

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 2090

(SENATE AUTHORS: RUUD)

DATE
03/07/2019

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to motor vehicles; modifying provisions governing manufactured home
1.3 certificates of title; amending Minnesota Statutes 2018, section 168A.141,
1.4 subdivisions 1, 1a.

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

1.6 Section 1. Minnesota Statutes 2018, section 168A.141, subdivision 1, is amended to read:

1.7 Subdivision 1. **Certificates surrendered for cancellation.** (a) When a manufactured
1.8 home is to be affixed or is affixed, as defined in section 273.125, subdivision 8, paragraph
1.9 (b), to real property, the owner of the manufactured home may surrender the manufacturer's
1.10 certificate of origin or certificate of title to the department for cancellation so that the
1.11 manufactured home becomes an improvement to real property and is no longer titled as
1.12 personal property. The department must not issue a certificate of title for a manufactured
1.13 home under chapter 168A if the manufacturer's certificate of origin is or has been surrendered
1.14 under this subdivision, except as provided in section 168A.142. Upon surrender of the
1.15 manufacturer's certificate of origin or the certificate of title, the department must issue notice
1.16 of surrender to the owner, and upon recording an affidavit of affixation, which the county
1.17 recorder or registrar of titles, as applicable, must accept, the manufactured home is deemed
1.18 to be an improvement to real property. An affidavit of affixation ~~by the owner of the~~
1.19 ~~manufactured home~~ must be in substantially the form set out in subdivision 1a and must
1.20 ~~include the following~~ contain the information: in said form.

1.21 ~~(1) the name, residence address, and mailing address of owner or owners of the~~
1.22 ~~manufactured home;~~

2.1 ~~(2) the legal description of the real property in which the manufactured home is, or will~~
2.2 ~~be, located;~~

2.3 ~~(3) a copy of the surrendered manufacturer's certificate of origin or certificate of title~~
2.4 ~~and the notice of surrender;~~

2.5 ~~(4) a written statement from the county auditor or county treasurer of the county where~~
2.6 ~~the manufactured home is located stating that all property taxes payable in the current year,~~
2.7 ~~as provided under section 273.125, subdivision 8, paragraph (b), have been paid, or are not~~
2.8 ~~applicable;~~

2.9 ~~(5) the name and address of the person designated by the applicant to record the original~~
2.10 ~~affidavit of affixation with the county recorder or registrar of titles for the county where the~~
2.11 ~~real property is located; and~~

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

2.14 (b) The person designated in paragraph (a), clause (5), must record, or arrange for the
2.15 recording of, the affidavit of affixation, accompanied by the fees for recording and for
2.16 issuing a certified copy of the notice, including all attachments, showing the recording date.
2.17 Upon obtaining the certified copy of the notice under this paragraph, the person designated
2.18 in the affidavit must obtain and deliver the a certified copy of the affidavit of affixation to
2.19 the county auditor of the county in which the real property to which the manufactured home
2.20 was affixed is located.

2.21 (c) The department is not liable for any errors, omissions, misstatements, or other
2.22 deficiencies or inaccuracies in documents presented to the department under this section,
2.23 if the documents presented appear to satisfy the requirements of this section. The department
2.24 has no obligation to investigate the accuracy of statements contained in the documents.

2.25 Sec. 2. Minnesota Statutes 2018, section 168A.141, subdivision 1a, is amended to read:

2.26 Subd. 1a. **Affidavit form.** An affidavit of affixation must be in substantially the following
2.27 form and must contain the following information.

2.28 **MANUFACTURED HOME AFFIDAVIT OF AFFIXATION**

2.29 **PURSUANT TO MINNESOTA STATUTES, SECTION 168A.141**

2.30 Homeowner ("Affiant"), being first duly sworn, on his or her oath, states as follows
2.31 or affirms under penalties of perjury that:

3.1 ~~1. Homeowner owns~~ I am the owner of the manufactured home ("home" "Manufactured
3.2 Home") described as follows:

3.3		<u>Manufacturer's</u>	<u>Model Name or</u>	<u>Manufacturer's</u>	
3.4	<u>New/Used</u>	<u>Year</u>	<u>Name</u>	<u>Model No.</u>	<u>Serial No.</u>
					<u>Length/Width</u>

3.5 Manufacturer's name:..... Make:.....
3.6 Model number:..... Model year:.....
3.7 Serial number:..... Dimensions:.....

3.8 2. The Manufactured Home is affixed in accordance with Minnesota Statutes, section
3.9 273.125, subdivision 8, to real property in County, Minnesota, legally described as
3.10 follows ("Land"):

3.11
3.12
3.13

3.14 Check here if all or part of the described real property is Registered (Torrens)

3.15 3. The Manufactured Home is located at the following address:

3.16 Street or Route.... City..... County..... State..... Zip Code.....

3.17 ~~2.~~ 4. A copy of the previously surrendered manufacturer's certificate of origin or certificate
3.18 of title is attached.

3.19 ~~3.~~ 5. A copy of the notice of surrender issued from the Minnesota Department of Public
3.20 Safety Driver and Vehicle Services is attached.

3.21 ~~4. The Home is or will be located at the following "Property Address":~~

3.22 ~~Street or Route City County State Zip Code~~

3.23 ~~5. The legal description of the property address ("land") is as follows or as attached hereto:~~

3.24 ~~6. The homeowner is the owner of the land.~~ owner(s) of the Manufactured Home is/are the
3.25 owner(s) of the Land.

3.26 ~~7. The home is, or must be promptly upon delivery, anchored to the land by attachment to~~
3.27 ~~a permanent foundation and connected to appropriate residential utilities (e.g., water, gas,~~
3.28 ~~electricity, sewer).~~

3.29 ~~8.~~ 7. The homeowner Affiant intends that the Manufactured Home be an immovable
3.30 permanent improvement to the Land, free of any personal property security interest.

4.1 ~~9. 8.~~ A copy of the written statement from the county auditor or county treasurer of the
 4.2 county in which the Manufactured Home is then located, stating that all property taxes
 4.3 payable in the current year (pursuant to Minnesota Statutes, section 273.125, subdivision
 4.4 8, paragraph (b)), have been paid, or are not applicable, is attached.

4.5 ~~10. The home must be assessed and taxed as an improvement to the land.~~

4.6 ~~11. The name and address of the person designated by the homeowner to record the original~~
 4.7 ~~affidavit of surrender with the county recorder or registrar of titles of the county in which~~
 4.8 ~~the real estate is located is:~~

4.9 Name

4.10 Street Address

4.11 City, State, Zip Code

4.12 Phone

4.13 E-mail

4.14 ~~IN WITNESS WHEREOF, homeowner(s) have executed this affidavit on this day of~~
 4.15 ~~....., 20...~~

4.16

4.17 Homeowner Affiant Signature Address

4.18

4.19 Printed Name City, State

4.20

4.21 Homeowner Signature (if applicable)

4.22

4.23 Printed Name

4.24 ~~This instrument was drafted by, and when recorded return to:~~

4.25 ~~Subscribed Signed and sworn to (or affirmed) before me this day of, on~~

4.26 ~~..... by~~

4.27 Signature of Notary Public or Other Official
 4.28 notarial officer

4.29 Title (and Rank):.....

4.30 My commission expires:.....

4.31 Notary Stamp or Seal

4.32 ~~(optional)~~ This instrument was drafted by, and when recorded, return to:

5.1

5.2

5.3

5.4 ~~Lender's Statement of Intent:~~

5.5 ~~The undersigned ("lender") intends that the home be immovable and a permanent~~
5.6 ~~improvement to the land free of any personal property security interest.~~

5.7 ~~Lender~~

5.8 ~~By:~~

5.9 ~~Authorized Signature~~

5.10 ~~STATE OF~~)

5.11 ~~.....) ss:~~

5.12 ~~COUNTY OF~~)

5.13 ~~On the day of in the year before me, the undersigned, a Notary Public in and~~
5.14 ~~for said state, personally appeared~~

5.15 ~~personally known to me or proved to me on the basis of satisfactory evidence to be the~~
5.16 ~~individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged~~
5.17 ~~to me that he/she/they executed the same in his/her/their capacity(ies), and that by~~
5.18 ~~his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of~~
5.19 ~~which the individual(s) acted, executed the instrument.~~

5.20 ~~Notary Signature~~

5.21 ~~Notary Printed Name~~

5.22 ~~Notary Public, State of~~

5.23 ~~Qualified in the County of~~

5.24 ~~My commission expires~~

5.25 ~~Official seal:~~