

MANUFACTURED HOMES

Affixation & Surrender of Title

Disclaimer: The purpose of this guide is to provide easy access to State specific guidelines for titling manufactured homes. Please refer to each Agency specific guidelines for qualifying and underwriting guidance.



MANUFACTURED HOMES

Request an IBTS (Institute for Building Technology and Safety Report) by emailing your LOA or Processor

QUICK REFERENCE

What is a Manufactured Home?

Any dwelling unit built on a permanent chassis and attached to a permanent foundation system is a manufactured home for purposes of Fannie Mae's guidelines. The manufactured home and the land on which it is situated must be titled as real property. Other factory-built housing (not built on a permanent chassis)—such as modular, prefabricated, panelized, or sectional housing— is not considered manufactured housing and mortgage loans secured by such housing are eligible under the guidelines typical to standard single family property types. Government insured or guaranteed manufactured housing loans are not subject to conventional guidelines for manufactured housing and therefore are not subject to Government Insured and Guaranteed Mortgages guidelines.

What does the Affidavit of Affixture do?

The affidavit of affixture makes the manufactured home real estate instead of being classified as personal property. Once the property is considered real or real estate, it is classified the same as a house and bankruptcy or foreclosure processes will be similar. Additionally, if the home is considered personal property, the lender may repossess the home. As a mortgage company, we would only finance the properties that are considered real. In some cases, this means we finance both the land and the home that is affixed to it, although in some we may just finance the land. We are able to foreclose on the part that is considered real property, for some cases it will both the land and the home and for some it will only be the land.

What is a Surrender of Title?

A certificate of title that has been issued for a manufactured home, the owner listed on the title has the title, and the manufactured home qualifies as real property.

MANUFACTURED HOMES

OVERLAYS

What are UHM's overlays?

Restricted/Ineligible:

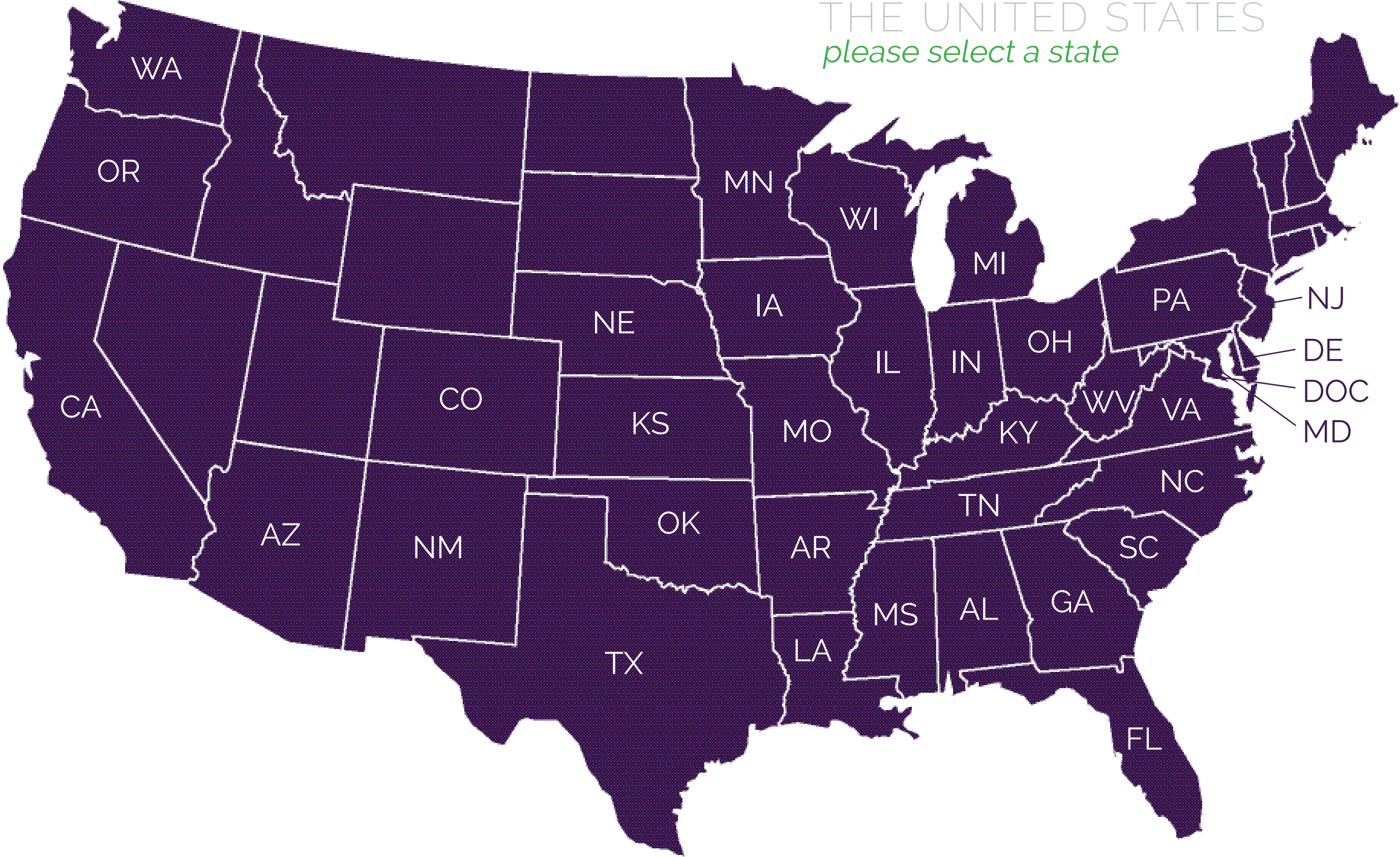
- Super Conforming
- Land Contract Conversions
- FNMA Delivery (No DU Loans)
- Manufactured Homes built before June 15, 1976
- 203K program
- 203H program

Credit Overlays:

- Conventional - FHLMC/FNMA: 620 minimum qualifying score
- Conventional- FHLMC/FNMA: Maximum 95%LTV
- FHA & VA - 620 minimum qualifying score
- Streamline Refinances will require a full appraisal
- USDA - All guidelines set forth within the 3555 must be met
- All Conventional loans must be run through Loan Prospector (LP) or Desktop Underwriter (DU)

****For a majority of these states, **the title, or equivalent document, is required by law to sell or transfer the home.** The affidavit of affixture makes the manufactured home real estate instead of being classified as personal property. Once the property is considered real or real estate, it is classified the same as a house and bankruptcy or foreclosure processes will be similar. Additionally, if the home is considered personal property, the lender may repossess the home. As a mortgage company, **we would only finance the properties that are considered real.** In some cases, this means we finance both the land and the home that is affixed to it, although in some we may just finance the land. **We are able to foreclose on the part that is considered real property,** for some cases it will be both the land and the home and for some it will only be the land.

THE UNITED STATES
please select a state



ALABAMA

AFFIXATION REQUIREMENTS

A mobile home title may be canceled if the home is affixed to real property owned by the homeowner – ownership of both the home and the land must be identical. The owner must submit an application to the state department of revenue, including a release of any liens noted on the title. If the mobile home is later detached from the land, the owner must reapply for a new certificate of title.* This statute is part of the state title law and does not state whether the home is treated as real property for foreclosure or other purposes after the title is canceled.

* Ala. Code § 32-8-30.

SURRENDER OF TITLE

A transfer by owner is not effective until the provisions of Section 32-8-44 of the Alabama State Code have been complied with. **For manufactured homes that are older than 20 years: the title does not need to be surrendered**, the owner of the manufactured home may simply convey its interest through a bill of sale as the manufactured home would have lost most of its value.

Section 32-8-44: Transfer of Ownership-Generally

(a) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the department.

(b) Except as provided in this section, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and application to be mailed or delivered to a designated agent.

(c) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, deliver the certificate to the transferee. Upon receipt of the certificate the transferee shall make application to a designated agent for a new certificate. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.

(d) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder and the parties shall comply with the provisions of Section 32-8-62.



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ARIZONA

AFFIXATION REQUIREMENTS

A mobile home permanently affixed, i.e., installed on real property owned by the homeowner,* and for which an affidavit of affixture is recorded, shall be assessed as real property for tax purposes.** A mobile located in a mobile home park will, along with the leasehold interest, be treated as real property if the homeowner files an affidavit of affixture with the county recorder and: (1) the home was installed on the real property with all wheels and axles removed in compliance with local and state installation standards; (2) the owner of the home entered into a lease of at least twenty years for the lot and the lease specifically permits the recording of an affidavit of affixture; and (3) a memorandum of lease, signed by both landlord and tenant, is recorded that lists specified information.*** Regardless of whether the home is located in a park, the affidavit of affixture must identify the holder of any security interest in the home that is not terminated by the consent of the secured party, and any such interest survives recordation of the affidavit.**** When an affidavit of affixture is recorded, the owner must surrender the certificate of title.***** A lien on a mobile home for which an affidavit of affixture is recorded may be perfected either in the manner provided by law for real property or in the manner provided for fixtures.*****

SURRENDER OF TITLE

The ownership of a manufactured home for which an Affidavit of Affixture has been recorded is the same as the land ownership. Once an Affidavit of Affixture has been recorded, the ownership of the manufactured home changes whenever deeded action **changes the ownership of the land**. A manufactured home for which an Affidavit of Affixture has not been filed is **issued a title through the Motor Vehicle Department**. A multi section unit will have a title for each section. Once an affixed manufactured home has been removed from the parcel that it was affixed to or has been sold separately from the land, you must retitle the manufactured home through motor vehicle.

* Ariz. Rev. Stat. Ann. § 42-15201(2). ** Ariz. Rev. Stat. Ann. § 42-15202. *** Ariz. Rev. Stat. Ann. § 33-1501. A home recorded as real property under this statute is to be assessed as personal property for tax purposes, however. Ariz. Rev. Stat. § 42-15203(K). **** Ariz. Rev. Stat. Ann. §§ 33-1501, 42-15203. ***** Ariz. Rev. Stat. Ann. § 28-2063. ***** Ariz. Rev. Stat. Ann. § 42-15205.



ARKANSAS

AFFIXATION REQUIREMENTS

If a mobile or manufactured home is affixed to real estate, the title may be surrendered to the state department of finance and administration for cancellation. After cancellation, a security interest, lien, or encumbrance may be obtained in the same manner as for real property.*

SURRENDER OF TITLE

The bill provides for DFA to **cancel the title** or certificate of origin for a manufactured home or mobile home **to be affixed to real property upon receiving an affidavit of affixation** to be recorded in the county in which it is to be affixed. The affidavit must contain information regarding the manufacturer, vehicle description, owner of the real estate to which the home is affixed, a legal description of the real estate, security interests in the home, release of security interests. If a title or certificate of origin is not available for cancellation, the bonded title procedures must be followed or a court order directing DFA to cancel the title. (HB2043)

* Ark. Code Ann. §§ 27-14-807, 27-14-1603.



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CALIFORNIA

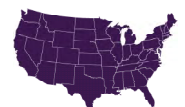
AFFIXATION REQUIREMENTS

If a manufactured or mobile home is affixed to a permanent foundation in compliance with state standards,* default and sale are governed by California's mortgage foreclosure laws.** The homeowner must own the land or have a minimum 35-year lease.*** Any lienholders must consent to the attachment of the home to the land.**** The owner must surrender the certificate of title, and a statement that the home was affixed to real property is to be recorded in the county land records.***** Once these procedures are completed, the home is deemed a fixture and an improvement to the real property.***** Default and sale are also governed by the state mortgage foreclosure laws if the creditor has a security interest in the land in addition to the home.*****

SURRENDER OF TITLE

To sell or transfer title of a manufactured home in California, only **one of these three documents is required for the registration application:** (1) a certificate of title, (2) an ownership certificate, certificate of ownership or certificate of title issued by the DMV, (3) an application for duplicate certificate of title as described in Section 5550. The applicant also has the option to just submit: documents that reflect the transfer of the unit to the transferees, which may include the sales contract, purchase order, canceled checks or invoices, and a bond or undertaking and statement, that comply with the requirements of Section 5547. Thus, if a title is not surrendered, **there are other document options which are acceptable. There is no Affidavit of Affixture** and the owner should contact the local county tax assessor and a 433A form should be completed. **If the title cannot be located**, the Application for Duplicate Certificate of Title form (HCD RT 480.4) should be completed. If the owner defaults, a secured party may foreclose its security interest and repossess the property, units must have had a fair market value of at least \$1,000 when the security interest was created.

* Cal. Health & Safety Code § 18551 (West) (includes construction standards, plan approval, etc.). ** Cal. Health & Safety Code § 18039.1 (West). *** Cal. Health & Safety Code § 18551(a)(1)(A) (West). **** Cal. Health & Safety Code § 18551(a)(1)(B) (West). ***** Cal. Health & Safety Code § 18551(a)(2), (3) (West). ***** Cal. Health & Safety Code § 18551(a)(4) (West). ***** Cal. Health & Safety Code § 18039.1 (West).



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COLORADO

AFFIXATION REQUIREMENTS

The owner of a manufactured home, once it is permanently affixed to the ground so that it can no longer be drawn over the public highways, may surrender the certificate of title and apply for purging of the title. The owner must also obtain the consent of the holders of any unreleased security interests in the home. The home then becomes real property, and subject to all laws that would apply to real estate.* Although the statute does not explicitly state that the homeowner must also own the land upon which the home is placed, it appears that after conversion the home is taxed as part of the land upon which it sits, and so conversion would only be practical when the homeowner also owns the land. Although the statute does not address retitling, the Colorado Division of Motor Vehicles, Department of Revenue, currently permits a bonding procedure to allow homeowners to reestablish title.**

SURRENDER OF TITLE

According to the Colorado Housing and Finance Authority, if a title is not surrendered at closing the foreclosure attorney would prepare the necessary documents in order to **purge the title**.

* Colo. Rev. Stat. Ann. § 38-29-118. ** http://www.dola.state.co.us/dpt/dpt_news/docs/Bulletins/2007%20bulletins/BULLEIN-NO04-07.pdf



DELAWARE

AFFIXATION REQUIREMENTS

The home must be inspected by a County official to ensure that it is affixed to the land, its wheels and axles removed and it is anchored to the land.

SURRENDER OF TITLE

In order for a home to be classified as real estate/real property, **the certificate of title must be surrendered.** The surrender of the title is the only way one may access conventional mortgage financing. If the manufactured home is not affixed to the property, it is still considered personal property and is registered and titled through the DMV (similar to a motor vehicle).



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DISTRICT OF COLUMBIA

AFFIXATION REQUIREMENTS

The home must be inspected by a County official to ensure that it is affixed to the land, its wheels and axles removed and it is anchored to the land.

SURRENDER OF TITLE

DC requires that all manufactured homes be **titled**.



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FLORIDA

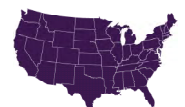
AFFIXATION REQUIREMENTS

The owner of a mobile home permanently affixed to land also owned by the homeowner, or in which the homeowner has a recorded leasehold interest of at least 30 years, may retire title to the home.* Before title is retired the following documents must be recorded in the official records of the clerk of court in the county where the home is located: (1) the original title to the home, including a statement by any recorded lienholder that the security interest has been released or will be upon retirement of title; (2) legal description of the real property, and if the homeowner's interest in the property is a leasehold, a copy of the lease; and (3) a sworn statement of the owner that he or she owns the home and the real property or leasehold interest. After the title is retired, the home is only conveyed by deed or real estate contract along with the property to which it is affixed.** A new title may be obtained if the home is to be removed from the land.*** Another Florida statute provides that if the mobile home is classified as personal property by a seller or lender at the time a security interest in the home was granted, it shall continue to be so classified for all purposes relating to the loan and security agreement.****

SURRENDER OF TITLE

When financing a new home, **there is no title that the borrower ever sees**, all they get is an annual registration. Once the title is issued there is a lien on the title and they don't get the **title until that lien is satisfied**. After lien is satisfied the borrower has the option to go to the tax collecting agency and include the land with the home together. Packages of Land & Home together are very rare cases.

* Fla. Stat. §319.261 ** Fla. Stat. §319.261(5) *** Fla. Stat. §319.261(6) **** Fla. Stat. § 320.015.



GEORGIA

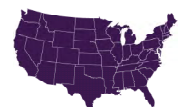
AFFIXATION REQUIREMENTS

A manufactured or mobile home is personal property unless: (1) the home is or is to be permanently affixed to real property and one or more persons with an ownership interest in the home also has an ownership interest in the real property; and (2) the owner and all holders of security interests sign and file a certificate of permanent location with the clerk of the local superior court and the state revenue commissioner. Once such a certificate is properly filed, the home is a part of the real property for all legal purposes, including foreclosure.*

SURRENDER OF TITLE

Manufactured Homes that are parked on land that is not owned by them are considered **personal property**. Manufactured homes that have the axels and hitch removed, are attached to utilities and placed on permanent foundation on land owned by the person who has title to the home are considered **real property**. In addition, the owner must file a Certificate of Permanent Location with the Clerk of Superior Court and the **title will be surrendered**. The home will not be converted to real property until the title has been surrendered. If the manufactured home is **personal property, the lien holder is able to repossess and move the home**; if the home is located in a community and the owner refuses the lien holder the ability to move the home, the owner of the community will be liable to the lienholder for each day that the owner of the community unlawfully maintains possession of the home at a daily rate equal to one-thirtieth of the monthly payment due.

* Ga. Code Ann. §§ 8-2-180 to 8-2-183.



ILLINOIS

AFFIXATION REQUIREMENTS

The home must be inspected by a County official to ensure that it is affixed to the land, its wheels and axles removed and it is anchored to the land.

SURRENDER OF TITLE

Illinois requires by law for a certificate of title to be surrendered at closing. Without an affidavit of affixture, the manufactured home is **deemed to be personal property, not real property**. If the manufactured home is considered personal property, normal repossession procedures would occur. If the manufactured home is considered to be real property, the normal foreclosure proceedings would occur. If the manufactured home is on leased land, the process would be similar to that of the eviction process.



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INDIANA

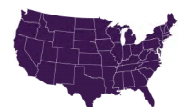
AFFIXATION REQUIREMENTS

If a manufactured home is attached to real estate by a permanent foundation, the owner may submit the certificate of title and an affidavit to the bureau of motor vehicles.* The county recorder is then to record the affidavit in the county real estate records,** and the home is thereafter deemed to be an improvement to the real estate.***

SURRENDER OF TITLE

If a title is not available or has not been surrendered at closing and without supporting documents, the purchaser must **obtain a Court Order**. After the Court Order has been issued, the purchaser must apply for title by submitting the Court Order Application Packet. **The Affidavit of Transfer is not required at closing.**

* Ind. Code § 9-17-6-15.1. ** Ind. Code § 9-17-6-15.3. *** Ind. Code § 9-17-6-15.5.



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IOWA

AFFIXATION REQUIREMENTS

Iowa has separate provisions depending on whether or not the home is in a manufactured home community. If the home is located in a manufactured home community and installed on a permanent foundation, the owner may surrender the certificate of title to the county treasurer for the purpose of assuring eligibility for federal mortgage lending programs. The title cannot be surrendered if there are unreleased security interests. A foreclosure action on a manufactured home whose title has been surrendered must be conducted as a real estate foreclosure. The owner may reapply for a certificate of title at a later date.* If the home is not in a manufactured home community, it must be placed on a permanent foundation. If a security interest is noted on the title, the homeowner must tender a mortgage on the real estate to the creditor, or the secured party must consent to the conversion, in which case the secured party retains a security interest in the home that is separate from any interest in the land. This statute is a tax law that does not state whether foreclosure law applies after the home is converted to real property.**

SURRENDER OF TITLE

If the consumer decides to obtain a traditional mortgage to finance their manufactured home, **they must surrender the title**. If the home is located on private land and not in a manufactured housing lease community, then it is considered real property and an affidavit of affixture does not need to be used.

* Iowa Code § 435.26A. ** Iowa Code § 435.26. See also Ford v. Venard, 340 N.W.2d 270 (Iowa 1983) (holding that Iowa's title purging statute was not intended to be the exclusive method to convert mobile home to real property and that common-law methods of converting personal to real property remained).



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KANSAS

AFFIXATION REQUIREMENTS

Whenever a manufactured or mobile home is permanently affixed to real property by placement upon a permanent foundation that cannot be removed intact from the land, the owner may apply to have the certificate of title eliminated. The application must include an affidavit signed by the owner and all parties having a security interest in the home. If the application is approved, it is filed in the county registry of deeds. Once the certificate of title is eliminated, ownership of the home is an incident of ownership of the land under governing real property law, and the home is subject to a lien only as part of the real property.*

SURRENDER OF TITLE

All manufactured homes are **considered personal property unless**: the title to the home is in the same name as the person who holds title to the land the home is located on and the home is on a permanent foundation. Per K.S.A 58-4204(c), **the purchaser needs to make an application** to the division for the issuance of a certificate of title evidencing the new owner's ownership. (There is nothing stated about the previous owner or manufacturer surrendering the title)

* Kan. Stat. Ann. § 58-4214.



KENTUCKY

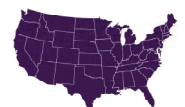
AFFIXATION REQUIREMENTS

When a manufactured home is or is to be permanently affixed to real estate, the owner may file an affidavit of conversion with, and surrender the certificate of title to, the county clerk, who is then to record the affidavit. The home is then deemed an improvement of the real estate.*

SURRENDER OF TITLE

If the home is not affixed to the property, it is still considered personal property. If the home is affixed to the property, it can be converted to real estate and have a deed assigned. In order to convert the manufactured home to real estate, the title must be surrendered. In both cases, **the manufactured home cannot be sold without the title**. If the home is personal property, normal repossession procedures take place. If the home is considered to be real estate, normal foreclosure procedures would occur.

* Ky. Rev. Stat. Ann. § 186A.297 (West).



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LOUISIANA

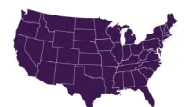
AFFIXATION REQUIREMENTS

A manufactured home is considered immovable when a document describing the home and the land is recorded in the local parish records. The document must include a declaration by the owner of the home and any holder of a security interest in the home that the home is to remain permanently attached to the land. Once this document is recorded, the home is subject to all laws concerning immovable property.* However, the rights of the holder of a validly recorded chattel mortgage or a security interest perfected under Article 9 of the UCC are unaffected.** The owner may reverse the process so that the home is once again treated as movable property by filing another statement of intent and applying for a new certificate of title.***

SURRENDER OF TITLE

A title is only issued to manufactured homes that will be considered immovable property. Homes that are considered immovable will obtain title certificates similar to those of motor vehicles. An owner who purchased a manufactured home that is already classified as immovable is not required to title and register the home prior to selling. Thus, in some cases, there may not even be a title to surrender.

* La. Rev. Stat. Ann. § 9:1149.4. See also La. Rev. Stat. Ann. § 9:1146.3. ** La. Rev. Stat. Ann. § 9:1149.4. *** La. Rev. Stat. Ann. § 9:1149.6.



MARYLAND

AFFIXATION REQUIREMENTS

The foundation system for the Home complies with all laws, rules, regulations and codes and manufacturer's specifications applicable to the manufactured home becoming a permanent structure upon the real property; and the wheels and axles have been removed. The home is permanently connected to a septic or sewer system and other utilities such as electricity, water and gas.

SURRENDER OF TITLE

Maryland **titles manufactured homes that are not attached to real property** the same as you would for any car. A manufactured home is considered real property when: the manufactured home is attached to permanent foundation; the ownership interest in the manufactured home and the parcel of real property to which the manufactured home is affixed are identical; an affidavit of affixation complying with the requirements of §8B-202 of this subtitle has been recorded with the clerk of the court if the county in which the parcel of real property to which the manufactured home is affixed is located. Once the manufactured home has been converted to real property, **the rules of real property govern.**



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MICHIGAN

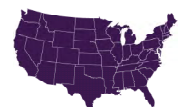
AFFIXATION REQUIREMENTS

The owner of a mobile home affixed to real property in which the owner also has an ownership interest, may apply for cancellation of the certificate of title. To be considered affixed to the real property, the wheels, towing hitches and running gear must be removed and the home must be attached to a foundation or other support system. The application must include the written consent of each holder of a security interest to termination of the security interest and cancellation of the title. Once the title is cancelled, the mobile home is considered part of the realty and a lienholder may perfect a new security interest or lien on the mobile home only in the manner prescribed by the real estate laws.* The owner may reapply for a certificate of title at a later date.** In 2003, the Sixth Circuit had held that security interests in manufactured homes in Michigan could be perfected only by recording them on the title, not by recording a traditional mortgage.*** The legislature responded by amending its titling laws to recognize both methods.**** It amended the statute again two years later to make this rule retroactive.*****

SURRENDER OF TITLE

It is **illegal** in the state of Michigan to **sell a manufactured home without the certificate of title**. Manufactured homes can be fixed to the land and receive an affidavit of affixture if: wheels, axels and towing hitches are removed; be permanently attached to the land; and be connected to a septic tank, sewage system or public sewer and other utilities. With an affidavit of affixture the manufactured home is **real property and thus cannot be sold at auction in order to pay the debtors**.

* Mich. Comp. Laws Ann. § 125.2330i(5). ** Mich. Comp. Laws Ann. § 125.2330i. *** *Boyd v. Chase Manhattan Mortg. Corp.* (In re Kroskie), 315 F.3d 644 (6th Cir. 2003). **** Mich. Pub. Act No. 44, S.B. 425 (2003), enacting Mich. Comp. Laws Ann. § 125.2330i. ***** Mich. Comp. Laws Ann. § 125.2330i, as amended by Mich. Pub. Act No. 162, H.B. 4484 (2005). See *In re Ozwalt*, 444 F.3d 524 (6th Cir. 2006) (interpreting statute to allow security interest in mobile home to be perfected by filing of mortgage with county registry, without notation on title, even when transaction occurred before statutory amendments); *MERS v. Pickrell*, 721 N.W.2d 276 (Mich. Ct. App. 2006) (in light of 2005 statutory amendment, creditor has option of perfecting security interest in mobile home either under the Act or under real estate law, even for home that was affixed to real estate before earlier amendments in 2003); *In re Hoggard*, 330 B.R. 595, 605 (Bankr. W.D. Mich. 2005) (concluding that 2003 legislation overruled *Kroskie*; also finding security interest in home protected by Revised Article 9's priority rules). But cf. *In re Gregory*, 316 B.R. 82 (Bankr. W.D. Mich. 2004) (interpreting title purging statute not to have retroactive effect, a conclusion rejected by Sixth Circuit in *In re Ozwalt*, but finding security interest in home protected against bankruptcy trustee's strong-arm power because of Revised Article 9's changes to priority rules)



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MINNESOTA

AFFIXATION REQUIREMENTS

When a manufactured home is affixed to real property, and financed by a mortgage on the real property, the owner of the home must surrender the certificate of title to the registrar of motor vehicles for cancellation. The department is then to issue a notice of surrender, which may be recorded in the county recorder's office or the registrar of titles. The statute provides that the manufactured home is then deemed to be an improvement to real property. The department may not cancel the certificate of title, however, if an unsatisfied security interest is noted on it.*

SURRENDER OF TITLE

A bill of sale is required in order to show the terms of the purchase, in addition a certificate of title is required by law in order to buy or sell a manufactured home. **If a certificate of title is not available** at the time of closing, one must request a copy by submitting a DVS Records Request Form and paying a processing fee. A certificate of title for a manufactured home is transferred the same way you would for a motor vehicle, boat or trailer. If a manufactured home is affixed to the property and is financed by a mortgage (secured to a permanent foundation on land that is owned by the homeowner/borrower), **the certificate of title must be surrendered to the Department of Public Safety**. If a manufactured home is affixed to the land and the borrower falls behind on their loan, **the land will go through the process of foreclosure and the manufactured home will go through the process of repossession**.

* Minn. Stat. § 168A.141. See also Minn. Stat. § 273.125 (standards for taxing mobile homes as real property).



MISSISSIPPI

AFFIXATION REQUIREMENTS

An owner of a manufactured or mobile home ,who also owns the land on which the home is located, has the option of declaring whether the home is to be classified as personal or real property. To be classified as real property, the wheels and axles must be removed and the home must be anchored and blocked in accord with rules adopted by the commissioner of insurance.* A certificate that the home has been classified as real property is then recorded in the county land records,** and the home's certificate of title may be sent to the state tax commission for cancellation.*** The home is then treated as real property for purposes of *ad valorem* taxation, and a security interest in the home and land may be obtained through the use of a mortgage or deed of trust.****

SURRENDER OF TITLE

Manufactured homes that are **not attached to a real property** are treated as they would for a car or any other vehicle. MS Statue states that every sold manufactured home **must be titled** and once the manufactured home becomes certified as real property, the owner will have to surrender the title to the Department of Revenue. An owner will **not be able to receive homestead** unless the title has been surrendered. If the manufactured home does go into foreclosure and the **title has not been surrendered**, then the foreclosing entity would need to apply for a new one to be issued. Once the title is issued to the foreclosing entity, the home is declared real property and then the title is surrendered and canceled and the foreclosure proceedings can take place.

* Miss. Code Ann. § 27-53-15. ** Id. See also Opinion Miss. Att'y Gen., Miller, No. 2005-0131, 2005 WL 1220419 (Miss. Att'y Gen. Apr. 8, 2005). *** Miss. Code Ann. § 63-21-30. **** Miss. Code Ann. § 27-53-15.



MISSOURI

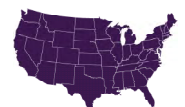
AFFIXATION REQUIREMENTS

The owner of a manufactured home may convert it to real property by attaching it to a permanent foundation on real property that the owner of the home also owns, and removing or modifying the transportation apparatus so that it is impractical to reconvert it to be readily movable.* Unlike the other statutes summarized in this subsection, this statute does not provide for surrender of the title or recordation of a document in the county land records.

SURRENDER OF TITLE

In order to be considered real property, a manufactured home must be permanently affixed to real estate and an Affidavit of Affixation must be recorded. If the homeowner decides to apply for an Affidavit of Affixation, they **must also surrender the title to the manufactured** home through the Application for Surrender or Manufacturer's Certificate of Origin. Once the manufactured home is considered real property, the department **will not issue a title on the home** nor will the department allow any lien to be filed on the record.

* Mo. Rev. Stat. §§ 700.111, 700.010(5) (definition of "manufactured home" as one that is, inter alia, readily movable). See *In re Estate of Parker*, 25 S.W.3d 611 (Mo. Ct. App. 2000) (mobile home not converted to real property when the home was held jointly by married couple and placed on land held by only by one spouse as it was not placed on land held by the owner of the home).



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NEBRASKA

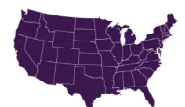
AFFIXATION REQUIREMENTS

The title for a mobile or manufactured home may be canceled if it is affixed to real property in which the owner of the home has any ownership interest. The statute defines ownership interest as fee simple interest, or an interest as a lessee that continues for at least twenty years after the required affidavit. The title is surrendered for cancellation to the county clerk or designated official where the title is issued or to the Department of Motor Vehicles if title is issued by the department. Along with the title to be surrendered an affidavit of affixture on a form provided by the department must be submitted. The form requires among other things, the names and addresses of all owners of the home, a description of the home, the legal description of the real property, a statement that the home is affixed, and the written consent of each lien holder to release its lien and cancel the title. After the title is canceled and the affidavit recorded, the home is treated as part of the real property.* The statute also provides a method for returning the home to the status of personal property.**

SURRENDER OF TITLE

If you own a manufactured home that is affixed to real property in which you have any ownership interest, **the certificate of title must be surrendered** to the County Treasurer in order to obtain an Affidavit of Affixture. **An affixed home is then considered real property** and foreclosure proceedings will take place. If the title is not currently available and the owner cannot produce proper evidence that they are the owner, they can apply to the DMV for a Bonded Certificate of Title which is considered an equal replacement for the certificate of title. If one chooses to detach their home, they first must apply for a title before they can remove the home. If the **home is not affixed to the property it is considered personal property** and will be treated as such.

* Neb. Rev. Stat. § 60-169. ** Neb. Rev. Stat. § 60-169.



NEW JERSEY

AFFIXATION REQUIREMENTS

New Jersey requires that all manufactured homes not taxed as real property must have certificates of ownership (titles) issued by the Director of the Division of Motor Vehicles.* A manufactured home is taxed as real property when it is affixed to the land by a permanent foundation, or if by a nonpermanent foundation but connected to utility systems so as to render it habitable on a permanent basis.** However, a manufactured home installed in a park is not taxed as real property.*** When a mobile or manufactured home is relocated from a park to land which the owner of the home also has an interest in or title to, the owner must file a notice with the Director of the Division of Motor Vehicles at least 10 days before the move. If the director accepts the notice as complete, the certificate of ownership is canceled on the date of relocation.****

SURRENDER OF TITLE

New Jersey treats manufactured homes as mobile units and they are licensed by the MVC. If a manufactured home resides on rented land, you will not qualify for a regular residential mortgage and one would need to apply for a personal loan.

* N.J. Stat. Ann. § 39:10-2, §39:10-6. ** N.J. Stat. Ann. § 39:10-2, §54:4-1.5-a. *** N.J. Stat. Ann. § 39:10-2, §54:4-1.5-b. **** N.J. Stat. Ann. § 39:10-2, §39:10-11.1.



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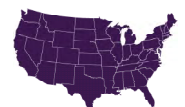
NEW MEXICO

AFFIXATION REQUIREMENTS

The home must be inspected by a County official to ensure that it is affixed to the land, its wheels and axles removed and it is anchored to the land.

SURRENDER OF TITLE

The certificate of title is the **primary document** that is used when transferring ownership of a manufactured home and in order to buy or sell the title must be transferred through the MVD. If the manufactured home is new, the buyer must include their application for title and registration and cannot be sold without it. If the title is not transferred to the purchaser, UHM is subject to having their license or certificate of qualification **suspended or revoked in NM**. A **manufactured home becomes real property** when an affidavit of affixture is filed. In order to be eligible, the home must be fixed to the property, the land must be in the name of the title holder and the home must be free and clear of any liens. If there is **no affidavit of affixture** the manufactured home is deemed as personal property.



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NORTH CAROLINA

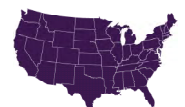
AFFIXATION REQUIREMENTS

A manufactured home qualifies as real property if it is a residential structure; the moving hitch, wheels, and axle have been removed; and the owner either owns the land on which it is located or has a lease of at least twenty years that expressly provides for disposition of the mobile home upon termination of the lease.* The owner of such a home may have the certificate of title cancelled by submitting it, along with an affidavit, to the division of motor vehicles.** If the certificate of title shows a security interest that has not been released, the division may not cancel the title without the written consent of all secured parties. The affidavit is then to be filed in the county registry of deeds. An owner who wishes to separate the home from the land after the title has been cancelled can apply for a new certificate of title. Once the certificate of title is cancelled and the affidavit is recorded, the manufactured home becomes an improvement to real property and any lien on the home shall be perfected and given priority in the manner provided for real property liens.***

SURRENDER OF TITLE

If a title has been issued but is not currently available and the property has been determined to be a real property, the owner listed on the title **shall be deemed to have surrendered the title** for which the home is affixed.

* N.C. Gen. Stat. § 105-273(13). ** N.C. Gen. Stat. § 20-109.2. *** N.C. Gen. Stat. §§ 47-20.6, 47-20.7.



OHIO

AFFIXATION REQUIREMENTS

To be taxed as real property, a manufactured or mobile home must be affixed to a permanent foundation and be located on land that the owner of the home also owns.* The owner of a home, which will be taxed as real property, must surrender the certificate of title to the county auditor.** The owner must either satisfy any liens on the home, or, with the lienholder's consent, give the lienholder a mortgage on the home and land. Once surrendered, the title is to be deactivated, but it can be reactivated upon application by the homeowner. These statutes do not state what effect the deactivation of the title has outside the context of taxation, but a bankruptcy case holds that if a home was converted to real property through this procedure for taxation purposes it is also real property for purposes of bankruptcy law.***

SURRENDER OF TITLE

All manufactured homes are required to have a certificate of title. In order to become a real property, the owner must submit the title and proof of tax payments to the auditor of the county. In addition, a home must be affixed to the permanent foundation, be located on land that is owned by the owner and the owner must surrender the title to the county auditor within 15 days. Once this is filed, the manufactured home will be treated the same as all **other real properties** on the list. The manufactured homes that are **not on the list** are taxed and treated as manufactured homes (personal property).

* Ohio Rev. Code Ann. § 4503.06(B)(1), (2) (West). ** Ohio Rev. Code Ann. § 4505.11 (West). *** In re Cluxton, 327 B.R. 612 (B.A.P. 6th Cir. 2005). See also Benner v. Hammond, 673 N.E.2d 205 (Ohio Ct. App. 1996) (holding that home that had title purged under revenue statute and was considered real property under the owner's mortgage was not a "trailer" for the purposes of a restrictive covenant).



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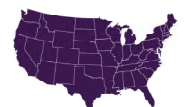
OKLAHOMA

AFFIXATION REQUIREMENTS

The home must be inspected by a County official to ensure that it is affixed to the land, its wheels and axles removed and it is anchored to the land.

SURRENDER OF TITLE

For a manufactured home to be **considered real property** it must be assessed as part of the real property it is located and sold on; the proof required is a deed listing the manufactured home and the title transaction. **In order to sell a manufactured home in the state of OK, new or used, the title must be transferred.** The owner is able to cancel the title if the home has been affixed to property in which they own. If the manufactured home is not assessed as part of the land and is not affixed, it is considered personal property.



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OREGON

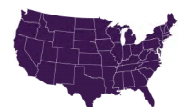
AFFIXATION REQUIREMENTS

The owner of a manufactured structure, or the dealer selling it, may apply to the county assessor to have the structure recorded in the county deed records. The owner must either own the land on which the structure is located, or hold a recorded lease of twenty years or more that specifically permits the structure to be recorded in the county deed records. The owner must turn over any ownership document for cancellation. The deed records must list any unreleased security interest in the manufactured structure. Once recorded in the deed records, the manufactured structure is subject to the same provisions of law applicable to any other building, housing, or structure on the land, and may be sold separately from the land or leasehold estate only if the owner applies to have it removed from the deed records.*

SURRENDER OF TITLE

In order to sell a manufactured home in Oregon one **must include the title** or ownership document, although if either of those is not available one will need to complete an Affidavit to Establish Ownership of a Manufactured Home. If you own the manufactured home, the land it sits on or if you own the structure but hold a lease on the land of at least 20 years, you may apply to be exempt from registration and have the home treated as real property. If either of those cases is not true, the manufactured **home is treated as personal property**. If it is a **personal property**, the manufactured home may be repossessed if delinquent. If it is a **real property**, the land and the manufactured home may be foreclosed on.

* Or. Rev. Stat. § 446.626. See also Or. Rev. Stat. § 446.611 (means of perfecting security interest in mobile home that still has an ownership document).



PENNSYLVANIA

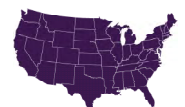
AFFIXATION REQUIREMENTS

Upon application, the department of transportation may cancel a certificate of title for a mobile home that is affixed to real property.* The home must be permanently mounted on a foundation.** The owner must complete a form and return it, along with the title, to the department of transportation.*** If a lien appears on the certificate of title, the title will not be cancelled until the home owner submits satisfactory evidence that the lien has been recorded against the land.**** After cancellation, the ownership interest in the mobile home, together with all liens and encumbrances on it, is transferred to and encumbers the real property.*****

SURRENDER OF TITLE

If the manufactured home is not attached to the property, it is treated as **personal property** and is subject to repossession. If the manufactured home permanently sits on land that is owned by the homeowner and is mounted on a foundation, the title can be canceled and it would be **considered real property**.

* 75 Pa. Cons. Stat. § 1140. ** Pa. Code tit. 67, § 401.5(a). *** Id. **** Pa. Code tit. 67, § 401.5(b). ***** 75 Pa. Cons. Stat. § 1140.



SOUTH CAROLINA

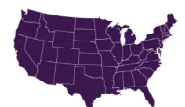
AFFIXATION REQUIREMENTS

The owner of a manufactured home may affix the home to real property by installing it in accordance with the state installation standards, removing the wheels, axles, and towing hitch, and filing an affidavit for retirement of title.* The homeowner must either own the land on which it is located or have a leasehold estate of thirty-five years or more in the land. The local register of deeds or clerk of court must then record the affidavit as if it were a deed to real property. Upon completion of this process, the home is to be treated as real property for all purposes except condemnation.** The title certificate may be cancelled by presenting it to the division, along with a clocked and stamped copy of the affidavit.*** Any party listed on the title certificate as having a security interest in the home must either lease the lien or consent to the cancellation of the title.**** Once a manufactured home has been converted to real property in this manner, a manufactured home severance affidavit must be filed before it can be severed from the land.

SURRENDER OF TITLE

When you buy a manufactured home, **you must apply for a title**. In order to apply for a title, you must have the previous title or the Manufacturer's Certificate of Origin. If you are purchasing a manufactured home that has already been declared as real property and the title has already been retired, you will not need to apply for a new title if the manufactured home will be attached to real property in its new location. If the home will not be attached to real property, you must get a new title. In order to be **considered a real property** the owner may affix the home to real property by: removing the wheels, axels and towing hitch; filing with the register of deeds, the Manufactured Home Affidavit for the Retirement of Title Certificate and in addition must include recent deed or other instrument vesting title. If this is not done, the manufactured home will still be considered **personal property** and subject to such laws.

* S.C. Code § 56-19-510. See also S.C. Code § 56-19-500(1). ** S.C. Code § 56-19-510. *** S.C. Code § 56-19-520. **** Id.



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TENNESSEE

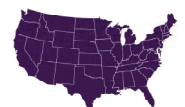
AFFIXATION REQUIREMENTS

If a manufactured home is affixed to real property, and the ownership of the home is identical to the ownership of the land, the owner may surrender the title to the state department of safety. The owner must submit an affidavit of affixation that, inter alia, certifies that all permits required by applicable governmental authorities have been obtained, the foundation system complies with the law and with the manufacturer's specifications, and the wheels and axles have been removed. All lienholders must have released their liens on the home. If the affidavit complies with all the statutory requirements, the county register of deeds is to record it. The home is then subject to taxation as an improvement to the land, but the statute does not specify the effect on foreclosure.*

SURRENDER OF TITLE

When attached to real property, a manufactured home does not need to be titled and an affidavit of affixation is provided which allows legal ownership interest. In order to de-title a manufactured home, an owner must surrender the title to the county clerk. If the home is no longer real property, the owner must then apply to get a title. If the home is attached to real property and an affidavit of affixation is filed, it is **considered real property** and will follow the rules set for real properties. If it is not affixed to the land and there is no affidavit of affixation, it is **considered personal property** and will follow the rules set for it.

* Tenn. Code Ann. § 55-3-138. See also Tenn. Code Ann. § 55-3-138 (procedure for reapplying for new certificate).



TEXAS

AFFIXATION REQUIREMENTS

A manufactured home can be treated as real property, if it is attached to land that the homeowner also owns, or which the homeowner is leasing under a long-term lease as defined by the state department of housing and community affairs.* To be attached to land it must be installed in compliance with state rules and connected to a utility.** The owner must file an application for a statement of ownership and location with the department. In addition, each lienholder must either release the lien or give written consent to the conversion of the home to real property.*** Within sixty days after the department issues a statement of ownership, the owner must file a certified copy in the real property records of the county in which the home is located and notify the department and the tax assessor-collector that the certified copy has been filed.**** The home is then considered real property for all purposes.***** Another Texas statute provides that, if a consumer buys real property and a manufactured home at the same time, and certain other conditions are met, the creditor may elect to treat the home as if it were residential real property for all purposes in connection with the credit transaction.***** If the creditor so elects, and discloses this election conspicuously to the consumer, then the transaction is considered to be a residential real property transaction for all purposes.*****

SURRENDER OF TITLE

For manufactured homes in Texas, **there is no closing**. Legally, one must transfer the title in any sale. If one were to default, you go through the **repossession process** and the title will be moved back into the lender's name.

* Tex. Occ. Code Ann. § 1201.2055 (Vernon). ** Tex. Occ. Code Ann. § 1201.003(2-a) (Vernon). *** Tex. Occ. Code Ann. § 1201.2075 (Vernon). **** Tex. Occ. Code Ann. § 1201.2055 (Vernon). ***** Id. See also Tex. Prop. Code Ann. § 2.001 (Vernon). ***** Tex. Fin. Code Ann. § 347.455 (Vernon). ***** Id.



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VIRGINIA

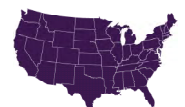
AFFIXATION REQUIREMENTS

The owner of a manufactured home or house trailer that exceeds the size permitted for highway travel must apply for a title within thirty days after purchase. Once the wheels and other equipment that made the home mobile are removed and the home has been attached to realty, then the owner may return the title to the department of motor vehicles for cancellation. The home may then be transferred only as real estate. Any security interest perfected on the title continues despite the cancellation of the title.* A bankruptcy court has held that the determination of whether a mobile home is real or personal property must be made on a case-by-case basis and an owner's failure to comply with the statute, while it might be indicative of the owner's intent that home remain personal property, is not conclusive.**

SURRENDER OF TITLE

To attach a manufactured home to real estate and have it be considered real property, the **DMV Virginia title must be canceled**. The owner must also provide proof that the home is attached to property where they are listed as the owner, and that the wheels and other equipment used for mobility have been removed. In order to accomplish a cancellation, you **must surrender** the Virginia title to the DMV. Manufactured homes that are classified as real property will be **treated as all other homes**. The manufactured home will be considered real property until it is detached from the property; in this case a new title will need to be issued.

* Va. Code Ann. § 46.2-653. ** In re Banks, 259 B.R. 848 (Bankr. E.D. Va. 2001).



WASHINGTON

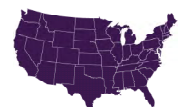
AFFIXATION REQUIREMENTS

The owner of a manufactured home that is affixed to land (i.e., installed in accordance with state installation standards*) may apply to have the title eliminated. The owner of the home must also own the land on which it is sited, have a lease of thirty-five years or more for the land, or be purchasing the land under a real estate contract.** The owner must submit the title and an application, which must identify any security interests, to the department of licensing for approval.*** After approval, the title is to be cancelled and the approved application is to be recorded in the county real property records.**** The statute provides that the manufactured home is then to be treated as real property as if it were a site-built structure,***** except for purposes of taxation.***** If the title has not been eliminated, the home is not real property.***** The statute provides a procedure to obtain a new title if the home is to be removed from the land.*****

SURRENDER OF TITLE

A homeowner has **two options for titling** a manufactured home in Washington, they may apply for a certificate of title or they may eliminate the certificate of title under chapter 65.20 RCW. In order to **transfer ownership**, a registered owner of record must sign the certificate of title releasing the owner's interest. The certificate of title **must be surrendered** when the manufactured home is registered under chapter 65.20 RCW, which would make the manufactured home real property. The **manufactured home is considered real property** when it has lost its identity as a mobile home by virtue of being permanently fixed on the land in which the owner owns or leases, and on permanent foundations with fixed pipe connections with sewer, water or other utilities and it is not considered real property **unless the title has been surrendered** or eliminated. If the manufactured home is **not attached to the land**, the lender is able to repossess the home if you do default. If the home **is attached to the property**, the lender is able to foreclose on the home and the land.

* Wash. Rev. Code § 65.20.020. ** Wash. Rev. Code §§ 65.20.020, 65.20.040. *** Wash. Rev. Code § 65.20.040. **** Wash. Rev. Code § 65.20.050. ***** Id. See also Wash. Rev. Code §§ 65.20.030, 65.20.060 (manufactured home whose title has been eliminated may be conveyed only by deed or real estate contract). ***** Wash. Rev. Code § 65.20.910. ***** Wash. Rev. Code § 65.20.030. ***** Wash. Rev. Code § 65.20.070.



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WEST VIRGINIA

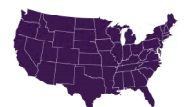
AFFIXATION REQUIREMENTS

The commissioner of motor vehicles may cancel a certificate of title for a mobile or manufactured home that is affixed to real property owned by the homeowner.* The homeowner must submit an application and the certificate of title. The cancellation certificate is then to be recorded in the county deed records. Upon recordation, the statute provides that the home is to be treated for all purposes as an appurtenance to the real estate to which it is affixed.**

SURRENDER OF TITLE

It is against the law in West Virginia **to transfer, purchase or sell a manufactured home without the title**. When a manufactured home is purchased from the dealer, they will provide you with a Mobile Home Certificate of Origin which can then be used in order to title the home. In a private/ used sale the owner will need to sign the certificate of title on the back side of the seller, this can then be used in order to transfer the title. The owner can also **convert the home to real property** and obtain a deed in place of the title, if it has been permanently affixed to the property. All manufactured homes are required to be titled before they can convert to real property. If an owner defaults on real property, normal foreclosure procedures would apply; if they default on personal property, normal repossession proceedings would apply.

* W. Va. Code § 17A-3-12b. ** Id. See also W. Va. Code § 15-5-12 (tax statute providing that a mobile home sited on land owned by someone other than the home owner is classified as personal property whether or not it is permanently affixed to the land, unless the certificate of title has been cancelled).



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WISCONSIN

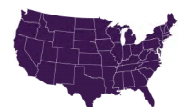
AFFIXATION REQUIREMENTS

The owner of a manufactured home must obtain a certificate of title,* unless the homeowner is not a resident of Wisconsin** or the homeowner intends to make the home a fixture to land in which the homeowner has an ownership or leasehold interest.*** The leasehold interest must be subject to Wisconsin's real property statutes which exclude leases for a term limited to one year or less.****

SURRENDER OF TITLE

A homeowner is **not required to have a title** if the owner of the manufactured home intends to make the home a fixture to land in which the owner of the manufactured home has an ownership interest. If one transfers ownership to another party they do not necessarily need to have a title, instead they can provide a Bill of Sale and Indemnity Form. If the manufactured home is not considered real property, it is considered personal property. For manufactured homes that are **considered personal property but are located on real property**, we are able to foreclose on the land but not the home itself. We are able to foreclose on both if the manufactured home is considered to be real property.

* Wis. Stat. §101.9203 (1) ** Wis. Stat. §101.9203 (3) *** Wis. Stat. §101.9203 (4) **** Wis. Stat. §706.001



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Manufactured Homes | Affixation and Surrender of Title
Union Home Mortgage Corp. NMLS 2229

