5/3-116.1; 625 Ill. Comp. Stat. 5/3-116.2; and 625 Ill. Comp. Stat. 5/3-207.



Within 45 days after the completion of the first retail sale of a manufactured home, the MCO must be surrendered to the Secretary of State either in conjunction with an application for Certificate of Title for that manufactured home or an application for surrender of the MCO.<sup>4</sup>

A lender wanting to secure a manufactured home as real property in Illinois must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Illinois Uniform Commercial Code (UCC), the Secretary of State, and the recorder of the county in which the home is located.<sup>5</sup>

In addition to filing the Affidavit of Affixture with the Secretary of State and providing the information required under the Illinois UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>6</sup>

### Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

The title conversion process extends to a homeowner who is in possession of the real property to which the home is affixed or will be affixed under a 20 year lease, for which the consent of the lessor of the real property has been given.

### Power of Attorney

The Illinois Secretary of State publishes a power of attorney form<sup>7</sup> for a third-party to file titling paperwork on behalf of homeowners.

<sup>4</sup> 625 Ill. Comp. Stat. 5/3-104(n).

<sup>5</sup> See, e.g., 810 Ill. Comp. Stat. 5/9-301, 5/9-308, 5/9-310, 5/9-501, 5/9-502.

<sup>6</sup> 810 Ill. Comp. Stat. 5/9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>7</sup> The Power of Attorney form (Form RT 5) may be found at: <https://www.ilsos.gov/publications/motorist/titlereg.html>.







Indiana

## Purchase Money Loans for New Manufactured Homes

A person who holds a Certificate of Title for a manufactured home or holds an origination certificate for a home or otherwise owns as an improvement a home that is attached to real estate by a permanent foundation, with or without a Certificate of Title or Manufacturer's Certificate of Origin (MCO), may apply for an Affidavit to Transfer to Real Estate with Indiana Bureau of Motor Vehicles (BMV).<sup>1</sup>

The transfer to real estate for a manufactured home requires a three-step approval process involving the Indiana BMV, the county auditor, and the county recorder, respectively, of the county where the home is (or will be) affixed to land. The procedure must be initiated by the homeowner but, for the most part, may be handled by the lender, a closing agent, or a title company.

The following documents and other information are required:

1. An "Affidavit of Transfer to Real Estate"<sup>2</sup>;
2. Proof of ownership (e.g., the MCO, Certificate of Title, a bill of sale or purchase agreement, a warranty or sheriff's deed, etc.);
3. The home's unique identification number (e.g., Vehicle Identification Number (VIN), serial number, federal certification label, etc.); and
4. A completed copy of the Indiana BMV's Affidavit of Transfer to Real Estate Manufactured Home Application Checklist.<sup>3</sup>

After filing the Affidavit to Transfer Real Estate with the Indiana BMV and upon receipt of the Indiana BMV's approval, the homeowner must then deliver the approved Affidavit to Transfer Real Estate to the appropriate county auditor of the county where the home is (or will be) affixed<sup>4</sup> for endorsement for taxation purposes. The county auditor's endorsement will state that the home has been "duly entered for taxation subject to final acceptance of transfer."<sup>5</sup>

The county auditor may require that a tax identification number identifying the affected property be placed on an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or a lien on real property.<sup>6</sup>

Once the county auditor has provided its endorsement and upon receipt from the person filing the Affidavit of Transfer to Real Estate, the county recorder of the county in which the home is located will

<sup>1</sup> Ind. Code § 9-17-6-15.1(a).

<sup>2</sup> Indiana Form 51408 "Affidavit of Transfer to Real Estate" (rev. January 2017) may be found here: [https://www.in.gov/bmv/titles/title-forms/#General\\_Forms](https://www.in.gov/bmv/titles/title-forms/#General_Forms).

<sup>3</sup> See Indiana BMV, Titles–Manufactured/Mobile Homes: "Affidavit of Transfer to Real Estate Manufactured Home Application Packet," <https://www.in.gov/bmv/titles/manufacturemobile-homes/> [accessed September 4, 2024].

<sup>4</sup> Indiana Department of Local Governance regulations define "real property mobile home" as a mobile home that has an Affidavit of Transfer to Real Estate recorded by the county recorder of the county in which the home is located or has a Certificate of Title issued by the Indiana BMV and is attached to a permanent foundation. 50 Ind. Admin. Code 3.3-2-4.

<sup>5</sup> Ind. Code §§ 9-17-6-15.3; 36-2-9-18.

<sup>6</sup> Ind. Code § 36-2-9-18(a).





record the Affidavit of Transfer to Real Estate consistent with state requirements for the recording of such instruments.<sup>7</sup>

Finally, the filing in the appropriate county recorder's office of the Affidavit of Transfer to Real Estate is deemed a conversion of the home that is attached to real estate by a permanent foundation<sup>8</sup> to an improvement upon the real estate upon which it is located.<sup>9</sup>

A lender wanting to secure a manufactured home as real property in Indiana must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing meets the filing requirements of the Indiana Uniform Commercial Code (UCC), the Indiana BMV, and the recorder of the county in which the home is (or will be) located.<sup>10</sup>

In addition to filing the Affidavit of Transfer to Real Estate with the Indiana BMV and providing the information required under the Indiana UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>11</sup>

## Electronic Transmission of Home Title, Recordation, and/or Surrender

Effective July 1, 2026, participation in Indiana's Electronic Lien and Title (ELT) Program<sup>12</sup> will be required for all dealers, finance companies, and other entities in the business or practice of titling and/or financing manufactured homes in Indiana and that conduct at least 12 such transactions annually. Since July 1, 2023, participation in Indiana's ELT Program has been required for the processing of title data in which a lien is notated on a title and for the notification, maintenance, and/or release of security interests; however, it is not until July 1, 2026, that full participation in the ELT Program will be mandatory.<sup>13</sup>

## Power of Attorney

The Indiana BMV provides a dedicated power of attorney form<sup>14</sup>, where the principal may authorize another person to sign all papers and documents that may be necessary in order to conduct vehicle business on the principal's behalf. Given that manufactured homes are titled through the Indiana BMV, this form should also apply to manufactured housing.

7 Ind. Code §§ 9-17-6-15.3; 36-2-11-8(a); 36-2-11-14(a)(3).

8 "Permanent foundation" means a structural system capable of transposing loads from a structure to the earth at a depth below the established frost line. 50 Ind. Admin. Code 3.3-2-3.5.

9 Ind. Code § 9-17-6-15.5. Note, the intention of the final sentence of that provision is unclear.

10 See, e.g., Ind. Code §§ 26-1-9.1-301; 26-1-9.1-308; 26-1-9.1-310; 26-1-9.1-501; 26-1-9.1-502.

11 Ind. Code § 26-1-9.1-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

12 Information regarding the ELT Program is available here:  
<https://www.in.gov/bmv/titles/electronic-lien-and-titling-overview/#faqowners>.

13 Ind. Code § 9-17-5-6.

14 Indiana Form 1940 "Limited Power of Attorney: Vehicle and Watercraft Transactions" (rev. June 2021) may be found here: [https://www.in.gov/bmv/titles/title-forms/#General\\_Forms](https://www.in.gov/bmv/titles/title-forms/#General_Forms).





Iowa



## Purchase Money Loans for New Manufactured Homes

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.<sup>1</sup>

The application for a Certificate of Title<sup>2</sup> must include or be accompanied by, among other things:

1. 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
2. A Manufacturer's or Importer's Certificate duly assigned.

A manufactured home that is located outside a mobile home park or a manufactured home community may be converted to real estate if it is placed on a permanent foundation and assessed for real estate taxes.<sup>3</sup>

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 and the assessor must collect the Certificate of Title.<sup>4</sup> Alternatively, the homeowner 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 secured party's security interest in the home separate from any interest in the land.<sup>5</sup>

After complying with these conversion requirements, the owner must notify the assessor, who must inspect the new premises for compliance.<sup>6</sup> 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 IDOT and destroys the Certificate of Title.

A lender wanting to secure a manufactured home as real property in Iowa must file the affidavit to convert a manufactured home into real estate<sup>7</sup> with the assessor of the county where the home is located, to evidence that the home is (or will be) permanently affixed to the land upon which it is situated, and then record a mortgage with a fixtures clause that includes a clear description of the

<sup>1</sup> Iowa Code § 321.20(1).

<sup>2</sup> The application for a Certificate of Title for a manufactured home may be found here: <https://iowadot.seamlessdocs.com/sc/>.

<sup>3</sup> Iowa Code § 435.26(1)(a).

<sup>4</sup> Iowa Code § 435.26(1)(b); Iowa Admin. Code § 761-400.40(1)(a)(321). Rule 701-74.5(435) has been renumbered to 701-105.5(435). Rule 701-105.5(435) provides that an assessor must collect the title to a home only when a security interest is noted on the title and the secured party is given a mortgage on the land on which the home is located.

<sup>5</sup> Iowa Code § 435.26(1)(b).

<sup>6</sup> Iowa Code § 435.26(2).

<sup>7</sup> 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>.



home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Iowa Uniform Commercial Code (UCC), the county assessor, and the recorder of the county in which the home is located.<sup>8</sup>

In addition to filing an affidavit to convert a manufactured home into real estate with the county assessor and providing the information required under the Iowa UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>9</sup>

### Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

In the Iowa statutes, a “mobile home park” is defined as a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.<sup>10</sup> A “manufactured home community” is defined as any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure or enclosure used or intended for use as part of the equipment of the land-leased community.<sup>11</sup>

A person who owns a manufactured home that is located in a “manufactured home community” and is installed on a permanent foundation may surrender the manufactured home's Certificate of Title to the county treasurer for the purpose of eligibility for funds available from mortgage lending programs sponsored by Fannie Mae, Freddie Mac, the U.S. Department of Agriculture, or any other federal governmental agency or instrumentality that has similar requirements for mortgage lending programs.<sup>12</sup>

Upon receipt of a Certificate of Title from a manufactured homeowner, a county treasurer must notify the Iowa Department of Transportation (IDOT) that the Certificate of Title has been surrendered, remove the registration of title from the county treasurer's records, and destroy the Certificate of Title.<sup>13</sup>

The manufactured home owner or the owner's representative must provide to the county recorder the identifying data of the manufactured home, including the owner's name, the name of the manufacturer, the model name, the year of manufacture, and the serial number of the home, along with the legal description of the real estate on which the manufactured home is located.<sup>14</sup> In addition, evidence must be provided of the surrender of the Certificate of Title. After the surrender of the Certificate of Title of a

<sup>8</sup> See, e.g., Iowa Code §§ 554.9301, 554.9308, 554.9310, 554.9501, 554.9502.

<sup>9</sup> Iowa Code § 554.9502(3). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>10</sup> Iowa Code § 435.1(6).

<sup>11</sup> Iowa Code §§ 435.1(4), 335.30A, 414.28A.

<sup>12</sup> Iowa Code § 435.26A(1).

<sup>13</sup> Iowa Code § 435.26A(2)(a).

<sup>14</sup> Iowa Code § 435.26A(2)(b).





manufactured home, conveyance of an interest in the manufactured home will not require transfer of title so long as the manufactured home remains on the same real estate site.

The Certificate of Title of a manufactured home may not be surrendered if an unreleased security interest is noted on the Certificate of Title.<sup>15</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Iowa offers an optional Electronic Lien Title (ELT) program<sup>16</sup> whereby IDOT and lending institutions (“lienholders”) can exchange vehicle and title information electronically. Lienholders desiring to participate must establish a relationship with an approved service provider.

An electronic title must be converted to paper in order for the title to be surrendered.

## Power of Attorney

IDOT publishes a power of attorney form<sup>17</sup> for a third-party to file titling paperwork on behalf of homeowners.

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<sup>15</sup> Iowa Code § 435.26A(4).

<sup>16</sup> More about Iowa's ELT can be found at <https://iowadot.gov/mvd/buyingselling/iowa-electronic-lien-title-elt#30094527-why-was-the-iowa-elt-program-implemented>.

<sup>17</sup> The power of attorney form (Form 411021) may be found at: <https://iowadot.seamlessdocs.com/sc/>.







Kansas



## Purchase Money Loans for New Manufactured Homes

Upon the transfer or sale of any manufactured home by any person or dealer, the new owner thereof, within 30 days, inclusive of weekends and holidays, from the date of such transfer or sale, must make application to the Kansas Department of Revenue (DOR) for the issuance of a Certificate of Title evidencing the new owner's ownership of the home.<sup>1</sup>

However, the owner of a home that is (or will be) permanently affixed to real property may, instead, submit an Affidavit of Permanently Affixed Manufactured/Mobile Home and Application to Eliminate Title to the Kansas DOR to eliminate a Certificate of Title that has been issued or is required to be issued for the home.<sup>2</sup>

As such, a homeowner can forego the titling process altogether and file the necessary paperwork to eliminate title and permanently affix the home using the Manufacturer's Certificate of Origin (MCO).

To eliminate a Certificate of Title that has been issued or is required to be issued for a manufactured home, the owner of the home must make application to the Kansas DOR<sup>3</sup>.

The Kansas DOR will approve an application for retiring of a home's title once it confirms that all the requirements have been satisfied, and after the application has been approved, the Kansas DOR will deliver the approved application as directed by the application. The approved application will also be recorded in the office of the register of deeds of the county in which there is located the real property on which the home is affixed. Upon such recording, the Certificate of Title or the MCO, shall be presumed to be eliminated, and if a Certificate of Title was previously issued for the home, the Kansas DOR will also retire that title.<sup>4</sup>

Finally, whenever a home is permanently affixed to real property, by placement upon a permanent foundation of a type not removable intact from such real property, the home shall be considered for all purposes an improvement to real property, once the Certificate of Title that has been issued or is required to be issued for such home has been eliminated.<sup>5</sup>

Once a home's Certificate of Title or MCO, has been eliminated, the ownership of the home shall be an incident of ownership of the real property where it is located under Kansas real property law. Further, a separate security interest in the home shall not exist, and the home shall only be subject to a lien as part of the real property where it is located.<sup>6</sup>

<sup>1</sup> Kan. Stat. § 58-4204(c).

<sup>2</sup> Kan. Stat. § 58-4214(a), (b).

<sup>3</sup> Kansas Form TR-63 "Affidavit of Permanently Affixed Manufactured/Mobile Home and Application to Eliminate Title" (rev. June 2024) may be found here: <https://www.ksrevenue.gov/dovforms.html>.

<sup>4</sup> Kan. Stat. § 58-4214(c).

<sup>5</sup> Kan. Stat. § 58-4214(a).

<sup>6</sup> Kan. Stat. § 58-4214(a).



A lender wanting to secure a home as real property in Kansas must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Kansas Uniform Commercial Code (UCC), the Kansas DOR, and the office of the register of deeds of the county in which the home is (or will be) located.<sup>7</sup>

### Electronic Transmission of Home Title, Recordation, and/or Surrender

When an assignment of title or manufacturer's origin statement indicates that there is a lien or encumbrance on a manufactured home or if a notice of security interest has been filed with the Kansas DOR, the Kansas DOR will retain possession of such Certificate of Title electronically and will create an electronic Certificate of Title.<sup>8</sup>

However, Kansas DOR regulations clarify that, if necessary, any title with a security interest that is held in an electronic format may be printed, provided certain conditions are met.<sup>9</sup>

### Power of Attorney

At this time, the Kansas DOR does not provide a dedicated power of attorney form in connection with manufactured housing.

<sup>7</sup> See, e.g., Kan. Stat. §§ 84-9-301; 84-9-308; 84-9-310; 84-9-501; 84-9-502.

<sup>8</sup> Kan. Stat. § 58-4204(b); 58-4204a. Of note, the Kansas DOR's electronic lien system is not available to vehicle owners, which in this context includes manufactured home owners; more information about Kansas' electronic lien system is available here: <https://www.ksrevenue.gov/dovelien.html>.

<sup>9</sup> Kan. Admin. Regs. §§ 92-51-24; 92-51-28.





An aerial photograph of a city in Kentucky, showing a mix of historic brick buildings and modern structures. A large, semi-transparent teal circle is centered over the image, containing the word "Kentucky" in white serif font. The city is nestled in a valley with hills in the background. In the foreground, there are residential streets with parked cars and trees with green foliage. A prominent brick building with a tower is on the left, and a red brick building is on the right. The sky is overcast with soft clouds.

Kentucky



## Purchase Money Loans for New Manufactured Homes

The owner of a manufactured home must, within 15 days of purchasing the home, apply for and obtain a Certificate of Title in the owner's name.<sup>1</sup>

The application for a Certificate of Title must be made on forms prescribed by the Department of Vehicle Regulation of the Kentucky Transportation Cabinet<sup>2</sup>. Each application must be complete with all supporting documentation, including the Manufacturer's Certificate of Origin (MCO), and required fees, if any, when presented to the county clerk.

Except for applications submitted using the Kentucky Transportation Cabinet's electronic title application and registration system, an application for a Certificate of Title must be made by the owner to the county clerk of the county in which the owner resides, except that, if a manufactured home is purchased from a dealer other than in the county in which the purchaser for use resides, the purchaser, or the dealer on behalf of the purchaser, may make application to the county clerk in either the county in which the purchaser resides or the county in which the dealer's principal place of business is located.<sup>3</sup>

After reviewing and approving the title application packet, the Kentucky Transportation Cabinet will issue a Certificate of Title.<sup>4</sup>

When a manufactured home is (or will be) permanently affixed to real estate<sup>5</sup>, the owner may execute and file an Affidavit of Conversion to Real Estate with the county clerk of the county in which the real estate is located. The Affidavit of Conversion to Real Estate must attest to the fact that the home has been (or will be) permanently affixed to the real estate and be accompanied by a surrender of the home's Kentucky Certificate of Title.<sup>6</sup>

However, a county clerk will not accept the surrender of a Certificate of Title that displays an unreleased lien unless it is accompanied by:

1. A release of the lien; or
2. An affidavit, signed under oath by the attorney who satisfied the liens noted on the title, attesting that all liens noted on the title have been paid. (Note that an affidavit filed by an attorney may only be signed by an attorney licensed to practice law in Kentucky.).<sup>7</sup>

<sup>1</sup> Ky. Rev. Stat. § 186A.070(1).

<sup>2</sup> Kentucky Form TC 96-182 "Application for Kentucky Certificate of Title or Registration" (rev. January 2024) may be found here: [https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library-\(TC-96\).aspx](https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library-(TC-96).aspx).

<sup>3</sup> Ky. Rev. Stat. § 186A.120(1)(a).

<sup>4</sup> Ky. Rev. Stat. § 186A.170.

<sup>5</sup> Generally, there are three tests for determining whether property has become so affixed to real estate as to become a part thereof: 1. Method of annexation of the property to the realty; 2. Adaptation of application of the property to the use or purpose of the realty to which it is attached; and 3. Intention of the parties to make the property a permanent accession to the freehold. See *Tarter v. Turpin*, 291 S.W.2d 547, 548 (Ky. Ct. App. 1956).

<sup>6</sup> Ky. Rev. Stat. § 186A.297(1). See also *Wright v. Miller*, 629 S.W.3d 813, 818 (Ky. Ct. App. 2021) ("KRS 186A.297 provides the sole method for converting a manufactured home to real estate.").

<sup>7</sup> Ky. Rev. Stat. § 186A.297(2).





Upon receipt of the required information, the county clerk will accept the Affidavit of Conversion to Real Estate and the surrender of the home's Kentucky Certificate of Title and file the Affidavit of Conversion to Real Estate in the miscellaneous record book.<sup>8</sup>

Once the county clerk files the Affidavit of Conversion to Real Estate, the county clerk will also provide a copy to the property valuation administrator for inclusion in the real property tax rolls of the county where the home is permanently affixed.<sup>9</sup>

Note that Kentucky has not adopted a statewide standardized form for the Affidavit of Conversion to Real Estate. Instead, the form is generally provided or prepared at the county level throughout the state.<sup>10</sup>

A lender wanting to secure a home as real property in Kentucky must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Kentucky Uniform Commercial Code (UCC), the Kentucky Transportation Cabinet, and the county clerk of the county in which the home is (or will be) located.<sup>11</sup>

In addition to filing the Affidavit of Conversion to Real Estate with the county clerk of the county in which the real estate is located and providing the information required under the Kentucky UCC, the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>12</sup>

## Electronic Transmission of Home Title, Recordation, and/or Surrender

The Kentucky Transportation Cabinet is responsible for establishing an electronic title application and registration system that allows for the submission of any required forms and/or signatures electronically in lieu of a paper process. An approved entity<sup>13</sup> that wishes to use the electronic system must transmit all application documents, required signatures, and fees through the system to the county clerk of the county in which either the purchaser resides or where the dealer is located.<sup>14</sup>

<sup>8</sup> Ky. Rev. Stat. §§ 186A.297(1), (4); 382.110.

<sup>9</sup> Ky. Rev. Stat. § 186A.297(7).

<sup>10</sup> As an example, the Marshall County Form "Affidavit of Conversion to Real Estate" (rev. June 2001) may be found here: <https://www.marshallcountky.gov/mobile-home-conversion-to-real-estate/>.

<sup>11</sup> See, e.g., Ky. Rev. Stat. §§ 355.9-301; 355.9-308; 355.9-310; 355.9-501; 355.9-502.

<sup>12</sup> Ky. Rev. Stat. § 355.9-502(3) The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>13</sup> Ky. Rev. Stat. § 457.420.

<sup>14</sup> Ky. Rev. Stat. § 457.420.



While there presently is no deadline by which the Kentucky Transportation Cabinet must have this electronic system fully operational, if necessary, any information held in an electronic format may be printed, provided certain conditions are met.<sup>15</sup>

### Power of Attorney

At this time, the Kentucky Transportation Cabinet does not provide a dedicated power of attorney form in connection with manufactured housing. However, while not specific to manufactured housing, the Kentucky Uniform Power of Attorney Act provides a template for a statutory form power of attorney.<sup>16</sup>

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<sup>15</sup> Ky. Rev. Stat. § 457.420.

<sup>16</sup> Ky. Rev. Stat. § 457.420.







Louisiana

## Purchase Money Loans for New Manufactured Homes

Louisiana has a formal statutory procedure for electing to convey and encumber a factory-built home (which is defined to include both manufactured and mobile homes) as immovable property by way of “retiring” the home’s Manufacturer’s Certificate of Origin (MCO) or Certificate of Title (whichever is applicable) where a factory-built home is permanently affixed to land that is owned by the owner of the home. This process does not require surrender of the home’s MCO or original Certificate of Title, but a homeowner must file a Declaration of Immobilization for registry in the parish<sup>1</sup> conveyance records of the parish in which the home is (or will be) permanently affixed.

A purchaser of a factory-built home must apply for a Certificate of Title on or before the 20th day of the month following the month of delivery of the home.<sup>2</sup>

However, the purchaser of a home that is (or will be) permanently affixed to real estate or immovable property may, instead, file a Declaration of Immobilization for registry in the conveyance records of the parish where the home is (or will be) located.<sup>3</sup> As such, a homeowner can forego the titling process altogether and file the necessary paperwork to permanently affix or “immobilize” the home.

Once a Declaration of Immobilization has been recorded, the factory-built home shall cease to be subject to the Louisiana Title Law, as well as state tax laws applicable to personal or movable property, and thereafter the home is (or will be) subject to all laws concerning real estate or immovable property.<sup>4</sup>

Louisiana has not adopted a statewide standardized form for the Declaration of Immobilization. Instead, the form is generally provided or prepared at the parish level throughout the state<sup>5</sup>.

A Declaration of Immobilization must contain all of the following:

1. A description of the home, as described in the Certificate of Title or MCO, and a description of the immovable upon which the home is located, including the name of a record owner of the immovable;
2. A declaration that the home shall remain permanently attached to the immovable; and
3. The concurrence of the holder of any perfected security interest in the home.<sup>6</sup>

<sup>1</sup> In Louisiana, a “parish” is the legal and jurisdictional equivalent of a “county,” as that term is used in the majority of the U.S. states.

<sup>2</sup> La. Rev. Stat. § 32:707(A).

<sup>3</sup> La. Rev. Stat. § 9:1149.6.

<sup>4</sup> La. Rev. Stat. § 9:1149.6(C).

<sup>5</sup> As an example, the Rapides Parish Form “Act to Immobilize a Manufactured Home” (rev. May 2013) may be found here: <https://www.rapidesclerk.org/information.htm>.

<sup>6</sup> La. Rev. Stat. § 9:1149.6(B). See also Louisiana OMV Policy 31.02 “Act of Immobilization” (rev. July 2011), <https://www.expresslane.org/resources/omv-policy/vehicle-registration-requirements/>.





A homeowner may also be required to provide additional documentation, including:

1. The home's Certificate of Title or MCO;
2. A bill of sale; and
3. Proof that applicable sales tax and fees, if any, have been paid.<sup>7</sup>

Upon the filing of a Declaration of Immobilization for registry in the conveyance records of the parish in which the immovable property to which the home is attached is located, the homeowner (or the owner's agent) must file with the Louisiana OMV a certified copy of the Declaration of Immobilization, along with the applicable fee, if any, so that the Louisiana Office of Motor Vehicles (OMV) can update its records.

The Louisiana OMV must return to the homeowner (or the owner's agent) an acknowledgment that the Declaration of Immobilization has been received and the public record updated, and the acknowledgment must contain information sufficient to allow the location of the public record to be ascertained. Regardless, the failure of the homeowner (or the owner's agent) to file a certified copy of the Declaration of Immobilization with the Louisiana OMV does not impair the validity or enforceability of the Declaration of Immobilization.<sup>8</sup>

A previously perfected security interest in the home at the time of immobilization has the same priority over existing and subsequent mortgages and other encumbrances on the immovable as would a properly and timely perfected purchase-money security interest in fixtures.<sup>9</sup>

A lender wanting to secure a factory-built home as real estate or immovable property in Louisiana must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Louisiana Uniform Commercial Code (UCC), the Louisiana OMV, and the clerk of court of the parish in which the home is (or will be) located.<sup>10</sup>

<sup>7</sup> See Louisiana OMV Policy 31.00 "Classification of a Factory-Built Home as Immovable" (rev. November 2014), <https://www.expresslane.org/resources/omv-policy/vehicle-registration-requirements/>.

Note that Policy 31.00 provides that Louisiana Form DPSMV 1799 "Vehicle Application" (rev. May 2024) must be submitted to the Louisiana OMV when declaring a factory-built home as immovable property. However, Policy 31.00 was last updated in November 2014, whereas the Louisiana FBH Property Act was recently amended effective August 1, 2024, and it makes clear that a home's title certificate is not required to complete a Declaration of Immobilization. As such, Policy 31.00 has not yet been updated consistent with recent statutory changes and Form DPSMV 1799 should not be required.

<sup>8</sup> La. Rev. Stat. § 9:1149.6(E).

<sup>9</sup> La. Rev. Stat. § 9:1149.6(C). Note that Louisiana's immobilization procedure does not expressly provide for surrender of the home's Certificate of Title or other ownership information, such as the home's MCO. As such, it is local practice for the lienholder to retain physical possession of any such document or to file it in the public record with the Declaration of Immobilization.

<sup>10</sup> See, e.g., La. Civ. Code art. 3346–3348; La. Rev. Stat. §§ 10:9-301; 10:9-308; 10:9-310; 10:9-501; 10:9-502.



In addition to filing the Declaration of Immobilization for registry in the parish conveyance records and providing the information required under the Louisiana UCC, the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>11</sup>

## Electronic Transmission of Home Title, Recordation, and/or Surrender

The Louisiana Title Law provides for a computer system, administered by the Louisiana OMV, that permits the electronic recording of information concerning the titling of vehicles and the perfection and release of vehicle security interests without having to submit or receive physical paper documents<sup>12</sup>. Participation is mandatory for all lending and financial institutions.<sup>13</sup>

However, the Louisiana Title Law also clarifies that, if necessary, any information that is held in an electronic format may be converted to a paper document, provided certain conditions are met.<sup>14</sup>

## Power of Attorney

At this time, the Louisiana OMV does not provide a dedicated power of attorney form in connection with factory-built housing. However, the Louisiana OMV has published policy guidance regarding power of attorney requirements.<sup>15</sup>

11 La. Civ. Code art. 3346; La. Rev. Stat. § 10:9-502. The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

12 More information about Louisiana's web-based services is available here:  
[https://expresslane.dps.louisiana.gov/PTA\\_ELT/PTA\\_ELT.aspx](https://expresslane.dps.louisiana.gov/PTA_ELT/PTA_ELT.aspx).

13 La. Rev. Stat. § 32:707.2.

14 La. Rev. Stat. § 32:707.2(C)(3), (D).

15 Louisiana OMV Policy 4.01 "Power of Attorney/Mandate" (rev. June 2021) is available here:  
<https://www.expresslane.org/resources/omv-policy/vehicle-registration-requirements/>.





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 white houses and large trees. On the right, there are more houses and a church steeple in the background. A large, semi-transparent blue circle is overlaid in the center of the image, containing the word "Maine" in white serif font.

Maine

## Purchase Money Loans for New Manufactured Homes

To de-title a new manufactured home securing a purchase money loan on real property owned by the homeowner, the lender must follow the statutory process for canceling the Certificate of Title (if applicable) and after obtaining and filing the requisite documents.

Maine permits new, never-before-titled manufactured homes to be treated as real property without having to obtain or surrender a Certificate of Title if the home is permanently affixed to the real property owned by the home owner within 30 days of the sale.<sup>1</sup> However, even if a Certificate of Title is not required, once one is issued, it remains in effect unless cancelled.<sup>2</sup> We recommend that the lender obtain the Manufacturer's Certificate of Origin (MCO) to retain in its file for the term of the loan.

Recording a mortgage with a fixtures clause and an appropriate description of the home perfects a security interest in a new, never-before-titled manufactured home permanently affixed to land within 30 days of sale by the homeowner.

Any model year multi-sectional manufactured home is not subject to Certificate of Titling requirements.<sup>3</sup> Recording a mortgage with a fixtures clause and an appropriate description of the home perfects a security interest in a manufactured home permanently affixed to land which has not been titled. A deed that includes an appropriate description of the home conveys the home and the land.

If a title has been issued, a lender wanting to secure a manufactured home as real property in Maine must surrender the home's Certificate of Title to the Maine Secretary of State, to evidence that the home is (or will be) permanently affixed to the land upon which it is situated, and then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Maine Uniform Commercial Code (UCC), the Secretary of State, and the registry of deeds office for the county in which the real property is located.<sup>4</sup>

In addition to surrendering the home's Certificate of Title (if applicable), and providing the information required under the Maine UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Maine authorized an optional Electronic Lien Titling (ELT) Program<sup>6</sup> whereby the Maine Secretary of State, Bureau of Motor Vehicles and lenders exchange lien and title information electronically through

<sup>1</sup> Me. Rev. Stat. tit. 29-A, § 652(9)(E).

<sup>2</sup> Me. Rev. Stat. tit. 29-A, § 651(6).

<sup>3</sup> Me. Rev. Stat. tit. 29-A, § 652(9)(A) – (C).

<sup>4</sup> See, e.g., Me. Rev. Stat. tit. 11, §§ 9-1301, 9-1308, 9-1310, 9-1501, 9-1502.

<sup>5</sup> Me. Rev. Stat. tit. 11, §§ 9-1502(3). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>6</sup> More about Maine's ELT Program can be found at <https://www.maine.gov/sos/bmv/titles/elt/#Lenders>.





a third-party service provider. Lenders desiring to participate must engage the services of an approved third-party service provider to exchange lien and title data on their behalf.

All Certificate of Title applicants will still submit paper title applications and supporting documents to the Maine Secretary of State, Bureau of Motor Vehicles. When a Certificate of Title is issued, however, participating lenders will receive an electronic notification rather than a paper Certificate of Title. However, lenders may still request a paper copy of the Certificate of Title.

An electronic title must be converted to paper in order for the title to be surrendered.

### Power of Attorney

The Secretary of State does not provide a limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.





An aerial photograph of a cityscape, likely Baltimore, Maryland. The image shows a mix of urban architecture, including a prominent multi-story brick building with many windows, and residential houses with gabled roofs. Lush green trees are scattered throughout the scene, particularly in the foreground and around the buildings. A large, semi-transparent teal circle is centered over the image, containing the word "Maryland" in white serif font. The sky is overcast with grey clouds.

Maryland



## Purchase Money Loans for New Manufactured Homes

In Maryland, a manufactured home is 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 Manufactured Home Converted to Real Property”<sup>1</sup> has been recorded with the clerk of the court of the county in which the real property to which the manufactured home is affixed is located.<sup>2</sup>

The Certificate of Title or Manufacturer’s Certificate of Origin (MCO) must accompany the “Affidavit Manufactured Home Converted to Real Property,” the word “surrender” must be clearly written on the face of the MCO or Certificate of Title and the Affidavit of Affixation must be accompanied by:

1. If surrendering the MCO, a statement that a Certificate of Title has not been issued for the manufactured home;
2. A statement that it is the intent of the owner to surrender the MCO or Certificate of Title; and
3. If the MCO or Certificate of Title indicates that there is a lien on the manufactured home, a release of lien from each party indicated as having a lien on the manufactured home.<sup>3</sup>

The clerk of the circuit court of the county in which the real property is located must accept an Affidavit of Affixation and all attachments for recordation.<sup>4</sup> The owner must then immediately send a certified copy of the Affidavit of Affixation and any attachments to the Maryland Department of Transportation, Motor Vehicle Administration (MVA) which will then update its records.<sup>5</sup> The MVA must make its manufactured home records available to conduct title searches by authorized individuals.<sup>6</sup>

A lender wanting to secure a manufactured home as real property in Maryland must send a certified copy of the “Affidavit Manufactured Home Converted to Real Property” to MVA, and then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Maryland Uniform Commercial Code (UCC), the MVA, and the clerk of the court of the county in which the real property to which the manufactured home is affixed is located.<sup>7</sup>

In addition to filing the “Affidavit Manufactured Home Converted to Real Property” with the clerk of the court, sending a certified copy of the affidavit to MVA, and providing the information required under

1 The “Affidavit Manufactured Home Converted to Real Property,” Form VR-451, may be found here: <https://mva.maryland.gov/vehicles/Pages/registration/vehicle-registration-forms.aspx>.

2 Md. Code, Real Prop. § 8B-201.

3 Md. Code, Real Prop. §§ 8B-202(b)(1)(ii), 8B-202(c)(2).

4 Md. Code, Real Prop. § 8B-202(e).

5 Md. Code, Real Prop. § 8B-202(g)(2).

6 Md. Code, Real Prop. § 8B-203.

7 See, e.g., Md. Code, Com. Law §§ 9-301, 9-308, 9-310, 9-501, 9-502.





the Maryland UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>8</sup>

### Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Lien holders can elect to contract with specified vendors for Electronic Lien Services (ELS).<sup>9</sup> By signing up with a vendor, the lien holder will receive electronic notifications of liens recorded on titles and can submit lien releases electronically to the vendor for submission to the MVA.

Lienholders who elect to participate in Maryland's ELS will receive electronic notification of their lien, however, a certificate of title is still delivered to the home owner.

### Power of Attorney

The MVA publishes a Restricted Power of Attorney form<sup>10</sup> for a third-party to file titling paperwork on behalf of homeowners.

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8 Md. Code, Com. Law § 9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

9 Information on the ELS can be found at <https://mva.maryland.gov/businesses/Pages/els.aspx>.

10 This form may be found at: <https://mva.maryland.gov/Pages/form/vehicle-registration.aspx>.



An aerial photograph of a coastal town in Massachusetts, likely Cape Cod. The foreground is filled with numerous houses, many with red roofs, interspersed with bare trees. In the middle ground, a large body of water (Cape Cod Bay) is visible, with a few boats and a pier. The background shows a clear blue sky and distant land. A large, dark blue circle is superimposed over the center of the image, containing the word "Massachusetts" in white text.

Massachusetts



## Purchase Money Loans for New Manufactured Homes

Massachusetts does not title manufactured homes. There also is no legal process for surrendering ownership documentation, such as the home's Manufacturer's Certificate of Origin (MCO), and permanently affixing the home to real property.

However, a manufactured home may be treated as real property in Massachusetts if the home is physically affixed and integrated into the land upon which it is situated. Consequently, Massachusetts' Uniform Commercial Code (UCC) provisions with regards to fixtures and attachment would apply.

To establish intent to permanently affix a home to real property in Massachusetts, state case law outlines general criteria for determining whether a home has been or is intended to be permanently affixed to land:

1. Intent to immobilize the home (i.e., permanent affixation to a foundation, connection of utilities, installation of onsite improvements, etc.);
2. Intent to unify the home with the real estate;
3. Intent to unify ownership (i.e., the homeowner is also the landowner);
4. Intent for the combined property to be assessed and taxed as real property; and/or
5. A general expression of intent (i.e., the homeowner, landowner, and/or lienholder have filed paperwork or otherwise demonstrated a desire for the home to be affixed and characterized as real property).<sup>1</sup>

Given that Massachusetts has no legal process for titling a home and/or surrendering title or other ownership documentation and permanently affixing a home to real property, the actions of the parties involved in the transaction (i.e., the homeowner, the landowner, and/or the lienholder, if any) are important for determining intent. Accordingly, recording an Affidavit of Affixture as required by Fannie Mae Single Family *Selling Guide* section B5-2-05 is essential.

Without a dedicated process for surrendering a manufactured home's ownership documentation and permanently affixing the home to land, the most effective solution is to record a mortgage with a fixtures clause that includes a clear description of the home.

<sup>1</sup> See, e.g., Henry N. Clarke Co. v. Skelton et al., 94 N.E. 399 (Mass. 1911) ("Generally it is a mixed question of law and fact whether articles of personal property, which can be moved and used in another place, have become a part of the real estate.") and Riggieri v. Saul Talbert Trust, 2004 WL 2348376\*4 (Mass. Supp. 2004) quoting Titcomb v. Carroll, 191 N.E. 410, 412 (Mass. 1934) ("The physical facts . . . are to be weighed with other facts showing intention. The character of the article as well as the mode of its annexation to the land is to be considered."). See also Ellis v. Board of Assessors of Achushnet, 265 N.E. 2d 491, 492-493 (Mass. 1970) (In affirming the decision of the Appellate Tax Board, the Court agreed that, while the structure met the definition of a mobile home, for purposes of tax classification, the evidence indicated that the home had been permanently attached and was identical to any other conventional home classified as real estate).



A lender wanting to secure a manufactured home as real property in Massachusetts should provide notice that the home is permanently affixed to the land upon which it is situated by filing the requisite documentation evidencing ownership, such as the home's MCO, in the office of the registry of deeds of the Massachusetts county or the District Land Court in which the real property is located. The filing must accurately describe the home as being part of the real property securing the loan. The lender should also make sure that the mortgage filing meets the fixture filing requirements of both the Massachusetts UCC and the office of the registry of deeds or the District Land Court, whichever is applicable.<sup>2</sup>

In addition to complying with the requirements of the Massachusetts UCC and the office of the registry of deeds or the District Land Court (whichever is applicable), the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>3</sup>

### Electronic Transmission of Home Title, Recordation, and/or Surrender

Massachusetts has implemented a mandatory electronic lien and titling program.<sup>4</sup> However, because Massachusetts does not title manufactured homes, participation is not available in connection with manufactured home titling.

### Power of Attorney Requirements

At this time, Massachusetts does not provide a dedicated power of attorney form in connection with manufactured housing.

<sup>2</sup> See, e.g., Mass. Gen. Laws ch. 106, §§ 9-301; 9-308; 9-310; 9-501; 9-502.

<sup>3</sup> Mass. Gen. Laws ch. 106, § 9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>4</sup> See, e.g., Mass. Gen. Laws ch. 90D, § 11a. See also Massachusetts Registry of Motor Vehicles–Electronic Liens and Titles (ELT) Program, <https://www.mass.gov/guides/electronic-lien-and-title-program-elt>.





An aerial photograph of a suburban neighborhood in Michigan. The image shows a grid of streets with single-story houses, green lawns, and mature trees. Some trees have yellow and orange autumn foliage. A large, semi-transparent blue circle is centered over the image, containing the word "Michigan" in a white, serif font.

Michigan



## Purchase Money Loans for New Manufactured Homes

The owner of a fee simple interest in real property may convert a home “affixed” to that real property by delivering the following to the Michigan Department of State:

1. An Affidavit of Affixture;<sup>1</sup>
2. The Certificate of Title or Manufacturer’s Certificate of Origin (MCO), if the Certificate of Title has not yet been issued (or sufficient proof of ownership as provided by law); and
3. The filing fee.

Upon doing so the owner must deliver to the register of deeds for the county where the real property is located a duplicate original of the executed Affidavit of Affixture.<sup>2</sup>

Once the Department of State receives an Affidavit of Affixture, the manufactured home is considered to be a part of the real property.<sup>3</sup>

A lender wanting to secure a manufactured home as real property in Michigan must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Michigan Uniform Commercial Code (UCC), the Department of State, and the register of deeds for the county where the real property is located.<sup>4</sup>

In addition to filing the Affidavit of Affixture with the Department of State and with the register of deeds for the county where the real property is located, and providing the information required under the Michigan UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

Michigan extends the title conversion procedure to an owner of a manufactured home who has entered into a lease with a primary term of at least 20 years for the real property on which the manufactured home is affixed.<sup>6</sup>

1 The Affidavit of Affixture form may be found here: <https://www.michigan.gov/sos/resources/forms>.

2 Mich. Comp. Laws § 125.2330i(1), (3).

3 Mich. Comp. Laws § 125.2330i(5).

4 See, e.g., Mich. Comp. Laws §§ 440.9301, 440.9308, 440.9310, 440.9501, 440.9502.

5 Mich. Comp. Laws § 440.9502(3). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

6 Mich. Comp. Laws § 125.2330i(11)(b).





## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Michigan does not have an electronic titling program for manufactured homes.

## Power of Attorney

The Department publishes an Appointment of Agent/Power of Attorney form<sup>7</sup> for a third-party to file titling paperwork on behalf of homeowners.

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<sup>7</sup> This form may be found at: <https://www.michigan.gov/sos/resources/forms>.





An aerial photograph of a small town in Minnesota. The town features a mix of residential houses, commercial buildings, and a large parking lot filled with cars. A prominent water tower stands in the center. A railroad track runs diagonally through the town, and a major road is visible on the left. The background shows a vast, open landscape with fields and forests. A large, semi-transparent teal circle is overlaid on the center of the image, containing the word "Minnesota" in white serif font.

Minnesota



## Purchase Money Loans for New Manufactured Homes

A manufactured home may be made an improvement to real property, and no longer titled as personal property when:

1. The manufactured home is to be affixed or is affixed to the real property;
2. The Certificate of Title or Manufacturer's Certificate of Origin (MCO) is surrendered by the homeowner to the Minnesota Department of Public Safety (DPS) with a written request for cancellation using the Application for Notice of Cancellation of Certificate of Title (State Form PS2905) and the DPS issues a Notice of Cancellation;<sup>1</sup> and
3. The homeowner completes and signs a statutory form of Manufactured Home Affidavit of Affixation, to be notarized and recorded in the Office of the County Recorder or the Registrar of Titles, if the land is registered, with the Notice of Cancellation attached.<sup>2</sup>

The instructions for State Form PS2905 advise applicants to contact their local County Recorder or Registrar of Titles about the Manufactured Home Affidavit of Affixation.

A Manufactured Home Affidavit of Affixation must include the following information or attachments:

1. A description of the manufactured home;
2. The street address and the legal description of the real property on which the manufactured home is or will be located;
3. A copy of the Notice of Cancellation;
4. A statement that the owners of the manufactured home are the owners of the real property; and
5. A statement that the Affiant makes the affidavit to demonstrate that the manufactured home is an improvement to real property, no longer titled as personal property, and free of any personal property security interest.<sup>3</sup>

After canceling a Certificate of Title, the DPS will not allow transfer of the title to the manufactured home as personal property.<sup>4</sup> Further, the DPS will not issue a Certificate of Title for a manufactured home if the MCO is or has been canceled.<sup>5</sup>

A lender wanting to secure a manufactured home as real property in Minnesota must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Minnesota Uniform Commercial Code (UCC), the DPS, and the County Recorder or the Registrar of Titles, if the land is registered.<sup>6</sup>

<sup>1</sup> The Application for Notice of Cancellation of Certificate of Title (State Form PS2905) may be found here: <https://dps.mn.gov/divisions/dvs/forms-documents/Pages/motor-vehicle-forms.aspx>

<sup>2</sup> Minn. Stat. § 168A.1412 Subd. 1.

<sup>3</sup> Minn. Stat. § 168A.1412 Subd. 5.

<sup>4</sup> Minn. Stat. § 168A.1412 Subd. 2.

<sup>5</sup> Minn. Stat. § 168A.1412 Subd. 3.

<sup>6</sup> See, e.g., Minn. Stat. §§ 336.9-301, 336.9-308, 336.9-310, 336.9-501, 336.9-502.



In addition to filing the required affidavits/applications with the appropriate state offices, and providing the information required under the Minnesota UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>7</sup>

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

Minnesota law provides a procedure for the surrender of a Certificate of Title or MCO for a manufactured home affixed to real property owned by a cooperative.<sup>8</sup>

A manufactured home may be made an improvement to real property owned by a cooperative, and no longer titled as personal property when:

1. The manufactured home is to be affixed or is affixed to the real property;
2. The Certificate of Title or MCO is surrendered by the homeowner to DPS with a written request for cancellation using the Application for Notice of Cancellation of Certificate of Title (State Form PS2905) and the DPS issues a Notice of Surrender;
3. The homeowner completes and signs a statutory form of Manufactured Home Affidavit of Affixation In A Cooperative, to be notarized and recorded in the Office of the County Recorder or the Registrar of Titles with the Notice of Surrender attached.<sup>9</sup>

A Manufactured Home Affidavit of Affixation In A Cooperative must include the following information or attachments:

1. The name, residence address, and mailing address of the owner or owners of the manufactured home;
2. The legal description of the real property in which the manufactured home is, or will be, located;
3. A copy of the surrendered MCO or Certificate of Title and the notice of surrender;
4. A written statement from the county auditor or county 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; and
5. The signature of the person who executes the affidavit, properly executed before a person authorized to authenticate an affidavit in Minnesota.

Additionally, a certified copy of the affidavit must be delivered to the county auditor of the county in which the real property to which the manufactured home was affixed is located.<sup>10</sup> Conversion of a leasehold estate is not otherwise available.<sup>11</sup>

<sup>7</sup> Minn. Stat. § 336.9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>8</sup> Minn. Stat. § 168A.1411.

<sup>9</sup> Minn. Stat. § 168A.1411 Subd 1 and 2.

<sup>10</sup> Minn. Stat. § 168A.1411(1)(b).

<sup>11</sup> Minn. Stat. §§ 168A.1412 Subd. 1; 273.125(8)(b)(1).





## **Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender**

Minnesota does not have an electronic titling program for manufactured homes.

## **Power of Attorney**

The DPS does not provide a limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.



An aerial photograph of a coastal town, likely in Mississippi, featuring numerous houses with various roof colors (white, grey, blue, green), lush green lawns, and several wooden docks extending into a large body of water. The water is a deep blue, and the sky is a clear, light blue with a single bird in flight. A large, dark blue circular graphic is overlaid in the center of the image, containing the word "Mississippi" in white serif font.

Mississippi



## Purchase Money Loans for New Manufactured Homes

The owner of a home that is (or will be) permanently affixed to real property may file an “Affidavit of Affixation”<sup>1</sup> in the office of the chancery clerk of the county, or in the judicial district in the counties having more than one such district, in which the real property is located and surrender the home’s title, Manufacturer’s Certificate of Origin (MCO), or other ownership information by filing an “Application for Retirement of Title”<sup>2</sup> with the Mississippi Department of Revenue (DOR).<sup>3</sup>

A certified copy of the recorded “Affidavit of Affixation” must be filed with the tax collector of the county where the home is located, accompanied by a copy of the deed or other instrument of conveyance of legal ownership to the real property to which the home has become affixed; and the MCO or, if applicable, existing Certificate of Title to the home duly endorsed or otherwise showing the release of any lienholders noted on the home’s title.

The tax collector will submit the completed “Application for Retirement of Title” to the DOR upon receipt of the “Affidavit of Affixation” and the accompanying documents.<sup>4</sup>

Upon receipt of a certified copy of the recorded “Affidavit of Affixation” and a completed “Application for Retirement of Title,” the Mississippi DOR will retire the home’s title or MCO and notify the applicant, the lender, and/or the authorized representative, if any, in writing at the address shown in the “Affidavit of Affixation” that the title or MCO has been retired.

Once the process is complete, the home is treated as real property for purposes of conveyance, lien perfection, and foreclosure.

A lender wanting to secure a home as real property in Mississippi must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Mississippi Uniform Commercial Code (UCC), the Mississippi DOR, and the chancery clerk or judicial district clerk of the county (and district, if applicable) in which the home is (or will be) located.<sup>5</sup>

## Electronic Transmission of Home Title, Recordation, and/or Surrender

At present, Mississippi does not have a mandated electronic titling program. However, the Mississippi MV&MH Title Law provides that “designated agents” of the Mississippi DOR, which includes manufactured home dealers licensed by the Mississippi Department of Insurance, may register with

1 Mississippi Form 78-908 “Affidavit of Affixation” (rev. May 2024) may be found here: <https://www.dor.ms.gov/tagstitles/title-forms>.

2 Mississippi Form 78-906 “Application for Retirement of Title” (rev. October 2019) may be found here: <https://www.dor.ms.gov/tagstitles/title-forms>.

3 Miss. Code §§ 63-21-9; 63-21-15; 63-21-30.

4 Miss. Code § 63-21-30(4); 27-53-15(3).

5 See, e.g., Miss. Code §§ 75-9-301; 75-9-308; 75-9-310; 75-9-501; 75-9-502.



the Mississippi DOR through its e-Services program<sup>6</sup> to transmit to the Mississippi DOR title information in connection with the sale or transfer of homes or loan information for which the owner's home is pledged as collateral. Such information can also be re-issued as a paper title.<sup>7</sup>

## Power of Attorney

At this time, the Mississippi DOR does not provide a dedicated power of attorney form in connection with manufactured housing.

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<sup>6</sup> More information about the Mississippi DOR's e-Services program is available here:  
<https://www.dor.ms.gov/tagstitles/electronic-submission-title-application>.

<sup>7</sup> Miss. Code §§ 63-21-16(1); 63-21-15(9); 63-21-13(2); 63-21-5(b). However, note that, while the Mississippi DOR is authorized to issue electronic titles in connection with home titling, the Mississippi DOR has advised that the process of retiring a home's title and permanently affixing the home to real property in Mississippi still generally requires a paper title.







Missouri



## Purchase Money Loans for New Manufactured Homes

The owner of a home that is (or will be) permanently affixed to real property may file an Affidavit of Affixation<sup>1</sup> in the office of the county recorder in the county where the home is (or will be) permanently affixed and surrender the home's Manufacturer's Certificate of Origin (MCO) or other ownership information by filing with the Missouri DOR an Application for Surrender of Title<sup>2</sup> or MCO.<sup>3</sup>

The following conditions must be met before a manufactured home can be conveyed or voluntarily encumbered as real estate:

1. The home must be permanently affixed to real estate;
2. The ownership interests in the home and the real estate to which the home is (or will be) permanently affixed must be identical, provided, however, that the owner of the home, if not the owner of the real estate, 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 20 years after the date of execution, and the consent of the lessor of the real estate;
3. The person or persons having an ownership interest in such home must execute and record an Affidavit of Affixation with the recorder of deeds of the county in which the real estate is located; and
4. Upon receipt of a certified copy of the Affidavit of Affixation, any person designated for filing the Affidavit of Affixation with the Missouri DOR must file the certified copy with the Missouri DOR, along with the home's original MCO or Certificate of Title, each as recorded in the county in which the real estate is located.

An Affidavit of Affixation must be duly acknowledged or proved in like manner as to entitle a conveyance to be recorded, and when so acknowledged or proved and upon payment of the required fees, the recorder of deeds must immediately cause the Affidavit of Affixation and any attachments to be duly recorded and indexed in the same manner as other instruments affecting real property. The Affidavit of Affixation must also be accompanied by the applicable fee, if any, for recording and issuing a certified copy of such instrument.

The owner of a home may surrender the home's title or MCO or its equivalent to the Missouri DOR by filing with the Missouri DOR an Application for Surrender of Title or Manufacturer's Certificate of Origin.

Once all the requirements are satisfied, the home shall be conveyed and encumbered under Missouri law regarding titling and the conveyance of real estate. Further, if the Application for Surrender of Title or Manufacturer's Certificate of Origin is delivered to the Missouri DOR within 60 days of recording the

1 Missouri Form 5312 "Affidavit of Affixation" (rev. August 2019) may be found here: <https://dor.mo.gov/forms/>.

2 Missouri Form 5315 "Application for Surrender of Title or Manufacturer's Certificate of Origin" (rev. August 2019) may be found here: <https://dor.mo.gov/forms/>.

3 Mo. Rev. Stat. §§ 442.015; 700.111.





related Affidavit of Affixation with the recorder of deeds in the county in which the real estate to which the home is (or will be) affixed and it is accepted and approved by the Missouri DOR, surrender shall be deemed satisfied as of the date the Affidavit of Affixation was recorded.

For instances when a home is not covered by a title certificate or MCO, or the owner is unable to locate/produce such a document, an Application for Confirmation of Conversion<sup>4</sup> may be required.

A lender wanting to secure a home as real property in Missouri must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Missouri Uniform Commercial Code (UCC), the Missouri DOR, and the office of the county recorder in the county in which the home is (or will be) located.<sup>5</sup>

In addition to filing the Affidavit of Affixation in the office of the county recorder in the county where the home is (or will be) located, filing the Application for Surrender of Title or Manufacturer's Certificate of Origin with the Missouri DOR, and providing the information required under the Missouri UCC, the deed of trust, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

Missouri law also provides a formal process by which the owner of a manufactured home that is (or will be) permanently affixed to real property and is (or will be) subject to a long-term lease may retire the home's ownership documentation, such as its title or MCO, as long as the homeowner has the consent of the landowner/lessor of the real estate and is in possession of the real estate under the terms of a lease, in recordable form, that has a term that continues for no less than 20 years after the date of execution.<sup>6</sup>

As such, provided a homeowner has, at minimum, a 20-year leasehold interest in the land upon which the home is sited, has recorded (or will record) the leasehold interest, and has permission from the landowner/lessor, a home can be permanently affixed to real property and the home's title or MCO retired (see above).

## Electronic Transmission of Home Title, Recordation, and/or Surrender

At present, Missouri does not have a mandated electronic lien and titling program. However, the Missouri DOR has established an online service that allows qualified businesses to electronically file

<sup>4</sup> Missouri Form 5314 "Application for Confirmation of Conversion" (rev. August 2019) may be found here: <https://dor.mo.gov/forms/>.

<sup>5</sup> See, e.g., Mo. Rev. Stat. §§ 400.9-301; 400.9-308; 400.9-310; 400.9-501; 400.9-502.

<sup>6</sup> Mo. Rev. Stat. § 442.015(2)(2), (3)(1).



a Notice of Lien (NOL)<sup>7</sup>. The NOL system also provides online access to vehicle titling and lien records, and manufactured housing is among the vehicle types included in the NOL system.

## Power of Attorney

The Missouri DOR provides a dedicated power of attorney form,<sup>8</sup> where the principal may authorize another person to sign all papers and documents necessary to apply for title to or transfer ownership in a manufactured home or conduct other related business on the principal's behalf.

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<sup>7</sup> More information about Missouri's NOL system is available here: <https://dor.mo.gov/motor-vehicle/dealers-lienholders/nol-record-lookups.html>.

<sup>8</sup> Missouri Form 4054 "Power of Attorney" (rev. August 2019) may be found here: <https://dor.mo.gov/forms/>.







# Montana





## Purchase Money Loans for New Manufactured Homes

The owner of a home that is (or will be) permanently affixed to real property may complete the affixation process by filing a Statement of Intent to Declare a Manufactured Home an Improvement to Real Property in the office of the county clerk and recorder of the county where the home is (or will be) permanently affixed and surrender the home's Manufacturer's Certificate of Origin (MCO) or other ownership information.<sup>1</sup>

A manufactured home will be considered an improvement to real property for tax and other purposes if:

1. The home's running gear is removed;
2. The home is attached to a permanent foundation so that it is no longer capable of being drawn over public highways; and
3. The home is placed on land that is owned or being purchased by the owner of the home or, if the land is owned by another person, the home is placed on the land with the permission of the landowner.<sup>2</sup>

To eliminate a home's MCO or Certificate of Title, the owner (or the owner's agent) must record with the office of the county clerk and recorder of the county in which the real property is located a Statement of Intent to Declare a Manufactured Home an Improvement to Real Property form<sup>3</sup> and then must surrender the home's MCO or Certificate of Title and provide a certified copy of the recorded statement to the county treasurer.

Once the Montana Department of Justice Motor Vehicles Division (DOJ-MVD) receives the required documents, it will provide the owner with a Statement of Title Acceptance in a recordable form.<sup>4</sup>

Upon the recording of the Statement of Intent to Declare a Manufactured Home an Improvement to Real Property and the Statement of Title Acceptance in the office of the county clerk and recorder of the county in which the real property is located, the home can no longer be physically removed without first complying with the provisions for reversing a declaration that a home is real property.<sup>5</sup>

Finally, a home that has been declared an improvement to real property must, according to Montana law, be treated by the Montana Department of Revenue (DOR) and by lending institutions in the same manner as any other residence that is classified as an improvement to real property.<sup>6</sup>

A lender wanting to secure a home as real property in Montana must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the

<sup>1</sup> Mont. Code §§ 61-3-201(3)(k); 15-1-116.

<sup>2</sup> Mont. Code § 15-1-116(1)(a), (b).

<sup>3</sup> The Statement of Intent to Declare a Manufactured Home an Improvement to Real Property (Montana Form MV72), may be found here: <https://mvdmt.gov/forms-manuals-vehicle-title-registration/>.

<sup>4</sup> Mont. Code § 15-1-116(3)(b).

<sup>5</sup> Mont. Code §§ 15-1-116(4); 15-1-118.

<sup>6</sup> Mont. Code § 15-1-116(5).





deed of trust filing satisfies the filing requirements of the Montana Uniform Commercial Code (UCC), the Montana DOJ-MVD, the Montana DOR, and the office of the county clerk and recorder of the county in which the home is located.<sup>7</sup>

In addition to filing the statements/acknowledgments with the appropriate state offices where the home is (or will be) located and providing the information required under the Montana UCC, the deed of trust, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>8</sup>

### Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

Montana law also provides a formal process by which the owner of a manufactured home that is (or will be) permanently affixed to real property that is owned by another, regardless of whether the home is (or will be) subject to a long-term lease, may retire the home's ownership documentation, such as its title or MCO, as long as the homeowner has the consent of the owner of the real estate.<sup>9</sup>

As such, provided a homeowner has permission from the landowner, a home can be permanently affixed to the real property and the home's title or MCO retired (see above).

### Electronic Transmission of Home Title, Recordation, and/or Surrender

At present, Montana does not have a mandated electronic lien and titling program. However, the Montana DOJ-MVD has been tasked with implementing a pilot program for the electronic transmission of information by an authorized agent, a county treasurer, and/or a person to or from the Montana DOJ-MVD in lieu of the transmission of paper documents, including electronic lien and title records.<sup>10</sup> It is unclear when or if participation will be required in connection with manufactured home titling.

### Power of Attorney

The Montana DOJ-MVD provides a dedicated power of attorney form<sup>11</sup>, where the principal may authorize another person with full authority to execute any and all instruments, affidavits, and other documents to effect registration, transfer of title, or application for title, or conduct other related business on the principal's behalf.

In addition, the Montana Uniform Power of Attorney Act provides a template for a statutory form power of attorney.<sup>12</sup>

<sup>7</sup> See, e.g., Mont. Code §§ 30-9A-301; 30-9A-308; 30-9A-310; 30-9A-501; 30-9A-502.

<sup>8</sup> Mont. Code § 30-9A-502(3). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>9</sup> Mont. Code § 15-1-116(1)(b). See also Montana Form MV72A "Instructions for Statement of Intent to Declare a Manufactured Home an Improvement to Real Property" (rev. March 2024), <https://mvdmt.gov/forms-manuals-vehicle-title-registration/>.

<sup>10</sup> Mont. Code § 61-3-109.

<sup>11</sup> Montana Form MV65 "Power of Attorney" (rev. January 2018) may be found here: <https://mvdmt.gov/forms-manuals-vehicle-title-registration/>.

<sup>12</sup> Mont. Code § 72-31-353.





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 dark blue circle is centered over the image, serving as a background for the text.

Nebraska



## Purchase Money Loans for New Manufactured Homes

To obtain a Certificate of Title for a manufactured home, the owner must submit an Application for a Certificate of Title<sup>1</sup> to the Nebraska Department of Motor Vehicles (NDMV) along with a Manufacturer's Certificate of Origin (MCO), Manufactured Housing Transfer Statement<sup>2</sup> (Form 521 MH), and the appropriate fees.<sup>3</sup> Obtaining a Certificate of Title is required within 30 days of the delivery of the manufactured home<sup>4</sup> and prior to affixing the manufactured home to real estate.

The owner of a manufactured home affixed to real property must surrender the Certificate of Title to the county treasurer of the county where the home is affixed to real property for cancellation if the owner has a fee simple interest in the real estate or an interest as a lessee under a lease of the real property that has a term that continues for at least 20 years after recording of an affixation affidavit, along with an Affidavit of Affixture For a Mobile Home with a Nebraska Certificate of Title (Affidavit of Affixture)<sup>5</sup> and the appropriate fees.<sup>6</sup>

After the Certificate of Title is cancelled and the Affidavit of Affixture is recorded, the manufactured home is treated as part of the real estate upon which such home is located, and any lien on the home is perfected and enforced in the same manner as a lien on real estate.<sup>7</sup>

A lender wanting to secure a manufactured home as real property in Nebraska must record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Nebraska Uniform Commercial Code (UCC), the county treasurer, and the register of deeds for the county in which the real property is located.<sup>8</sup>

In addition to filing an Affidavit of Affixture with the county treasurer, and providing the information required under the Nebraska UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>9</sup>

1 The Application for Certificate of Title may be found here: <https://dmv.nebraska.gov/forms>.

2 The Manufactured Housing Transfer Statement (Form 521 MH) may be found here: <https://revenue.nebraska.gov/about/forms>.

3 Neb. Rev. Stat. § 60-144, 60-147, 60-149.

4 Neb. Rev. Stat. § 60-144(5).

5 The Affidavit of Affixture for a Mobile Home with a Nebraska Certificate of Title may be found here: <https://dmv.nebraska.gov/forms>.

6 Neb. Rev. Stat. § 60-169(1)(c)(i), (7)(b).

7 Neb. Rev. Stat. § 60-169(4).

8 See, e.g., Neb. Rev. Stat. UCC §§ 9-301, 9-308, 9-310, 9-501, 9-502.

9 Neb. Rev. Stat. UCC § 9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.



## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

The Nebraska process for titling a manufactured home as real property extends to a manufactured home affixed to real property held by the homeowner under a lease that has a term that continues for at least 20 years after the recording of an Affixation Affidavit.<sup>10</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

The NDMV has established an Electronic Lien and Title System (ELT)<sup>11</sup> to provide for the electronic transmission of lien transaction data between lenders and the NDMV. While participation by a lender in the ELT is optional, all Nebraska Certificates of Title containing liens are stored electronically regardless of whether the lienholder/lender participates in ELT.<sup>12</sup>

An electronic title must be converted to paper in order for the title to be surrendered.<sup>13</sup>

## Power of Attorney

The NDMV publishes a limited power of attorney form<sup>14</sup> for a third-party to file titling paperwork on behalf of homeowners.

<sup>10</sup> Neb. Rev. Stat. § 60-169(7)(b).

<sup>11</sup> More about Nebraska's ELT System can be found at <https://dmv.nebraska.gov/dvr/electronic-lien-and-title>.

<sup>12</sup> Neb. Rev. Stat. § 60-164; Nebraska Electronic Lender Guide, <https://dmv.nebraska.gov/sites/dmv.nebraska.gov/files/doc/dvr/elt/Nebraska-ELT-Guide.pdf>.

<sup>13</sup> The title must be surrendered to the county treasurer. Neb. Rev. Stat. § 60-169(1)(c)(i).

<sup>14</sup> This form may be found here under the "Transfer of Ownership/Affidavits/Affirmation of Ownership": <https://dmv.nebraska.gov/forms>.





A scenic view of a residential area in Nevada. In the foreground, there are several houses with tiled roofs and a stone retaining wall. In the background, there are large, rugged mountains under a clear blue sky. A large blue circle is overlaid on the image, containing the word "Nevada" in white text.

# Nevada



## Purchase Money Loans for New Manufactured Homes

When a new home is sold in Nevada by a dealer, the dealer must submit the Report of Sale, the Buyer Acknowledgment of Taxes,<sup>1</sup> and the home's Manufacturer's Certificate of Origin (MCO) to the Nevada Housing Division within 30 days of the time of sale. The dealer must also submit a copy of the Buyer Acknowledgment of Taxes to the county assessor of the county in which the home will be located.<sup>2</sup> The homeowner (or the owner's agent) must also complete and submit a Transfer Title Affidavit.<sup>3</sup>

Upon receipt of the documents, the Nevada Housing Division will issue a Certificate of Title. However, the Nevada Housing Division will not issue a Certificate of Title for a home that constitutes real property pursuant to the Nevada Revenue and Taxation Code.<sup>4</sup>

As such, whether a Certificate of Title must be applied for and subsequently canceled depends upon whether the home is placed on the tax roll as real property in accordance with applicable statute, as described below.

A home becomes real property when the assessor of the county in which the home is located has placed it on the tax roll as real property. However, the assessor will not place a home on the tax roll until:

1. The assessor has received verification, in the form of a Real Property Notice, from the Nevada Housing Division that the home has been converted to real property;
2. Personal property tax, if any, has been paid in full for the current fiscal year;
3. An Affidavit of Conversion to Real Property<sup>5</sup> has been recorded in the county recorder's office of the county in which the home is located; and
4. The dealer or owner has delivered to the Nevada Housing Division a copy of the recorded Affidavit of Conversion to Real Property and all other documents relating to the home in its former condition as personal property.<sup>6</sup>

The assessor of the county in which a home is located will also place a home on the tax roll as real property if the home is permanently affixed to a residential lot pursuant to the single-family residence zoning provisions applicable to such homes under the Nevada Planning and Zoning Law.

1 Nevada Form TL-105 "Buyer Acknowledgment of Taxes" (rev. February 2019) may be found here: [https://housing.nv.gov/ManfHousing/Titling/Titling\\_Forms/](https://housing.nv.gov/ManfHousing/Titling/Titling_Forms/).

2 Nev. Rev. Stat. § 489.501.

3 Nevada Form TL-100 "Transfer Title Affidavit" (last revision date unknown) may be found here: [https://housing.nv.gov/ManfHousing/Titling/Titling\\_Forms/](https://housing.nv.gov/ManfHousing/Titling/Titling_Forms/).

4 Nev. Rev. Stat. § 489.541.

5 Nevada Form TL-110 "Affidavit of Conversion to Real Property" (rev. July 2020) may be found here: [https://housing.nv.gov/ManfHousing/Titling/Titling\\_Forms/](https://housing.nv.gov/ManfHousing/Titling/Titling_Forms/).

6 Nev. Rev. Stat. § 361.244(2); Nev. Admin. Code § 489.203.





A home that has been converted to real property pursuant to these requirements will be deemed to be a fixture and an improvement to the real property to which it is affixed.<sup>7</sup>

Nevada law also clarifies that compliance with the provisions of the Nevada Manufactured Homes Law relating to a security interest in a home is sufficient for perfection and release of that security interest; however, in all other respects, the rights and duties of the debtor and secured party are governed by the Nevada Uniform Commercial Code (UCC).<sup>8</sup>

After retiring the Certificate of Title, a lender wanting to secure a home as real property in Nevada must record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Nevada UCC, the Nevada Housing Division, and the office of the assessor of the county in which the home is located.<sup>9</sup>

In addition to filing the affidavits/acknowledgments with the appropriate state offices where the home is (or will be) located and providing the information required under the Nevada UCC, the deed of trust, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>10</sup>

### **Manufactured Homes Situated Upon Real Property Subject to a Leasehold Estate**

Nevada law also provides a formal process by which the owner of a manufactured home that is (or will be) permanently affixed to real property that is owned by another, regardless of whether the home is (or will be) subject to a long-term lease, may retire the home's title, as long as the home is being financed in accordance with the guidelines of Fannie Mae, Freddie Mac, or 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 Fannie Mae, Freddie Mac, and/or the United States Department of Agriculture.<sup>11</sup>

As such, provided a homeowner has permission from the landowner and meets the financing requirements, a home can be permanently affixed to real property and the home's title retired (see above).

<sup>7</sup> Nev. Rev. Stat. § 361.244(3).

<sup>8</sup> Nev. Rev. Stat. § 489.581.

<sup>9</sup> See, e.g., Nev. Rev. Stat. §§ 104.9301; 104.9308; 104.9310; 104.9501; 104.9502.

<sup>10</sup> Nev. Rev. Stat. § 104.9502(3). The Fannie Mae Uniform Security Instrument is intended to meet these documentary requirements.

<sup>11</sup> Nev. Rev. Stat. § 361.244(1)(b).



## Electronic Transmission of Home Title, Recordation, and/or Surrender

Nevada has established a mandatory Electronic Lien and Title (ELT) program<sup>12</sup> for the electronic submission and storage of such documents under the Nevada Motor Vehicles and Trailers Licensing, Registration, Sales, and Leases Law.<sup>13</sup>

However, manufactured housing and home titling is separately regulated by the Nevada Housing Division under the Nevada Manufactured Homes Law, and the Nevada Housing Division does not participate in and has not yet established such a platform. As such, dealers, lenders, and homeowners are not required to participate in Nevada's ELT program at this time.

## Power of Attorney

The Nevada Housing Division provides a dedicated power of attorney form<sup>14</sup>, where the principal may authorize an individual or company to represent the principal before the Nevada Housing Division with regards to title transfers.

In addition, the Nevada Uniform Power of Attorney Act provides a template for a statutory form power of attorney, which is appropriate for tangible personal property related to real property.<sup>15</sup>

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<sup>12</sup> More information about Nevada's ELT program is available here: <https://dmv.nv.gov/elt.htm>.

<sup>13</sup> Nev. Rev. Stat. §§ 482.293; 482.294.

<sup>14</sup> Nevada Form TL-104 "Power of Attorney" (rev. May 2019) may be found here: [https://housing.nv.gov/ManfHousing/Titling/Titling\\_Forms/](https://housing.nv.gov/ManfHousing/Titling/Titling_Forms/).

<sup>15</sup> Nev. Rev. Stat. § 162A.620.







# New Hampshire



## Purchase Money Loans for New Manufactured Homes

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. Instead, New Hampshire deems all manufactured homes to be real property.<sup>1</sup>

Additionally, New Hampshire law provides that a manufactured home placed on a site not owned by the homeowner and connected to utilities will be deemed real estate for the purposes of transfer and will be subject to attachment, liens, foreclosure, and execution in the same manner as real estate.<sup>2</sup> However, New Hampshire law allows lenders the option of creating and perfecting a security interest in a manufactured home under the Uniform Commercial Code (UCC), with filings at the local town clerk or the New Hampshire Secretary of State.<sup>3</sup>

A lender wanting to secure a manufactured home as real property in New Hampshire must record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the New Hampshire UCC, and the Register of Deeds for the county where the real property is located.<sup>4</sup>

In addition to providing the information required under the New Hampshire UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

Manufactured homes placed on a site not owned by the homeowner and connected to utilities are deemed real estate.<sup>6</sup>

## Electronic Transmission of Home Title, Recordation, and/or Surrender

Because New Hampshire does not title manufactured homes as personal property, participation is not available in connection with manufactured home titling.

## Power of Attorney Requirements

Because New Hampshire does not title manufactured homes as personal property, as personal property, it does not provide a dedicated power of attorney form in connection with manufactured housing.

1 N.H. Rev. Stat. § 21:21(II) ("Manufactured housing as defined by RSA § 674:31 shall be included in the term "real estate."").

2 N.H. Rev. Stat. § 477:44(I), (II).

3 N.H. Rev. Stat. § 477:44(IV).

4 See, e.g., N.H. Rev. Stat. §§ 382-A:9-301, 9-308, 9-310, 9-501, 9-502.

5 N.H. Rev. Stat. § 382-A:9-502(c). The Fannie Mae Uniform Security Instrument is intended to meet these documentary requirements.

6 N.H. Rev. Stat. § 477:44(I), (II).





An aerial photograph of New Jersey, showing a dense residential area in the foreground with many houses and trees. In the background, there is a large body of water (likely the Hudson River) with a bridge and industrial facilities. A large, dark blue circle is superimposed over the center of the image, containing the text "New Jersey" in white.

# New Jersey

## Purchase Money Loans for New Manufactured Homes

Under New Jersey law, a manufactured home must be titled within 10 days of purchase, or a penalty fee will apply.<sup>1</sup>

Although New Jersey law has a formal statutory procedure for electing to convey and encumber a manufactured home as real property by way of cancelling of a Certificate of Ownership (i.e., Certificate of Title), this procedure is not applicable to new manufactured home purchases.

Manufactured homes that are subject to real property taxation are excluded from New Jersey's titling law.<sup>2</sup> A manufactured home is taxed as real property when the home is:

1. Affixed to a permanent foundation; or
2. Affixed to a non-permanent foundation and attached to utility systems.

If the manufactured home has not been titled previously in New Jersey, the secured party requests notation of its security interest by having its security interest noted on the Manufacturer's Certificate of Origin (MCO), properly assigned to the applicant.<sup>3</sup> No separate form of title application is required. The MCO must be filed with the New Jersey Motor Vehicle Commission (MVC).

A lender wanting to secure a new manufactured home as real property in New Jersey must ensure that the home is permanently affixed to the land, and then record a mortgage on the land.

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

New Jersey does not have an electronic titling program for manufactured homes.

## Power of Attorney

The MVC provides a "Power of Attorney for licensed New Jersey Motor Vehicle Dealers" form<sup>4</sup> for a third-party dealer representative to file titling paperwork on behalf of homeowners.

<sup>1</sup> N.J. Stat. § 39:10-11(A), (H).

<sup>2</sup> N.J. Stat. § 39:10-2.

<sup>3</sup> N.J. Stat. § 39:10-8.

<sup>4</sup> This form can be found here: <https://www.nj.gov/mvc/about/forms.htm>.





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 red and orange tiled roofs, surrounded by green trees. The middle ground shows a mix of urban development, including a large orange building, a parking garage, and various commercial structures. In the background, the city gives way to a vast, flat desert landscape under the colorful sky. A large, semi-transparent blue circle is centered over the city, containing the text 'New Mexico' in a white, serif font.

New Mexico



## Purchase Money Loans for New Manufactured Homes

A person usually must apply for a Certificate of Title<sup>1</sup> for a manufactured home within 90 days after the date of acquisition.<sup>2</sup>

The Application for Vehicle Title and Registration must contain or be accompanied by:

1. A Manufactured Home Tax Status Certification (Form No. MVD10063) from the treasurer or assessor of the county in which the manufactured home is located.
2. Further information as may reasonably be required by the Motor Vehicle Division (MVD).

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 elsewhere in the USA, the application must be accompanied by a Manufacturer's Certificate of Origin (MCO) duly assigned by the dealer to the purchaser.<sup>3</sup>

When owner of both the home and the land wishes the home to be treated as real property for tax purposes, he or she may affix the home to real estate and request that the MVD of the Taxation and Revenue Department (TRD)<sup>4</sup> deactivate title.

To deactivate the title, deliver the following to the TRD:

1. Original Certificate of Title free and clear of all liens;
2. Manufactured Home Tax Status Certification, signed by the County Treasurer for the county in which the manufactured is (or will be) located.
3. A Request for Valuation Status Form, as completed by the County Assessor for the county in which the manufactured home is (or will be) located.

Once TRD deactivates the title, confirmation is sent to the owner, or the filer on behalf of the owner, along with copies of the Certificate of Title stamped "Inactive", Manufactured Home Tax Status Certification (Form No. MVD10063) and Valuation Status Form.

A lender wanting to secure a manufactured home as real property in New Mexico must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the New Mexico Uniform Commercial Code (UCC), the TDR, and the County Clerk for the County in which the real property is located.<sup>5</sup>

<sup>1</sup> The Vehicle Title and Registration Application may be found here: <https://www.mvd.newmexico.gov/forms/most-popular-forms/>.

<sup>2</sup> N.M. Taxation and Revenue Dept., Motor Vehicle Div., Vehicle Titles, available at <https://www.mvd.newmexico.gov/vehicles/vehicle-registration/vehicle-titles/>.

<sup>3</sup> N.M. Stat. § 66-3-4(C).

<sup>4</sup> N.M. Stat. § 66-3-4(A).

<sup>5</sup> See, e.g., N.M. Stat. §§ 55-9-301, 55-9-308, 55-9-310, 55-9-501, 55-9-502.





In addition to deactivating the home's title, and providing the information required under the New Mexico UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>6</sup>

### **Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender**

New Mexico does not have an electronic titling program for manufactured homes.

### **Power of Attorney**

The MVD publishes a Limited Durable Power of Attorney form<sup>7</sup> (Form No. MVD11020) for a third-party to file titling paperwork on behalf of homeowners.

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<sup>6</sup> N.M. Stat. § 55-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>7</sup> This form may be found here: <https://www.mvd.newmexico.gov/forms/most-popular-forms/>.





New York



## Purchase Money Loans for New Manufactured Homes

A person must apply for a Certificate of Title for a manufactured home within 30 days of the transfer of the manufactured home<sup>1</sup> using the New York Application for Title<sup>2</sup>.

If the Application for 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. The dealer must promptly mail or deliver the application to the New York State Department of Motor Vehicles (NYDMV) Commissioner.<sup>3</sup>

The lienholder may instead request, the owner execute a Notice of Lien<sup>4</sup>. The lienholder will then deliver the Application for Certificate of Title and Notice of Lien to the NYDMV Commissioner.<sup>5</sup> The filing fee must be paid by the lienholder and the fee may not be charged to the owner in any manner.<sup>6</sup>

When the NYDMV Commissioner issues a Certificate of Title for a manufactured home, they must mail it to the lienholder named on a notice of the recorded lien (MV-901).<sup>7</sup> Lienholders participating in Electronic Lien Transfer (ELT) will receive an electronic processed message of the lien regardless of whether the lien was filed in paper or electronic form.<sup>8</sup> The homeowner is given possession of the original Certificate of Title.<sup>9</sup>

New York does not provide a means to retire an MCO or Certificate of Title. While such a home may be classified as real estate for tax purposes, it must be conveyed and encumbered using the Certificate of Title and the security interest perfected by notation on the home's New York Certificate of Title. The real property where the home is located is conveyed by deed and encumbered with a mortgage.

Recording a mortgage and noting the secured party's lien on the Certificate of Title to the home perfects a security interest in a manufactured home permanently affixed to land.

After a Certificate of Title has been issued in the state of New York for a manufactured home, and as long as the home is subject to any security interest perfected the NYDMV Commissioner may not revoke the Certificate of Title, and, in any event, the validity and priority of any security interest perfected will continue, notwithstanding the provision of any other law.

A lender wanting to secure a manufactured home as real property in New York must ensure that the home is permanently affixed to the land, note the lien on the Certificate of Title to the home, and then record a mortgage on the land.

1 N.Y. Veh. & Traf. Law § 2104.

2 The New York Application for Title (MV-82TON) may be found here: <https://dmv.ny.gov/forms-and-publications>.

3 N.Y. Veh. & Traf. Law § 2105(b).

4 The New York Notice of Lien (MV-900) can be found here: <https://dmv.ny.gov/forms-and-publications>.

5 N.Y. Veh. & Traf. Law § 2119.

6 N.Y. Veh. & Traf. Law § 2125(3)(c).

7 N.Y. Veh. & Traf. Law § 2107(c).

8 See "Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender" below.

9 N.Y. Veh. & Traf. Law § 2119(c).



## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

NYDMV has a voluntary ELT Program<sup>10</sup> which provides an electronic method for NYDMV and lienholders to exchange lien data. In order to participate in the ELT a lender must establish a Title Escrow Account with NYDMV and contact an NYDMV approved vendor. Unlike ELT programs in other states, there is no electronic title component to NYDMV's program because titles are issued to vehicle owners, not lienholders.<sup>11</sup>

## Power of Attorney

NYDMV does not provide a model limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.

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<sup>10</sup> Information about the ELT can be found on the state website at <https://dmv.ny.gov/forms-and-publications> in a publication, ELT-1.

<sup>11</sup> New York State Department of Motor Vehicles, Electronic Lien Transfer Program Business User Manual, at 1.  
<https://dmv.ny.gov/forms/elt1.pdf>.





An aerial photograph of a suburban neighborhood in North Carolina. The image shows a grid of streets with numerous single-story houses, many with swimming pools and large lawns. A dark blue circle is superimposed over the center of the image, containing the text "North Carolina" in a white, serif font.

# North Carolina



## Purchase Money Loans for New Manufactured Homes

A manufactured home will be considered an improvement to real property only after the home is affixed to real property, its Certificate of Title is surrendered to, and canceled by, the North Carolina Department of Motor Vehicles (DMV), and an Affidavit for Removal of Manufactured Home from Vehicle Registration Files is filed with the office of the register of deeds of the county where the real property is located.

A homeowner (or the owner's agent) must complete a Title Application as provided by the North Carolina DMV and submit it to the DMV,<sup>1</sup> along with the home's Manufacturer's Certificate of Origin (MCO). The North Carolina DMV will then issue a Certificate of Title.<sup>2</sup>

Once the homeowner has the title and the home qualifies as real property under the North Carolina Taxation Code, the owner must submit an Affidavit for Removal of Manufactured Home from Vehicle Registration Files<sup>3</sup> that the home meets the definition of real property and surrender the Certificate of Title to the North Carolina DMV.<sup>4</sup>

The North Carolina DMV will then rescind and cancel the Certificate of Title on its records. However, if a security interest has been recorded on the Certificate of Title and has not been released by the secured party, the North Carolina DMV cannot cancel the home's title unless and until it receives written consent from all secured parties.<sup>5</sup>

After canceling a home's title, the North Carolina DMV will return the original of the submitted Affidavit to the affiant, or to the secured party having the first recorded security interest, with the North Carolina DMV's notation or statement that the home's title has been surrendered and canceled. The affiant, or the secured party, must file the Affidavit returned by the North Carolina DMV with the office of the register of deeds of the county where the real property is located. Upon recordation, the Affidavit will be indexed on the grantor index in the name of the owner of the home and on the grantee index in the name of the secured party or lienholder, if any.<sup>6</sup>

After the Affidavit is recorded, the home becomes an improvement to real property, and any lien on the home shall be perfected and given priority in the manner provided for a lien on real property.

A lender wanting to secure a home as real property in North Carolina must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that

1 A Title Application as provided by the North Carolina DMV (North Carolina Form MVR-1 "Title Application" (rev. May 2017)) may be found here: <https://www.ncdot.gov/dmv/downloads/Pages/registration.aspx>.

2 N.C. Gen. Stat. § 20-57(a).

3 North Carolina Form MVR-46G "Affidavit for Removal of Manufactured Home from Vehicle Registration Files" (rev. January 2019) may be found here: <https://www.ncdot.gov/dmv/downloads/Pages/registration.aspx>.

4 N.C. Gen. Stat. § 20-109.2(a).

5 N.C. Gen. Stat. § 20-109.2(c).

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





the deed of trust filing satisfies the filing requirements of the North Carolina Uniform Commercial Code (UCC), the North Carolina DMV, and the office of the register of deeds of the county in which the home is located.<sup>7</sup>

Note that the provisions of the state's Probate and Registration Law control over the provisions of the North Carolina UCC relating to the priority of a security interest in fixtures as it applies to a manufactured home.<sup>8</sup>

In addition to filing the affidavits/applications with the appropriate state offices where the home is (or will be) located and providing the information required under the North Carolina UCC, the deed of trust, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>9</sup>

### **Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate**

North Carolina law also provides a formal process by which the owner of a manufactured home that is (or will be) permanently affixed to real property and is (or will be) subject to a long-term lease may cancel the home's Certificate of Title, as long as the homeowner has the consent of the landowner/lessor of the real estate and is in possession of the real estate under the terms of a lease, in recordable form, with a primary term of at least 20 years for the real property on which the home is (or will be) affixed.<sup>10</sup>

As such, provided a homeowner has, at minimum, a 20-year leasehold interest in the land upon which the home is sited, has recorded (or will record) the leasehold interest, and has permission from the landowner/lessor, a home can be permanently affixed to real property and the home's title canceled (see above).

### **Electronic Transmission of Home Title, Recordation, and/or Surrender**

North Carolina has established a mandatory Electronic Lien and Title (ELT) system for processing the notification, release, and maintenance of title certificate data and security interests. The ELT system applies to all persons that conduct at least five transactions annually in North Carolina, including manufactured housing transactions.<sup>11</sup>

An electronic document processed through the ELT system has the same force and effect as its paper counterpart, and the North Carolina DMV may convert an existing paper document into an electronic

<sup>7</sup> See, e.g., N.C. Gen. Stat. §§ 25-9-301; 25-9-308; 25-9-310; 25-9-501; 25-9-502.

<sup>8</sup> N.C. Gen. Stat. §§ 47-20.6(d); 47-20.7(d).

<sup>9</sup> N.C. Gen. Stat. § 25-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>10</sup> N.C. Gen. Stat. §§ 20-109.2(b); 47-20.6(a); 47-20.7(a).

<sup>11</sup> N.C. Gen. Stat. § 20-58.4A(a), (i).



document or vice versa, as necessary.<sup>12</sup> Participants must either register with the North Carolina DMV directly or partner with a qualified vendor or service provider already registered with the North Carolina DMV.<sup>13</sup>

## Power of Attorney

The North Carolina DMV provides a dedicated power of attorney form<sup>14</sup>, where the principal may authorize another person with full authority to effect the transfer of title, apply for a new or duplicate title, or conduct other related business on the principal's behalf.

In addition, the North Carolina Uniform Power of Attorney Act provides templates for both a statutory form power of attorney and a limited power of attorney for real property, which is appropriate for tangible personal property related to real property.<sup>15</sup>

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<sup>12</sup> N.C. Gen. Stat. § 20-58.4A(h), (j), (l).

<sup>13</sup> N.C. Gen. Stat. § 20-58.4A(c).

<sup>14</sup> North Carolina Form MVR-63 "Power of Attorney" (rev. December 2022) may be found here:  
<https://www.ncdot.gov/dmv/downloads/Pages/registration.aspx>.

<sup>15</sup> N.C. Gen. Stat. §§ 32C-3-301; 32C-3-303.





A photograph of a modern, two-story house with light-colored horizontal siding and a dark, textured roof. A white-painted wooden deck with a matching railing is visible in the foreground. A large, semi-transparent blue circle is centered over the image, containing the text "North Dakota" in a white, serif font. The house has large windows and a clean, contemporary design. The background is a clear blue sky.

# North Dakota

## Purchase Money Loans for New Manufactured Homes

The owner of a manufactured home that is (or will be) permanently affixed to real property may complete the affixation process, record an Affidavit of Affixation in the conveyance records in the office of the recorder in the county where the home is (or will be) permanently affixed, and surrender the home's Manufacturer's Certificate of Origin (MCO) or other ownership information to the North Dakota Motor Vehicle Division (MVD).<sup>1</sup>

To convey or voluntarily encumber a home as real property, the following conditions must be met:

1. The home must be permanently affixed to real property and connected to residential utilities.
2. The ownership interests in the home and the real property to which the home is or will be permanently affixed must be identical, or the owner of the home is in possession of the real property under the terms of a lease that has a term that continues for at least 20 years after the date of execution and the consent of the lessor of the real property;
3. The person having an ownership interest in the home must execute and record with the recorder of the county in which the real property is located an Affidavit of Affixation; and
4. The following documents are recorded with the North Dakota MVD:
  - a. An MCO, Certificate of Title or Application for Confirmation of Conversion
  - b. A copy of the Affidavit of Affixation,<sup>2</sup> as recorded with the county recorder's office in the county where the real property is affixed.
  - c. An Application for Certificate of Title and Registration of a Vehicle<sup>3</sup>
  - d. An Affidavit of Use for a Manufactured Home<sup>4</sup>

The North Dakota MVD will then cancel the home's MCO or Certificate of Title and update its permanent records; and provide written acknowledgment of compliance to each person identified as wishing to receive written acknowledgement of retirement.<sup>5</sup>

A lender wanting to secure a home as real property in North Dakota must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the North Dakota Uniform Commercial Code (UCC), the North Dakota MVD, and the office of the recorder of the county in which the home is (or will be) located.<sup>6</sup>

<sup>1</sup> N.D. Cent. Code §§ 39-05-02.1; 39-05-02.2(11).

<sup>2</sup> Note that North Dakota has not adopted a statewide standardized form for the Affidavit of Affixation. Instead, the form is generally provided or prepared at the county level throughout the state. As an example, the McIntosh County Form "Affidavit of Affixation" may be found here: <https://www.mcintoshnd.com/county-offices/tax-director/>.

<sup>3</sup> North Dakota Form SFN 2872 "Application for Certificate of Title and Registration of a Vehicle" (rev. November 2023) may be found here: <https://www.dot.nd.gov/dot/view/forms.aspx>.

<sup>4</sup> North Dakota Form SFN 53658 "Affidavit of Use for a Manufactured Home" (rev. May 2017) may be found here: <https://www.dot.nd.gov/dot/view/forms.aspx>.

<sup>5</sup> N.D. Cent. Code §§ 39-05-25(1)(b), (2)(c); 39-05-22.

<sup>6</sup> See, e.g., N.D. Cent. Code §§ 41-09-21; 41-09-28; 41-09-30; 41-09-72; 41-09-73.





In addition to filing the affidavits/acknowledgments with the appropriate state offices where the home is (or will be) located and providing the information required under the North Dakota UCC, the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>7</sup>

### **Manufactured Housing Situated Upon Real Property Subject to Leasehold Estate**

North Dakota law also provides a formal process by which the owner of a manufactured home that is (or will be) permanently affixed to real property and is (or will be) subject to a long-term lease may retire the home's ownership documentation, such as its title or MCO, as long as the homeowner has the consent of the landowner/lessor of the real estate and 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 20 years after the date of execution.<sup>8</sup>

As such, provided a homeowner has, at minimum, a 20-year leasehold interest in the land upon which the home is sited, has recorded (or will record) the leasehold interest, and has permission from the landowner/lessor, a home can be permanently affixed to real property and the home's title or MCO retired.

### **Electronic Transmission of Home Title, Recordation, and/or Surrender**

The North Dakota Motor Vehicles Code provides that the North Dakota MVD may use an electronic lien and title notification procedure.<sup>9</sup> However, at present, North Dakota does not have a mandated electronic titling program.

### **Power of Attorney**

At this time, North Dakota does not provide a dedicated power of attorney form in connection with manufactured housing.

<sup>7</sup> N.D. Cent. Code § 41-09-73(3). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>8</sup> N.D. Cent. Code § 47-10-27(2)(b).

<sup>9</sup> See, e.g., N.D. Cent. Code §§ 39-05-09(1); 39-05-17(3).







Ohio



## Purchase Money Loans for New Manufactured Homes

A notarized application for a Certificate of Title<sup>1</sup> for a new manufactured home must be filed with the clerk of the court of common pleas of the county in which the home is (or will be) located within 30 days after the delivery of the new home to the purchaser. The filing may be done electronically<sup>2</sup> and may include:

1. A completed title application;
2. The home's original Manufacturer's Certificate of Origin (MCO);
3. The Bill of Sale; and
4. Proof of payment of applicable title fees and/or taxes, if any.<sup>3</sup>

Upon receiving a completed application, the clerk will issue a Certificate of Title to the applicant or an agent of a licensed Ohio dealer, provided the agent has a power of attorney (see "Power of Attorney").<sup>4</sup>

In order to cancel the Certificate of Title, the home must first meet the qualifications for real property taxation:

1. The home is affixed to a permanent foundation;<sup>5</sup>
2. The home is located on land that is owned by the owner of the home.

Once the home meets these qualifications, the Certificate of Title must be surrendered to the auditor of the county where the home is located within 15 days.<sup>6</sup> Upon processing, the auditor will then deliver the title to the clerk of the court of common pleas that issued it, and the clerk will inactivate and retire it.<sup>7</sup>

If the Certificate of Title for a home that is to be taxed as real property is held by a lienholder, the lienholder must surrender the Certificate within 30 days after both of the following have occurred:

1. The homeowner has provided written notice to the lienholder requesting that the Certificate of Title be surrendered;
2. The homeowner has either paid the lienholder the remaining balance owed to the lienholder, or, with the lienholder's consent, executed and delivered to the lienholder a mortgage on the home and land on which the home is sited.<sup>8</sup>

1 Ohio Form BMV 3774 "Application for Certificate of Title to a Motor Vehicle" (rev. August 2024) may be found here: <https://www.bmv.ohio.gov/doc-forms.aspx>.

2 Ohio Rev. Code § 4505.06(A)(1), (2).

3 See Ohio BMV-Registrations and Titles: How to Title, <https://www.bmv.ohio.gov/titles-new.aspx>.

4 Ohio Rev. Code § 4505.06(B); Ohio Admin. Code § 4501:1-13-02.

5 Ohio Rev. Code § 3781.06(C)(6). Note that the Ohio Office of the Attorney General ("OAG") has said, "In order to achieve real property status, a manufactured home first must be altered in such a way that it loses its character as a manufactured home and no longer meets the statutory definition set out in R.C. 4501.01(O). If, after such alteration, it meets the definition of real property in R.C. 5701.02, the home may be taxed as real property." See Ohio OAG, 1993 Op. Att'y Gen. No. 1993-078, at 2-386 (December 30, 1993).

6 Ohio Rev. Code §§ 4505.06(A)(5)(c); 4505.11(H)(1).

7 Ohio Rev. Code § 4503.061(B).

8 Ohio Rev. Code § 4505.11(H)(2).



A lender wanting to secure a home as real property in Ohio must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Ohio Uniform Commercial Code (UCC), the Ohio Motor Vehicles Code, and the office of the clerk of the court of common pleas of the county in which the home is (or will be) located.<sup>9</sup>

## Electronic Transmission of Home Title, Recordation, and/or Surrender

At present, Ohio does not have a mandated Electronic Lien and Title (ELT) program<sup>10</sup>. However, the Ohio Motor Vehicles Code provides that the Ohio Bureau of Motor Vehicles (BMV) must enable the public to have access to vehicle title information via electronic means, and the respective offices of the state's clerks of court shall have the capability to transact, by electronic means, all procedures and transactions relating to the issuance of Certificates of Title that are described in the Ohio Motor Vehicles Code as being accomplished by electronic means.<sup>11</sup>

## Power of Attorney

The Ohio BMV provides a dedicated power of attorney form<sup>12</sup>, where the principal may authorize an individual or company to make and execute assignment of or application for title, including authority to do and perform all and every act and thing whatsoever that is requisite, necessary, and proper on behalf of the principal.

In addition, the Ohio Uniform Power of Attorney Act provides a template for a statutory form power of attorney, which is appropriate for tangible personal property related to real property.<sup>13</sup>

<sup>9</sup> See, e.g., Ohio Rev. Code §§ 1309.301; 1309.308; 1309.310; 1309.501; 1309.502.

<sup>10</sup> More information about Ohio's ELT program is available here: <https://www.bmv.ohio.gov/titles-et.aspx>.

<sup>11</sup> Ohio Rev. Code §§ 4505.141; 4505.06(I).

<sup>12</sup> Ohio Form BMV 3771 "Power of Attorney" (rev. March 2023) may be found here: <https://www.bmv.ohio.gov/doc-forms.aspx>.

<sup>13</sup> Ohio Rev. Code § 1337.60.







Oklahoma

## Purchase Money Loans for New Manufactured Homes

Generally, any person purchasing a manufactured home, or owning a home that has not been registered in Oklahoma, must register the home and obtain an Oklahoma Certificate of Title<sup>1</sup> within 30 days of the date of purchase through Service Oklahoma or a licensed operator.<sup>2</sup>

Upon the filing of a completed title/registration application, and payment of the required fees and taxes, the operator will assign the home a distinctive number and issue to the homeowner (or the owner's agent) an Oklahoma Certificate of Title, a registration receipt, a Manufactured Home Registration Decal, a vehicle registration decal, and an excise tax receipt.<sup>3</sup>

If the manufactured home is (or will be) permanently affixed to real estate, the purchaser may simultaneously apply to cancel the home's Oklahoma Certificate of Title before it is issued by submitting the home's Manufacturer's Certificate of Origin (MCO). In this case, instead of issuing an Oklahoma Certificate of Title, Service Oklahoma will place a hold on the home's Oklahoma title record pending its cancelation.<sup>4</sup>

When surrendering a home's title or MCO, the owner (or the owner's agent) must also provide the legal description or the appropriate tract or parcel number of the real estate, as well as any other information as may be required by Service Oklahoma.<sup>5</sup>

To cancel the certificate of title or MCO of a manufactured home, submit the following to Service Oklahoma:

1. The home's Oklahoma Certificate of Title or MCO;
2. Verification that no active lien appears on the record;
3. A completed "Application for Title Cancellation of a Manufactured Home Permanently Affixed to Real Estate;"
4. A "Notice to County Assessor of Cancellation of Oklahoma Certificate of Title to a Manufactured Home" and "Application for Title Cancellation of a Manufactured Home Permanently Affixed to Real Estate" which has been previously validated by the county assessor of the county in which the property on which the home is (or will be) permanently affixed is located; and
5. Payment of the required fees.<sup>6</sup>

1 Oklahoma Form 701-6 "Application for Oklahoma Certificate of title for a Vehicle, Trailer, or Manufactured Home" (rev. May 2024) may be found here: <https://oklahoma.gov/service/all-pages/form.html>.

2 Okla. Stat. tit. 47, §§ 1117(A), (B); 1105.

3 Okla. Stat. tit. 47, § 1117(B).

4 Okla. Admin. Code § 670:20-25-4.

5 Okla. Stat. tit. 47, § 1110(E).

6 See Service Oklahoma, Packet 756 "Title Cancellation of a Manufactured Home" (rev. January 2023), <https://oklahoma.gov/service/all-pages/form.html>.





Upon receipt of a completed application packet, and once approved, Service Oklahoma or the licensed operator will lift the title record hold and notify the owner and any lienholder that the home's title or MCO has been surrendered to Service Oklahoma.

The process of surrendering and canceling title must be completed within 60 days of the county assessor's confirmation date. If more than 60 days should elapse, a new "Application for Title Cancellation of a Manufactured Home Permanently Affixed to Real Estate" must be completed and certified.<sup>7</sup>

A lender wanting to secure a home as real property in Oklahoma must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Oklahoma Uniform Commercial Code (UCC), Service Oklahoma, and the county assessor's office of the county in which the home is (or will be) located.<sup>8</sup>

In addition to filing the applications/acknowledgments with the appropriate state offices where the home is (or will be) located and providing the information required under the Oklahoma UCC, the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>9</sup>

## Electronic Transmission of Home Title, Recordation, and/or Surrender

Oklahoma has established an Electronic Lien and Title (ELT) program. Oklahoma's ELT program is currently limited to motor vehicles, and there is no indication that the program will be expanded to include manufactured housing.<sup>10</sup>

## Power of Attorney

At this time, Oklahoma does not provide a dedicated power of attorney form in connection with manufactured housing.

However, the Oklahoma Uniform Power of Attorney Act provides a template for a statutory form power of attorney, which is appropriate for tangible personal property related to real property, as well as provisions regarding what is required in connection with a power of attorney that concerns real and/or tangible personal property.<sup>11</sup>

<sup>7</sup> See Service Oklahoma, Packet 756 "Title Cancellation of a Manufactured Home" (rev. January 2023), <https://oklahoma.gov/service/all-pages/form.html>.

<sup>8</sup> See, e.g., Okla. Stat. tit., 12A, §§ 1-9-301; 1-9-308; 1-9-309; 1-9-501; 1-9-502.

<sup>9</sup> Okla. Stat. tit. 12A, § 1-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>10</sup> Okla. Stat. tit. 47, §§ 1105A; 1132B.

<sup>11</sup> Okla. Stat. tit. 58, §§ 3027; 3028; 3041.





An aerial photograph of a town in Oregon. The foreground shows a river with green banks and a parking lot with several mobile homes. The middle ground is a dense residential area with many houses and trees. In the background, there are rolling hills and mountains under a cloudy sky. A large blue circle is overlaid on the center of the image, containing the word "Oregon" in white text.

Oregon



## Purchase Money Loans for New Manufactured Homes

If an Application for Recording a Manufactured Home as Real Property<sup>1</sup> is filed with the county assessor to have the manufactured dwelling recorded in the deed records of the county in which the manufactured dwelling is (or will be) sited within 25 business days of the original transfer from the dealer, then application for an Ownership Document is not required.<sup>2</sup>

The homeowner (or the owner's agent) must apply using the Application for Recording a Manufactured Home as Real Property from the Oregon Building Codes Division of the Department of Consumer and Business Services (DCBS-BCD) and must also provide a description of the location of the real property on which the manufactured dwelling is (or will be) sited.<sup>3</sup>

The applicant must also submit a county tax certification, certified by the county in which the manufactured dwelling is (or will be) sited, confirming that any taxes have been paid. Further, if there is a secured party of record, the secured party must sign an acknowledgment acknowledging either the transfer or release of the secured party's interest in the manufactured dwelling.<sup>4</sup>

A manufactured dwelling qualifies for recording in the deed records if the owner of the manufactured dwelling:

1. Owns the land on which the manufactured dwelling is located;
2. Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically permits the owner to record the manufactured dwelling; or
3. Is a member of a manufactured home park or community non-profit cooperative formed under the Oregon Manufactured Dwelling Park Nonprofit Cooperative Corporation Act that owns the land on which the manufactured dwelling is located.<sup>5</sup>

Once the county assessor records the manufactured dwelling in the deed records, the manufactured dwelling is subject to the same provisions of law applicable to any other building, housing, or structure on the land, and the manufactured dwelling may not be sold separately from the land or leasehold estate. The recording of a security interest in the deed records of the county in which the manufactured dwelling is sited also satisfies the requirements for filing a financing statement for a fixture to real property under the Oregon Uniform Commercial Code (UCC). However, recordation is independent of assessment and taxation of the manufactured dwelling as real property under the Oregon Revenue and Taxation Code.<sup>6</sup>

1 Oregon Form 5716 "Application for Recording a Manufactured Home as Real Property" (rev. January 2017) may be found here: <https://www.oregon.gov/bcd/man-home-own/pages/man-home-own-forms.aspx>.

2 Or. Rev. Stat. § 446.736(7); 446.576(2); 446.626(1).

3 Or. Rev. Stat. §§ 446.626(1); 446.736(7).

4 Or. Admin. R. § 918-550-0100. See Oregon DCBS-BCD, Manufactured Home Ownership-Forms and Applications: Real Property Transactions, <https://www.oregon.gov/bcd/man-home-own/pages/man-home-own-forms.aspx> [accessed October 13, 2024]

5 Or. Rev. Stat. §§ 446.626(1).

6 Or. Rev. Stat. § 446.626(3).



A lender wanting to secure a manufactured dwelling as real property in Oregon must then record a deed of trust with a fixtures clause that includes a clear description of the manufactured dwelling. The lender should make sure that the deed of trust filing satisfies the filing requirements of the UCC, the Oregon DCBS–BCD, and the office of the county assessor of the county in which the manufactured dwelling is (or will be) located.<sup>7</sup>

In addition to filing the applications/acknowledgments with the appropriate state offices where the manufactured dwelling is (or will be) located and providing the information required under the Oregon UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured dwelling by make, model, dimensions, year of manufacture, and serial number.<sup>8</sup>

### **Manufactured Dwellings Situated Upon Real Property Subject to Leasehold Estate**

Oregon law also provides a formal process by which the owner of a manufactured dwelling that is (or will be) permanently affixed to real property and is (or will be) subject to a long-term lease may retire the manufactured dwelling's ownership documentation, such as its Ownership Document or MCO, as long as the homeowner has the consent of the landowner/lessor of the real estate and 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 20 years after the date of execution.<sup>9</sup>

Note that if the manufactured dwelling qualifies for recordation in the deed of records of the county in which the manufactured dwelling is sited, it should be recorded and an Ownership Document is not required.<sup>10</sup>

As such, provided a homeowner has, at minimum, a 20-year leasehold interest in the land upon which the manufactured dwelling is sited, has recorded (or will record) the leasehold interest, and has permission from the landowner/lessor, a manufactured dwelling can be permanently affixed to real property and the manufactured dwelling's Ownership Document or MCO surrendered.

### **Electronic Transmission of Dwelling Title, Recordation, and/or Surrender**

At present, Oregon does not have a mandated electronic titling program for manufactured dwellings.

### **Power of Attorney Requirements**

At this time, Oregon does not provide a dedicated power of attorney form in connection with manufactured dwellings.

<sup>7</sup> See, e.g., Or. Rev. Stat. §§ 79.0301; 79.0308; 79.0309; 79.0501; 79.0502.

<sup>8</sup> Or. Rev. Stat. § 79.0502(3).

<sup>9</sup> Or. Rev. Stat. § 446.626(1)(b).

<sup>10</sup> Or. Rev. Stat. § 446.626(2); 446.576(2).







Pennsylvania



## Purchase Money Loans for New Manufactured Homes

The owner of a manufactured home for which no Certificate of Title has been issued must apply to Pennsylvania Department of Transportation (PennDOT) for a Certificate of Title within 20 days of the home's sale or transfer or entering into Pennsylvania, whichever is later. The Application for Certificate of Title must be accompanied by the home's Manufacturer's Certificate of Origin (MCO)<sup>1</sup> and taxes due or evidence to show that taxes have been paid.

The Application for Certificate of Title for a manufactured home purchased from a dealer must be delivered to PennDOT by the dealer, and it must contain the names and addresses of any lienholders, in order of priority and the amounts and dates of the security agreements. The paperwork should also be assigned by the dealer to the homeowner and signed by the owner.

The process of cancelling the home's title because the home is (or will be) permanently affixed to real property, includes permanently affixing the home to real property, connecting it to utilities, and submitting an Application for Cancellation of Certificate of Title<sup>2</sup> to PennDOT, available from PennDOT's authorized agents.<sup>3</sup>

Upon cancellation of the home's title by PennDOT, ownership interest in the home, together with all liens and encumbrances thereon, if any, will be transferred to and shall encumber the real property to which the home has become affixed.

A lender wanting to secure a home as real property in Pennsylvania must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Pennsylvania Uniform Commercial Code (UCC), PennDOT, and the office of the prothonotary (i.e., court clerk) of the court of common pleas of the county in which the home is (or will be) located.<sup>4</sup>

In addition to filing the applications/acknowledgments with the appropriate state offices where the home is (or will be) located and providing the information required under the Pennsylvania UCC, the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

1 75 Pa. Cons. Stat. §§ 1101(a); 1103.1(b), (c), (d).

2 Pennsylvania Form MV-16 "Application for Cancellation of Certificate of Title" (rev. July 2023) may be found here: <https://www.dmv.pa.gov/layouts/pa.pennndot.formsandpubs/formsandpubs.aspx>.

3 See PennDOT Vehicle Services, Title Registration: Buying or Selling a Vehicle, <https://www.dmv.pa.gov/VEHICLE-SERVICES/Title-Registration/Pages/Buying-a-Vehicle.aspx> [accessed October 14, 2024].

4 See, e.g., 13 Pa. Cons. Stat. §§ 9301; 9308; 9310; 9501; 9502.

5 13 Pa. Cons. Stat. § 9502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.





## Electronic Transmission of Home Title, Recordation, and/or Surrender

Pennsylvania has established an Electronic Lien and Title (ELT) program<sup>6</sup> and participation is mandatory for any lienholder that engages in the business or practice of financing manufactured home transactions and notates (or intends to notate) its security interests on home titles.<sup>7</sup>

To register, an applicant must complete and submit an Application for Enrollment/Change in Electronic Lien and Title System<sup>8</sup> and partner with an authorized PennDOT ELT program service provider. Additional guidance from PennDOT indicates that, to cancel a home's title, an electronic lien, if any, must be released and a paper title issued, which must then be surrendered. Regardless, registrants can use the ELT program to convert electronic liens/titles to paper and vice versa.

## Power of Attorney

At this time, Pennsylvania does not provide a dedicated power of attorney form in connection with manufactured housing.

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6 More information about Pennsylvania's ELT program is available here:  
<https://www.dmv.pa.gov/VEHICLE-SERVICES/Title-Registration/Pages/Electronic-Lien-Title-Program.aspx>.

7 75 Pa. Cons. Stat. § 1151.1.

8 Pennsylvania Form MV-37 "Application for Enrollment/Change in Electronic Lien and Title System" (rev. February 2024) may be found here: [https://www.dmv.pa.gov/\\_layouts/pa.penndot.formsandpubs/formsandpubs.aspx](https://www.dmv.pa.gov/_layouts/pa.penndot.formsandpubs/formsandpubs.aspx).







# Rhode Island



## Purchase Money Loans for New Manufactured Homes

Given that Rhode Island has no legal process for titling a manufactured home, a homeowner (or the owner's agent) can forego titling in its entirety and, instead, file the necessary documentation evidencing ownership, such as the home's Manufacturer's Certificate of Origin (MCO), with the Recorder of Deeds of the city or town in which the home is (or will be) located.

The deed, instrument, or writing by which an interest in any mobile or manufactured home is granted, assigned, transferred, or otherwise conveyed must be filed (and fees paid, if any) with the Recorder of Deeds of the city or town in which the home is located, within 10 days after execution of the deed, instrument, or writing.<sup>1</sup>

In addition, the payment of taxes, if any, must be evidenced by the affixing of a documentary stamp or stamps to the instrument by a representative at the office of the Recorder of Deeds, and only the original instrument will be accepted for recording. The stamp or stamps must be affixed in a manner consistent with the Rhode Island Tax Code, and the Recorder of Deeds must also affix upon the face of each original instrument, by hand stamp issued by the state's tax administrator, a receipt showing the amount of tax paid by the person making, executing, delivering, or presenting the original instrument for recordation.<sup>2</sup>

With regards to establishing intent to permanently affix a home to real property in Rhode Island, the Rhode Island Manufactured Homes Law provides that all homes are required to be properly "tied down" according to the latest minimum standards established under the Rhode Island State Building Code.<sup>3</sup>

In addition, state case law outlines specific criteria for determining whether a home has been or is intended to be permanently affixed to land:

1. Intent to immobilize the home (i.e., permanent affixation to a foundation, connection of utilities, installation of onsite improvements, etc.);
2. Intent to unify the home with the real estate;
3. Intent to unify ownership (i.e., the homeowner is also the landowner);
4. Intent for the combined property to be assessed and taxed as real property; and/or
5. A general expression of intent (i.e., the homeowner, landowner, and/or lienholder have filed paperwork or otherwise demonstrated a desire for the home to be affixed and characterized as real property).<sup>4</sup>

<sup>1</sup> R.I. Gen. Laws §§ 31-44-4.1; 34-13-1.

<sup>2</sup> R.I. Gen. Laws §§ 31-44-21; 44-25-4.1.

<sup>3</sup> 230 R.I. Code R. § 30-15-1.8.

<sup>4</sup> See, e.g., *Prospecting Unlimited, Inc. v. Nordberg*, 376 A.2d 702, 705–707 (R.I. 1977) (The Rhode Island Supreme Court created a three-part test for determining when chattel becomes a fixture and, thus, becomes part of the real estate to which it has been attached); R.I. Div. Tax. Op. 90-26, 1990 WL 204429 (June 1, 1990).



In addition to complying with the requirements of the Rhode Island Uniform Commercial Code (UCC), as well as the requirements of the Recorder of Deeds of the city or town in which the home is (or will be) located, the mortgage, or a rider to that instrument, should accurately describe the home.<sup>5</sup>

### **Electronic Transmission of Home Title, Recordation, and/or Surrender**

At present, Rhode Island provides for a voluntary electronic titling program.<sup>6</sup> However, because Rhode Island does not title manufactured homes, participation is not available in connection with manufactured home titling.

### **Power of Attorney**

At this time, Rhode Island does not provide a dedicated power of attorney form in connection with manufactured housing.

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<sup>5</sup> R.I. Gen. Laws § 6A-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>6</sup> See, e.g., R.I. Gen. Laws § 31-3.1-16.





An aerial photograph of a suburban neighborhood in South Carolina. The image shows a dense collection of houses with various roof colors (red, grey, blue) and styles, 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 semi-truck is visible on a road, and several cars are parked along the street. The overall scene depicts a typical residential area with a mix of architectural styles and abundant greenery.

# South Carolina



## Purchase Money Loans for New Manufactured Homes

Generally, an application for a Certificate of Title for a manufactured home must be made by the owner to the South Carolina Department of Motor Vehicles (SCDMV) and the auditor of the county in which the manufactured home is to be located with the South Carolina Application for Title/Registration of Mobile Home Title Application,<sup>1</sup> accompanied by the Manufacturer's Certificate of Origin (MCO).

To retire the Certificate of Title, 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
2. Filing with the register of deeds or clerk of the court, as appropriate, for the county in which the manufactured home is located, a Manufactured Home Affidavit for the Retirement of Title Certificate,<sup>2</sup> together with proof of ownership of the real property as evidenced by a copy of the most recent deed of record or other instrument vesting title.<sup>3</sup>

The register of deeds or clerk of the court will record the affidavit as if it were a deed to real property, notify the county assessor, and return a clocked and stamped copy of the Manufactured Home Affidavit for Retirement of Title Certificate. Upon filing of the affidavit, the manufactured home will be treated for all purposes, except condemnation, as real property, and the title of the manufactured home is thereby vested in the lawful owner of the real property to which it is affixed.

The clocked and stamped copy of the Manufactured Home Affidavit for Retirement of Title certificate must then be submitted to the SCDMV along with:

1. The Certificate of Title for the manufactured home, with either a release of lien or the consent of any secured party having a lien noted on the title; and
2. Current paid property tax receipt or a letter from the county treasurer confirming no tax is owed.<sup>4</sup>

SCDMV must provide written confirmation of the retirement of the title certificate to the homeowner.

<sup>1</sup> 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>.

<sup>2</sup> 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 § 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 § 56-19-510(D). Samples of such forms may be found here: <https://www.kershaw.sc.gov/home/showdocument?id=2056>; and here: <https://lex-co.sc.gov/sites/lexco/files/Documents/Lexington%20County/Departments/ROD/MHAAffidavit-ForRetirementOfTitleCert.pdf>.

<sup>3</sup> S.C. Code § 56-19-510(A). The Manufactured Home Lien Affidavit must be in a specific form as described by the South Carolina Legislature. S.C. Code § 56-19-540(B). Samples of the affidavit may be found here: <https://www.kershaw.sc.gov/home/showpublisheddocument/2055/636251004211030000>; and here: <https://lex-co.sc.gov/sites/lexco/files/Documents/Lexington%20County/Departments/ROD/ManufacturedHomeLienAffidavit.pdf>.

<sup>4</sup> S.C. Code § 56-19-530.





A lender wanting to secure a manufactured home as real property in South Carolina must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the South Carolina Uniform Commercial Code (UCC), the SCDMV, and the register of deeds or clerk of the court of the county in which the real property is located.<sup>5</sup>

### Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

The South Carolina process for converting manufactured homes to real property extends to a person who has a recorded leasehold estate of 35 or more years on the real property upon which the manufactured home has become affixed and the instrument creating the leasehold estate authorizes the lessee to encumber the real property with a lien.<sup>6</sup>

### Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

The SCDMV has established an Electronic Lien and Title System (ELT) to provide for the electronic transmission of lien transaction data between lenders and the SCDMV.<sup>7</sup> Participation in ELT is mandatory for a lender recording more than 5 liens in a calendar year.<sup>8</sup>

An electronic title must be converted to paper in order for the title to be surrendered.<sup>9</sup>

### Power of Attorney

The SCDMV does not provide a limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.

<sup>5</sup> See, e.g., S.C. Code §§ 36-9-301, 36-9-308, 36-9-310, 36-9-501, 36-9-502.

<sup>6</sup> S.C. Code § 56-19-500(5).

<sup>7</sup> S.C. Code § 56-19-265.

<sup>8</sup> See “South Carolina ELT Business Rules and Program Standards,” Section 3.0 Business Rules, <https://www.scdmvonline.com/-/media/Files/ELT-Program-Standards.ashx>.

<sup>9</sup> The title must be surrendered to the SCDMV. See S.C. Code § 56-19-520(A)(2); See also “De-titling Your Mobile or Manufactured Home”, <https://www.scdmvonline.com/Vehicle-Owners/Types-Of-Vehicles/Mobile-Home>.



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

# South Dakota



## Purchase Money Loans for New Manufactured Homes

To convert a manufactured home to real property, the owner of a manufactured home must affix the home to real property owned by the homeowner<sup>1</sup> and submit to the County Treasurer of the county where the real property is located:

1. A Motor Vehicle and Boat Title and Registration Application (Form 1001);<sup>2</sup>
2. A Mobile Manufactured Home Affidavit (Form 1009);<sup>3</sup>
3. The Manufacturer's Certificate of Origin (for a new home), or the original Certificate of Title; and
4. A copy of the purchase agreement.

The County Treasurer will forward the documentation to the South Dakota Motor Vehicle Division (SDMVD) for processing. If the application for title and the request to surrender the statement of ownership are submitted simultaneously, SDMVD will only create an electronic record indicating ownership of the manufactured home and may not issue a paper title. SDMVD does not return confirmation of the conversion to real property to the owner or the filer, however conversion may be confirmed by filing a Driver's Privacy and Protection Act Private Individual Vehicle Information Request (Form 1202),<sup>4</sup> and request either a Search or a Record History.

A lender wanting to secure a manufactured home as real property in South Dakota must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the South Dakota Uniform Commercial Code (UCC), SDMVD, and the County Treasurer of the county where the real property is located.<sup>5</sup>

In addition to filing required applications/affidavits with the County Treasurer of the county where the real property is located, and providing the information required under the South Dakota UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>6</sup>

<sup>1</sup> S.D. Codified Laws § 32-3-3.2.

<sup>2</sup> The Motor Vehicle and Boat Title and Registration Application (Form 1001), may be found here: <https://sddor.seamlessdocs.com/sc/individual-forms>.

<sup>3</sup> The Mobile Manufactured Home Affidavit (Form 1009) may be found here: <https://sddor.seamlessdocs.com/sc/individual-forms>.

<sup>4</sup> The Driver's Privacy and Protection Act Private Individual Vehicle Information Request (Form 1202) may be found here: <https://sddor.seamlessdocs.com/sc/individual-forms>.

<sup>5</sup> See, e.g., S.D. Codified Laws §§ 57A-9-301, 57A-9-308, 57A-9-310, 57A-9-501, 57A-9-502.

<sup>6</sup> S.D. Codified Laws § 57A-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.



## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

South Dakota also has an optional electronic lien and titling system (ELT).<sup>7</sup> In order to participate, Lenders have to utilize a third party provider that will provide the lender with electronic notices of title issuance and lien perfection when a record is issued in the state system. Upon release of a lien, a participating lender will release a lien electronically through its provider. Upon receipt of the electronic lien release, a paper title will be issued and mailed to the owner, unless directed otherwise by the lender.

An electronic title must be converted to paper before it can be surrendered.

## Power of Attorney

The SDMVD publishes a power of attorney form (Form 1023)<sup>8</sup> for a third-party to file titling paperwork on behalf of homeowners.

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<sup>7</sup> More information about South Dakota's ELT can be found at <https://dor.sd.gov/businesses/motor-vehicle/#elt>.

<sup>8</sup> This form may be found here: <https://sddor.seamlessdocs.com/sc/individual-forms>.





An aerial photograph of a suburban neighborhood in Tennessee. The image shows a mix of residential houses with varying roof colors (grey, brown, white) and green lawns. A large, dark blue circle is superimposed over the center of the image, containing the word "Tennessee" in white serif font. In the background, a dense line of green trees separates the neighborhood from a distant town or city skyline under a hazy sky. A paved road curves through the lower left portion of the frame.

Tennessee

## Purchase Money Loans for New Manufactured Homes

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 (MCO) and file the Affidavit of Affixation to the Tennessee Department of Revenue (TDR).

If a manufactured home is affixed to a parcel of real property, as provided in an Affidavit of Affixation for a Manufactured or Mobile Home<sup>1</sup> and the legal ownership of the manufactured home and real property is identical, the owner may surrender the MCO of such manufactured home to the TDR for cancellation by providing the following documentation to the county clerk, as agent for TDR:

1. The MCO to the manufactured home showing the release of any lienholders noted on the MCO;
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, which has been certified by the office of the register of deeds of the county in which the real property is located; and
3. A certified copy of an Affidavit of Affixation executed by all persons who have a 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, which 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.<sup>2</sup>

Recordation of the Affidavit of Affixation of a Manufactured or Mobile Home, with the county register of deeds containing all the information referenced above, will be evidence that the manufactured home has become affixed to the real property as an improvement to real property, to the extent the manufactured home constitutes the owner's principal residence.<sup>3</sup>

A lender wanting to secure a manufactured home as real property in Tennessee must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Tennessee Uniform Commercial Code (UCC), the TDR, and the register of deeds of the county in which the real property and the home are located.<sup>4</sup>

<sup>1</sup> The Tennessee "Affidavit of Affixation for a Manufactured or Mobile Home," (Form RV-F1322101), may be found here: <https://www.tn.gov/revenue/title-and-registration/forms.html>.

<sup>2</sup> Tenn. Code § 55-3-128(a).

<sup>3</sup> Tenn. Code § 55-3-128(c). 11 U.S.C. § 1322(b)(2) provides that in a Chapter 13 bankruptcy a secured party's lien on a debtor's principal residence that is classified as real property under state law cannot be modified or "crammed down" by the debtor's plan.

<sup>4</sup> See, e.g., Tenn. Code §§ 47-9-301, 47-9-308, 47-9-310, 47-9-501, 47-9-502.





In addition to filing a certified copy of an Affidavit of Affixation of a Manufactured or Mobile Home, with the county clerk, as agent for TDR, and providing the information required under the Tennessee UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

### Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Tennessee does not have an electronic titling program for manufactured homes.

### Power of Attorney

The TDR publishes a Power of Attorney for Vehicle Transactions form<sup>6</sup> for a third-party to file titling paperwork on behalf of homeowners.

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<sup>5</sup> Tenn. Code § 47-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>6</sup> This form may be found here: <https://www.tn.gov/revenue/title-and-registration/forms.html>.







Texas



## Purchase Money Loans for New Manufactured Homes

Texas does not provide Certificates of Title for manufactured homes, but rather provides Statements of Ownership.<sup>1</sup> All manufactured home Statements of Ownership in Texas are issued by the Texas Department of Housing and Community Affairs — Manufactured Housing Division (TDHCA). Note, however, that all outstanding documents of title or certificates of attachment are considered to be Statements of Ownership.<sup>2</sup>

To retire the Statement of Ownership, the homeowner must:

1. Attach the home to real property that is owned by the homeowner or land leased to the homeowner under a long-term lease as defined by the rules of the TDHCA;
2. Record a deed of trust that describes the land and the manufactured home, and a Builder's and Mechanic's Lien Contract for purchase and installation of the manufactured home in the office of the county clerk for the county where the real property is located<sup>3</sup>. Both of these documents should recite the grant of a "conversion lien"<sup>4</sup>;

1 Tex. Occ. Code § 1201.201(2); Frequently Asked Questions: Statement of Ownership, Texas Department of Housing and Community Affairs — Manufactured Housing Division, available at: <https://www.tdhca.texas.gov/frequently-asked-questions-statement-ownership> (accessed October 17, 2024).

2 Tex. Occ. Code § 1201.214(a).

3 Tex. Const. art. XVI, § 50(a)(8) authorizes a lien for the conversion and refinance of a personal property lien secured by a manufactured home to a lien on real property, including the refinance of the purchase price of the manufactured home, the cost of installing the manufactured home on the real property, and the refinance of the purchase price of the real property ("conversion lien"). See Tex. Prop. Code ch. 63. As yet, we have found no case law or agency guidance interpreting the scope of the lien. Accordingly, it is advisable for secured parties to treat the lien for acquisition and installation of the manufactured home as an improvement lien pursuant to Tex. Const. art. XVI, § 50(a)(5) and related provisions in Tex. Prop. Code ch. 53. Such treatment is supported by Tex. Prop. Code Ann. § 63.005(a), which provides:

A manufactured home becomes a new improvement to the homestead of a family or of a single adult person upon the filing of the certificate of attachment [no longer used] as provided in Chapter 1201, Occupations Code. As such, if the debt for the manufactured home was contracted for in writing, that debt is considered to be for work and materials used in constructing new improvements thereon and thus constitutes a valid lien on the homestead when the certificate of attachment [no longer used] is filed in the Official Public Records of Real Property in the county in which the land is located.

Therefore, a Builder's and Mechanic's Lien Contract for Improvements must be executed and recorded before any work is performed in order to perfect the lender's lien. The contractor's lien under the Builder's and Mechanic's Lien Contract for Improvements is assigned to the lender and incorporated into the deed of trust in favor of the lender. The Builder's and Mechanic's Lien Contract for Improvements should also recite the grant of a "conversion lien."

4 The Texas "Homestead Provision" (Texas Constitution, Article XVI, §§ 50 and § 51) protects a person's urban homestead (up to 10 acres and the improvements thereon) or rural homestead (200 acres and the improvements thereon) from forced sale except for certain permitted liens. A lienholder must comply with the Texas Homestead Provision in order to have a valid lien against homestead property. Permitted homestead liens include liens securing debts for the conversion and refinance of a personal property lien secured by a manufactured home to a lien on real property, including the refinance of the purchase price of the manufactured home, the cost of installing the manufactured home on the real property, and the refinance of the purchase price of the real property (a "conversion" lien). Tex. Const. art. XVI, § 50(a)(8). The deed of trust, or a rider to the deed of trust, should recite the grant of a "conversion lien" such as the following:

**Acknowledgment Regarding Manufactured Home Conversion Lien.** Owners acknowledge and agree that, to the extent permitted by law, the liens granted or created by this lien document in and to the Property and the manufactured home include, without limitation, a conversion lien under Texas Constitution, Article XVI, § 50(a)(8), and, as applicable, Chapter 63 of the Texas Property Code.



3. File the following with the TDHCA:
  - a. An application for a Statement of Ownership;
  - b. A statement of election to treat the manufactured home as real property executed before a notary on the application for a Statement of Ownership; and
  - c. For a first retail sale, a copy of the Notice of Installation, with the required fee;
4. Connect the home to utilities;
5. Within 60 days of receiving the Statement of Ownership
  - a. File the copy in the real property records of the county in which the home is located;
  - b. Submit to the TDHCA a copy stamped “filed” by the county;
  - c. Notify the chief appraiser of the applicable appraisal district that the certified copy is filed.

However, if the closing of a mortgage loan to be secured by real property including the manufactured home is held, the loan is funded, a deed of trust covering the real property and all improvements on the property is recorded, the holder or servicer of the loan may apply for a Statement of Ownership<sup>5</sup> electing real property status, obtain a copy of the Statement of Ownership and make the necessary filings and notifications to complete such conversion at any time.<sup>6</sup>

The manufactured home is not considered to be real property until a copy of the Statement of Ownership indicating the election is filed in the county land records where the home is located and the owner notifies the TDHCA and the chief appraiser of the applicable appraisal district that the copy is filed.<sup>7</sup>

A lender wanting to secure a manufactured home as real property in Texas must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Texas Uniform Commercial Code (UCC), the TDHCA, and the office of the county clerk for the county where the real property is located.<sup>8</sup>

<sup>5</sup> The Application for Statement of Ownership (Form 1023) may be found here: <https://www.tdhca.texas.gov/recording-ownership/titling>.

<sup>6</sup> See Tex. Occ. Code §§ 1201.2055(a), (d), (e), (g), (i), 1201.222(a), 1201.204(c); Tex. Prop. Code § 2.001(b); 10 Tex. Admin. Code § 80.90(f)(1), (4), (g) (election by owner, issuance of Statement of Ownership, and recordation of Statement of Ownership in real property records); Tex. Occ. Code §§ 1201.003(4) (definition of attachment), 1201.2075 (conversion from personal property to real property), 1210.222 (treatment of manufactured home as real property); Tex. Prop. Code chs. 63 (conversion liens), 53 (mechanic's lien procedures); Tex. Const. art. XVI, §§ 50, 51 (homestead liens and certain procedures); 10 Texas Admin. Code § 80.33 (installer requirements).

<sup>7</sup> Tex. Occ. Code §§ 1201.2055(e), (g), 1201.222(a); Tex. Prop. Code Ann. §§ 2.001(b); 10 Tex. Admin. Code § 80.90(f)(1).

<sup>8</sup> See, e.g., Tex. Bus. & Com. Code §§ 9.301, 9.308, 9.310, 9.501, 9.502





## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

A homeowner may elect to treat a manufactured home as real property if it is attached to land leased to the owner of the home under a long-term lease as defined by the rules of the TDHCA.<sup>9</sup>

“Long-Term Lease” is defined as 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 TDHCA written consent to have the home treated as real property; or (2) is for at least five years if the home is not financed.<sup>10</sup>

A home “attached” to a long-term leasehold is treated as real property (“Leasehold Estate”) if:

1. The Statement of Ownership indicates the homeowner’s election to treat the home as real property;
2. A certified copy of the Statement of Ownership is recorded in the real property records of the county in which the home is located; and
3. The homeowner gives the TDHCA and the chief appraiser of the applicable appraisal district notice of recording the Statement of Ownership.<sup>11</sup>

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

The TDHCA maintains a record of Statements of Ownership in its electronic records and mails a certified copy to the owner and to each lienholder.<sup>12</sup>

Additionally, TDHCA has a web-based Finance Lien Release System<sup>13</sup> which allows lien holders to release active personal property liens and issue an updated Statement of Ownership for mailing to their borrowers. Included in the functionality is the ability to view liens, setup and modify one’s accounts. Participation is voluntary and in order to access the system a user ID obtained through TDHCA is required.

## Power of Attorney

The TDHCA does not provide a limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.

<sup>9</sup> Tex. Occ. Code § 1201.2055(a).

<sup>10</sup> 10 Tex. Admin. Code § 80.2(20).

<sup>11</sup> Tex. Occ. Code §§ 1201.2055(a)(2),(d), (e), 1201.222(a); Tex. Prop. Code § 2.001(b); 10 Tex. Admin. Code §§ 80.2(20), 80.90(f)(4).

<sup>12</sup> Tex. Occ. Code § 1201.207(b); 10 Tex. Admin. Code § 80.90(d).

<sup>13</sup> More about TDHCA’s web based lien release system can be found at <https://www.tdhca.texas.gov/online-transactions-manufactured-housing>.



A scenic view of a new 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 property. The background features a range of rugged mountains, with the peaks illuminated by a warm, golden light, suggesting a sunrise or sunset. A large, semi-transparent teal circle is overlaid on the center of the image, containing the word "Utah" in white text.

Utah



## Purchase Money Loans for New Manufactured Homes

To de-title a new manufactured home securing a purchase money loan on real property owned by the homeowner:

1. The manufactured home must be permanently affixed to real property that is either owned by the homeowner or leased<sup>1</sup> to the homeowner (see below for details).
2. The owner must surrender the Certificate of Title or the Manufacturer's Certificate of Origin to the Utah State Tax Commission, Motor Vehicle Division (UMVD).<sup>2</sup> The UMVD then issues a receipt of surrender of ownership documents to the owner.
3. The owner of the manufactured home must provide the receipt of surrender of ownership documents returned by the UMVD and a completed Affidavit of Mobile Home Affixture (Form TC-672), obtained from the county assessor's office, to the county recorder for recording.<sup>3</sup>
4. The county recorder will record the documents and return a copy of the recorded Affidavit of Mobile Home Affixture to the owner.
5. The owner must provide a copy of the recorded Affidavit of Mobile Home Affixture filed with the county recorder to the UMVD and the assessor of the county in which the home is located.

Upon recording, the manufactured home is for all purposes an improvement upon real property, and a lien upon the manufactured home is to be perfected in the manner provided for perfecting a lien upon real property.<sup>4</sup>

A lender wanting to secure a manufactured home as real property in Utah must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Utah Uniform Commercial Code (UCC), the UMVD, the county recorder for the county in which the real property is located, and the assessor of the county in which the manufactured home is located.<sup>5</sup>

In addition to filing the required documents with the appropriate state offices, and providing the information required under the Utah UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>6</sup>

1 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).

2 Utah Code § 70D-2-401(6).

3 Utah Code § 70D-2-401(7).

4 Utah Code § 70D-2-401(9).

5 See, e.g., Utah Code §§ 70A-9a-301, 70A-9a-308, 70A-9a-310, 70A-9a-501, 70A-9a-502.

6 Utah Code § 70A-9a-502(3). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.



## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

The Utah process of converting the title of a manufactured home to real property extends to a person who leases<sup>7</sup> the real property to which the manufactured home is affixed if the real property is financed by Fannie Mae, Freddie Mac, USDA, or another entity that requires as part of the entity's financing program restrictions on ownership and actions affecting title and possession, and, if the restrictions are similar to restrictions imposed by Fannie Mae, Freddie Mac, and USDA.<sup>8</sup>

After the conversion process has been completed, the lender should record the lien on the real property with the affixed manufactured home by way of a leasehold mortgage, including a description of the manufactured home and the name and address of the person who created such description. 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.” The lender also must file an Affidavit of Affixture as required by Fannie Mae Single Family *Selling Guide* section B5-2-05.

## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Utah has an optional Electronic Lien Program (ELP). Lienholders participating in the ELP will receive notification of the lien electronically and a paper title will not be issued.<sup>9</sup>

An electronic title must be converted to paper in order for the title to be surrendered.

## Power of Attorney

The UMVD does not provide a limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.

<sup>7</sup> Reminder: 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).

<sup>8</sup> Utah Code § 70D-2-401(3)(b)(ii)(B).

<sup>9</sup> More information about the program can be found at <https://dmv.utah.gov/general/eliens>.







Vermont



## Purchase Money Loans for New Manufactured Homes

A mobile home<sup>1</sup> that is (or is intended to be) permanently sited for continuous residential occupancy by the homeowner on land owned by the homeowner must be financed as residential real estate. Further, any home purchased from a dealer that is financed as residential real estate must be conveyed by warranty deed, which must be drafted in substantially the same form and format as provided by statute in the Vermont Mobile Homes Law.<sup>2</sup>

Vermont does not provide a dedicated process for surrendering a mobile home's ownership documentation and permanently siting the home to land. Without a dedicated process, the most effective solution is to record a mortgage with a fixtures clause that includes a clear description of the home.

With regards to establishing intent to permanently site a home to real property, Vermont tax regulations provide that "property" includes a mobile home that has effectively become real property because the home is permanently sited on land. Factors that tend to show that a home has become permanently sited on the land include, but are not limited to, some or all of the following:

1. The 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 home has been connected to utilities;
3. Skirting has been erected around the base of the home;
4. The wheels and/or tires have been removed; and/or
5. The home has been situated in a place that makes its removal unlikely.<sup>3</sup>

Given that Vermont has no legal process for titling a home and/or surrendering title or other ownership documentation and permanently siting a home to real property, the actions of the parties involved in the transaction (i.e., the homeowner, the landowner, and/or the lienholder, if any) are important for determining intent. Accordingly, recording an Affidavit of Affixture as required by Fannie Mae Single Family *Selling Guide* section B5-2-05 is essential.

A lender wanting to secure a mobile home as real property in Vermont should provide notice that the home is permanently sited to the land upon which it is situated by filing the requisite documentation with the clerk of the municipality in which the home is (or will be) located. The filing must accurately describe the home as being part of the real property securing the loan. The lender should also make sure that the mortgage filing meets the fixture filing requirements of the Vermont Uniform Commercial Code (UCC), as well as the requirements of the clerk of the municipality in which the home is (or will be) located.<sup>4</sup>

<sup>1</sup> Term used in Vermont law for manufactured homes.

<sup>2</sup> Vt. Stat. tit. 9, §§ 2603(b); 2604(a), (c).

<sup>3</sup> 1-3 Vt. Code R. § 106:1.9601(10).

<sup>4</sup> See, e.g., Vt. Stat. tit. 9, § 2602; Vt. Stat. tit. 9A, §§ 9-301; 9-308; 9-310; 9-501; 9-502.





In addition to complying with the requirements of the Vermont UCC, as well as the requirements of the clerk of the municipality in which the home is (or will be) located, the mortgage, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

### Mobile Homes Situated Upon Real Property Subject to Leasehold Estate

The Vermont Mobile Homes Law clarifies that a home permanently sited in a manner intended for continuous residential occupancy by the homeowner on land leased by the homeowner is considered a homestead under Vermont Property Law.<sup>6</sup>

As such, provided the home has been permanently sited and is intended for continuous residential occupancy by the homeowner, the homeowner has permission from the landowner/lessor, and the homeowner has recorded (or will record) the leasehold interest, a home can be permanently sited on real property.

### Electronic Transmission of Title, Recordation, and/or Surrender

At present, Vermont does not have a mandated electronic titling program. Regardless, Vermont does not title mobile homes.

### Power of Attorney

At this time, Vermont does not provide a dedicated power of attorney form in connection with mobile home transactions.

However, the Vermont Uniform Power of Attorney Act (POA Act) provides a template for a statutory form power of attorney, which is appropriate for tangible personal property related to real property. The Vermont POA Act also provides a template for a statutory short form power of attorney for real estate transactions.<sup>7</sup>

<sup>5</sup> Vt. Stat. tit. 9A, § 9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>6</sup> Vt. Stat. tit. 9, § 2603(d).

<sup>7</sup> Vt. Stat. tit. 14, §§ 4051; 4052.



An aerial photograph of a Virginia landscape, featuring a mix of green fields, trees, and some buildings. A large, semi-transparent blue circle is centered over the image. The word "Virginia" is written in white, serif font across the center of the circle. In the background, a multi-lane highway curves through the landscape, and a power line tower is visible on the left. The sky is overcast with grey clouds.

Virginia



## Purchase Money Loans for New Manufactured Homes

Within 30 days of the purchase or transfer of a manufactured home, the owner (or the owner's agent) must apply to the Virginia Department of Motor Vehicles (DMV) for a Certificate of Title<sup>1</sup> on forms furnished by the Virginia DMV.<sup>2</sup>

A homeowner who wishes to convert a home to real property must submit an Affidavit for Manufactured Home Conversion to Real Property<sup>3</sup> to the Virginia DMV. The Virginia DMV will then rescind and cancel the home's title and provide to the owner written confirmation.

After receiving written confirmation from the Virginia DMV that the home's title has been surrendered and canceled, the owner must file a sworn Affidavit of Affixation<sup>4</sup> (also referred to as an Affidavit Regarding Manufactured Home)<sup>5</sup> with the circuit court of the jurisdiction where the real property is located, along with a copy of the written confirmation provided by the Virginia DMV that the home's title has been surrendered.<sup>6</sup>

Upon filing the Affidavit of Affixation with the circuit court of the jurisdiction where the real property is located, the home shall then be deemed to be real estate and shall thereafter be conveyed and encumbered only as real estate.

A lender wanting to secure a home as real property in Virginia must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Virginia Uniform Commercial Code (UCC), the Virginia DMV, and the circuit court of the jurisdiction where the home is (or will be) located.<sup>7</sup>

Additionally, the deed of trust, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>8</sup>

1 "Application for Certificate of Title–Manufactured Home" (Form VSA 17B) may be found here: <https://www.dmv.virginia.gov/forms>.

2 Va. Code §§ 46.2-600; 46.2-621.

3 Virginia Form VSA 35 "Affidavit for Manufactured Home Conversion to Real Property" (VSA 35) may be found here: <https://www.dmv.virginia.gov/forms>.

4 Virginia's "Affidavit Regarding Manufactured Home" (Form CC-1560) may be found here: <https://www.vacourts.gov/forms/circuit/deed>.

5 The Virginia Judicial System provides an "Affidavit Regarding Manufactured Home" that satisfies the affidavit requirement in Va. Code § 46.2-653.1, and it can be completed online and printed for submission to the court. See Virginia Judicial System–Circuit Court Deed Book Forms: Affidavit Regarding Manufactured Home Instructions, <https://www.vacourts.gov/forms/circuit/deed>.

6 Va. Code § 46.2-653.1(B).

7 See, e.g., Va. Code §§ 8.9A-301; 8.9A-308; 8.9A-310; 8.9A-501; 8.9A-502.

8 Va. Code § 8.9A-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.



## Electronic Transmission of Home Title, Recordation, and/or Surrender

Virginia has established an Electronic Lien and Title (ELT) Program<sup>9</sup>, and all banking and financial institutions operating in the state that record 50 or more vehicle liens per calendar year are required to participate in the ELT Program. Banks and other financial institutions that do not meet the minimum volume are not required to participate but may voluntarily enroll.<sup>10</sup>

Generally, lien and title transactions processed through the Virginia DMV, such as surrendering a home's title, can be completed electronically via the state's ELT Program. However, if necessary, an owner and/or lienholder listed on a title record so created may at any time request, and the Virginia DMV will provide, a paper Certificate of Title<sup>11</sup> for the vehicle.<sup>12</sup>

## Power of Attorney

The Virginia DMV provides a dedicated power of attorney form<sup>13</sup>, where the principal may appoint the person named as the true and lawful attorney-in-fact to sign on the principal's behalf any Certificate of Title and/or other supporting papers covering the home, in whatever manner necessary to register and/or transfer ownership of the home.

<sup>9</sup> More information about Virginia's Electronic Lien Program is available here: <https://www.dmv.virginia.gov/businesses/lien>.

<sup>10</sup> Va. Code §§ 46.2-603; 46.2-603.1. See also Virginia DMV–Electronic Lien Program Frequently Asked Questions, <https://www.dmv.virginia.gov/businesses/lien/faqs> [accessed October 21, 2024].

<sup>11</sup> More information about Virginia's Electronic Titling Program is available here: <https://www.dmv.virginia.gov/vehicles/title/etitle>.

<sup>12</sup> Va. Code § 46.2-603(B). Note that, if a homeowner and/or lienholder declines participation in Virginia's ELT Program, then the process will likely require a paper title.

<sup>13</sup> Form VSA 70 "Power of Attorney to Sign for Owner When Registering and/or Transferring Ownership of a Motor Vehicle" (rev. May 2018) may be found here: <https://www.dmv.virginia.gov/forms>.





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

Washington



## Purchase Money Loans for New Manufactured Homes

The owner of a manufactured home can forego the application for a Certificate of Title if the home is registered under the Washington Manufactured Home Real Property (MHRP) Act. If the home's title is not issued, the application must be recorded in the county property records of the county where the real property to which the home is affixed is located.

If a home is affixed to land that is owned<sup>1</sup> by the homeowner, the homeowner may apply to the Washington Department of Licensing (DOL) to have the title to the home retired/eliminated or not issued<sup>2</sup> with an application package including the following:

1. An affidavit, on a form provided by the Washington DOL, stating that the owner of the home owns the real property to which it is affixed.
2. A Manufacturer's Certificate of Origin (MCO) for the home.
3. A certification by the county office where the home is located indicating that the home is fixed to the land.
4. Payment for any taxes and fees.
5. Any other information the Washington DOL may require.

Once all these requirements have been submitted, the Washington DOL will approve the application and the county auditor will record the approved application in the county real property records and provide notice to the county assessor.<sup>3</sup>

After verification that the county auditor has recorded the appropriate documents, the Washington DOL will cancel the home's Certificate of Title. The homeowner (or the owner's agent) will receive a letter from the Washington DOL confirming that the home's title has been retired/eliminated.<sup>4</sup> The home will then be treated as real property as if it were a site-built structure.<sup>5</sup>

A lender wanting to secure a home as real property in Washington must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the Washington Uniform Commercial Code (UCC), the Washington MHRP Act, and the county office of the county where the home is (or will be) located.<sup>6</sup>

1 "Owner" means, when referring to a home that is titled, the person who is the registered owner, and when referring to a home that is untitled pursuant to the Washington MHRP Act, the owner is the person who owns the land. When referring to land, the person may have fee simple title, have a leasehold estate of 35 years or more, or be purchasing the property on a real estate contract. The term also includes joint tenants, tenants in common, holders of legal life estates, and holders of remainder interests. Wash. Rev. Code § 65.20.020(7).

2 Wash. Rev. Code § 65.20.040.

3 Wash. Rev. Code §§ 65.20.050; 65.20.120.

4 Wash. Rev. Code § 65.20.050; Wash. Admin. Code § 308-56A-505(4).

5 Wash. Rev. Code §§ 65.20.030; 65.20.050.

6 See, e.g., Wash. Rev. Code §§ 62A.9A-301; 62A.9A-308; 62A.9A-310; 62A.9A-501; 62A.9A-502.





In addition to filing the applications/affidavits with the appropriate state offices where the home is (or will be) located and providing the information required under the Washington UCC, the deed of trust, or a rider to that instrument, should accurately describe the home by make, model, dimensions, year of manufacture, and serial number.<sup>7</sup>

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

The Washington MHRP Act provides a process by which the owner of a manufactured home that is (or will be) permanently affixed to real property and is (or will be) subject to a long-term lease may retire the home's Certificate of Title, as long as the homeowner has a leasehold estate of 35 years or more.<sup>8</sup>

As such, provided a homeowner has, at minimum, a 35-year leasehold interest in the land upon which the home is sited and has recorded (or will record) the leasehold interest, a home can be permanently affixed to real property and the home's title retired.

## Electronic Transmission of Home Title, Recordation, and/or Surrender

Washington has established an Electronic Lien and Title (ELT) Program<sup>9</sup> where banks, credit unions, and other lenders can, for the duration of the lien, hold an electronic title record instead of a paper title, and once the lien is released the Washington DOL will provide paper title to the homeowner. However, participation in Washington's ELT Program is not mandatory.<sup>10</sup>

As such, if a lender elects to participate in the ELT Program, to move forward title conversion procedure, the lien(s) must be released and a paper title issued.

## Power of Attorney

The Washington DOL provides a dedicated power of attorney form<sup>11</sup>, where the principal may appoint the person named to act on the principal's behalf to sign all papers and documents necessary to secure or release a home's title and/or registration.

<sup>7</sup> Wash. Rev. Code § 62A.9A-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

<sup>8</sup> Wash. Rev. Code §§ 65.20.020(7); 65.20.040.

<sup>9</sup> More information about the ELT Program is available here: <https://dol.wa.gov/vehicles-and-boats/vehicle-registration/vehicle-title/electronic-titles>.

<sup>10</sup> Wash. Rev. Code § 46.12.540. See also Washington DOL–Electronic Titles, <https://dol.wa.gov/vehicles-and-boats/vehicle-registration/vehicle-title/electronic-titles> [accessed October 31, 2024].

<sup>11</sup> Form TD-420-050 “Release of Interest/Power of Attorney” (rev. July 2021) may be found here: <https://dol.wa.gov/forms/view>.





An aerial photograph of a town in West Virginia, featuring a river, a bridge, and rolling hills. A large, semi-transparent blue circle is centered over the image, containing the text "West Virginia" in a white, serif font. The background shows a mix of residential houses, commercial buildings, and green hills under a clear sky.

# West Virginia



## Purchase Money Loans for New Manufactured Homes

Under West Virginia law, title to a manufactured home must initially be in the form of a Certificate of Title<sup>1</sup> issued by the West Virginia Division of Motor Vehicles (WVDMV).<sup>2</sup>

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.<sup>3</sup> The purchaser must then submit the Mobile Home Certificate of Ownership with the Application for Certificate of Title.

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.<sup>4</sup> 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<sup>5</sup> and submit the Certificate of Title.

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 in which the manufactured home is located to be recorded and indexed in the same manner as a deed. Upon the recording of the cancellation certificate by the clerk, the clerk will return a copy of the recorded cancellation certificate to the owner or the lienholder, if any. 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.

A lender wanting to secure a manufactured home as real property in West Virginia must then record a deed of trust with a fixtures clause that includes a clear description of the home. The lender should make sure that the deed of trust filing satisfies the filing requirements of the West Virginia Uniform Commercial Code (UCC), the WVDMV, and the clerk of the county in which the manufactured home is located.<sup>6</sup>

In addition to filing an Application/Certificate for Cancellation of Title for a Mobile or Manufactured Home Affixed to Real Property with the WVDMV, and providing the information required under the West Virginia UCC, the deed of trust, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>7</sup>

1 The West Virginia Application for Certificate of Title (DMV-1-TR) can be found here: <https://transportation.wv.gov/DMV/Vehicle-Services/Pages/Trailers-Mobile-Manufactured.aspx>.

2 W. Va. Code § 17A-3-2;

3 West Virginia Division of Motor Vehicles, Mobile Homes, House Trailers, and Manufactured Homes, New / Dealer Purchases, <https://transportation.wv.gov/DMV/Vehicle-Services/Pages/Trailers-Mobile-Manufactured.aspx>.

4 W. Va. Code § 17A-3-12b(a).

5 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/Vehicle-Services/Pages/Trailers-Mobile-Manufactured.aspx>.

6 See, e.g., W. Va. Code §§ 46-9-301, 46-9-308, 46-9-310, 46-9-501, 46-9-502.

7 W. Va. Code § 46-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.



## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

West Virginia has a mandatory Electronic Lien and Title (ELT) program<sup>8</sup> which provides lienholders with a paperless way to file, release, correct or transfer liens. Lienholders must participate in ELT directly or through the use of a service provider.

Although West Virginia issues electronic titles through its ELT program, a paper Certificate of Title is still needed for surrender in the conversion process.

## Power of Attorney

The WVDMV publishes a Limited / Restricted Power of Attorney form<sup>9</sup> for a third-party to file titling paperwork on behalf of homeowners.

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<sup>8</sup> More about West Virginia's ELT program can be found at <https://transportation.wv.gov/DMV/elt/Pages/default.aspx>.

<sup>9</sup> This form may be found here: <https://transportation.wv.gov/dmv/forms/Pages/default.aspx>.





An aerial photograph of a city, likely New York City, showing a dense residential neighborhood in the foreground with various houses and trees. In the background, a city skyline with several tall skyscrapers is visible under a clear blue sky. A large, semi-transparent blue circle is overlaid in the center of the image, containing the word "Wisconsin" in white serif font.

Wisconsin



## Purchase Money Loans for New Manufactured Homes

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 intends to make it a fixture to land in which the owner of the manufactured home has an ownership or leasehold interest.<sup>1</sup> The leasehold interest must be for more than one year.<sup>2</sup>

In the case of the purchase of a new home, the homeowner should complete a Wisconsin Acknowledgement of Manufactured Home Title Surrender<sup>3</sup>, Form no. SBD-3209, and surrender the Manufacturer's Certificate of Origin (MCO) to WDSPS.

WDSPS will then retire the MCO in its records and the Form SBD-3209 along with a Notice of Manufactured Home Title Surrender and Fixture form are returned by WDSPS to the filer. The Notice of Manufactured Home Title Surrender and Fixture must then be recorded with the county Register of Deeds where the home will become a fixture to real property.<sup>4</sup>

A lender wanting to secure a manufactured home as real property in Wisconsin must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Wisconsin Uniform Commercial Code (UCC), the WDSPS, and the county Register of Deeds where the home will become a fixture to real property.

In addition to filing Form SBD-3209 with the WDSPS, recording a Notice of Manufactured Home Title Surrender and Fixture with the county Register of Deeds, and providing the information required under the Wisconsin UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

## Manufactured Homes Situated Upon Real Property Subject to Leasehold Estate

The Wisconsin process for converting a manufactured home to real property extends to a manufactured home if the owner of the manufactured home intends, upon acquiring the manufactured home, to affix the manufactured home to land in which the owner has a leasehold interest of more than one year.<sup>6</sup>

1 Wis. Stat. § 101.9203(4). 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).

2 See Wis. Stat. § 706.001(2)(c).

3 The Wisconsin Acknowledgement of Manufactured Home Title Surrender, Form no. SBD-3209, may be found here: <https://dsps.wi.gov/Pages/Programs/MH/Default.aspx>.

4 See, e.g., Wis. Stat. §§ 409.301, 409.308, 409.310, 409.501, 409.502.

5 Wis. Stat. § 409.502(3). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.

6 Wis. Stat. § 101.9203(4); see also Wis. Stat. § 706.001(2)(c). 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).





## Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender

Wisconsin does not have an electronic titling program for manufactured homes.

## Limited Power of Attorney

The WDSPS does not provide a limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.



A photograph of a house with a teal circular overlay containing the word 'Wyoming'. The house has a light-colored exterior and dark green shutters. The foreground features green bushes and a gravel bed. The background shows a cloudy sky and a white lattice fence.

Wyoming



## Purchase Money Loans for New Manufactured Homes

To convey and encumber a manufactured home as real property, it must be installed on a permanent foundation, taxed as real property and either the Certificate of Title or the Manufacturers Certificate of Origin (MCO) must be surrendered to and cancelled by the county clerk of the county in which the manufactured home is located. The county clerk may require the person surrendering the title for cancellation to disclose information necessary to determine whether cancellation is proper under the law. The county clerk will issue a document certifying the cancellation of the Certificate of Title for recording in the real estate records of the county in which the manufactured home is located.

Wyoming law also provides a procedure for an owner of a manufactured home that is installed on a permanent foundation to obtain a Certificate of Title for surrender/cancellation when the relevant title document is unavailable.<sup>1</sup>

An owner seeking to title the home as real property must provide a sworn affidavit on a form prescribed by the Wyoming Department of Transportation (WDOT), Form MV 303, “Mobile & Manufactured Home Affidavit<sup>2</sup>”, which states, among other things, that the home has been permanently affixed to and is taxable as real property. If the manufactured home owner applying for the Certificate of Title is not the owner of the real property, the form must also be signed/acknowledged by the real property owner.<sup>3</sup>

Upon filing with the county clerk the sworn affidavit and the acknowledgement by the owner of the real property, if required, the county clerk must issue a title for the purpose of immediate surrender and cancellation. The surrendered title and affidavit must be recorded in the real estate records of the county clerk of the county in which the manufactured home is located upon payment of the title fee.

A lender wanting to secure a manufactured home as real property in Wyoming must then record a mortgage with a fixtures clause that includes a clear description of the home. The lender should make sure that the mortgage filing satisfies the filing requirements of the Wyoming Uniform Commercial Code (UCC), WDOT, and the county clerk of the county in which the manufactured home is located.<sup>4</sup> In addition to filing the required documents with the county clerk of the county in which the manufactured home is located, and providing the information required under the Wyoming UCC, the mortgage, or a rider to that instrument, should accurately describe the manufactured home by make, model, dimensions, year of manufacture, and serial number.<sup>5</sup>

<sup>1</sup> Wyo. Stat. § 31-2-502(b)(ii).

<sup>2</sup> The Mobile & Manufactured Home Affidavit, Form MV 303, may be found here: [https://www.dot.state.wy.us/home/titles\\_plates\\_registration.html](https://www.dot.state.wy.us/home/titles_plates_registration.html).

<sup>3</sup> Wyo. Stat. § 31-2-502(c).

<sup>4</sup> See, e.g., Wyo. Stat. §§ 34.1-9-301, 34.1-9-308, 34.1-9-310, 34.1-9-501, 34.1-9-502.

<sup>5</sup> Wyo. Stat. § 34.1-9-502(c). The Fannie Mae Uniform Security Instrument is intended to satisfy these documentary requirements.



## **Electronic Transmission of Manufactured Home Title, Recordation, and/or Surrender**

Wyoming does not have an electronic titling program for manufactured homes.

## **Power of Attorney**

The WDOT does not provide a limited power of attorney form for a third-party to file titling paperwork on behalf of homeowners.







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