

By: Senator(s) Mettetal

To: Judiciary, Division A

SENATE BILL NO. 2980

1 AN ACT TO AMEND SECTIONS 27-53-15, 63-21-30, 63-21-43 AND  
2 63-21-45, MISSISSIPPI CODE OF 1972, TO CLARIFY HOW TO PERFECT A  
3 LIEN ON A MOBILE HOME; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 27-53-15, Mississippi Code of 1972, is  
6 amended as follows:

7 27-53-15. (1) The manufactured homeowner or mobile  
8 homeowner who owns the land on which the manufactured home or  
9 mobile home is located shall have the option \* \* \* of declaring  
10 whether the manufactured home or mobile home shall be classified  
11 as personal or real property by surrendering to the State Tax  
12 Commission the certificate of title or certificate of origin and  
13 by providing the following documentation:

14 (a) Certificate of affixation. If the manufactured  
15 home or mobile home is to be classified as real property, then the  
16 wheels and axles must be removed and it must be anchored and  
17 blocked in accordance with the rules and procedures promulgated by  
18 the Commissioner of Insurance of the State of Mississippi. After  
19 the wheels and axles have been removed and the manufactured home  
20 or mobile home has been anchored and blocked in accordance with  
21 such rules and procedures, the manufactured home or mobile home  
22 shall be considered to have been affixed to a permanent  
23 foundation. The county tax assessor shall then enter the  
24 manufactured home or mobile home on the land rolls and tax it as  
25 real property on the land on which it is located from the date of  
26 registration. At such time, the county tax assessor shall issue a  
27 certificate certifying that the manufactured home or mobile home

28 has been classified as real property. Such certificate shall  
29 contain the name of the owner of the manufactured home or mobile  
30 home, the name of the manufacturer, the model, the serial number  
31 and the legal description of the real property on which the  
32 manufactured home or mobile home is located. The county tax  
33 assessor shall cause such certificate to be filed in the land  
34 records of the county in which the property is situated. After  
35 filing, the chancery clerk shall forward the certificate to the  
36 owner. For issuance of the certificate, a fee of Twelve Dollars  
37 (\$12.00) shall be collected by the county tax assessor, Ten  
38 Dollars (\$10.00) of which shall be retained by the assessor and  
39 Two Dollars (\$2.00) of which shall be forwarded to the chancery  
40 clerk for filing the certificate. Upon the filing of the  
41 certificate in the land records, the manufactured home or mobile  
42 home shall then be considered real property for purposes of ad  
43 valorem taxation. \* \* \*

44 (b) Evidence of ownership of real property. A copy of  
45 the deed or other instrument of conveyance of legal ownership to  
46 the real property to which the manufactured home has become  
47 affixed conveying fee simple title or other ownership interest in  
48 the subject real property and which has been filed in the office  
49 of the chancery clerk in the county in which the real property is  
50 located. The mortgage or deed of trust shall include a  
51 description of the mobile home or manufactured home which is  
52 affixed to the real property; however, the failure of a mortgage  
53 or deed of trust to describe the mobile home or manufactured home  
54 shall not affect the priority or perfection of a lienholder's  
55 security interest in said mobile home or manufactured home.  
56 Furthermore, if any mobile home or manufactured home shall have a  
57 duly filed certificate of affixation, a rebuttable presumption of  
58 a perfected first lien on the mobile home shall inure to the  
59 benefit of any lienholder with a valid deed of trust or mortgage

60 on the real property to which the mobile home or manufactured home  
61 has been affixed.

62 (c) If the legal owner of a manufactured home and the  
63 real property to which the manufactured home has become affixed  
64 desires a surrendered certificate of title to be reissued, the  
65 legal owner shall:

66 (i) Reapply for a new certificate pursuant to the  
67 provisions of Title 63, Chapter 21, Mississippi Code of 1972;

68 (ii) Provide an abstract of land title showing  
69 legal ownership of the manufactured home and real property along  
70 with any liens recorded upon the real property;

71 (iii) For every lienholder listed on the abstract  
72 of land title, provide a lien release as to the manufactured home  
73 or lienor's statement that such lien is to be recorded on the face  
74 of the certificate of title for the manufactured home; and

75 (iv) Pay the required fee for the certificate of  
76 title for the manufactured home or each component unit.

77 Upon such request, the tax assessor may issue a certificate  
78 canceling the classification of the manufactured home or mobile  
79 home as real property and cause such certification to be filed in  
80 the land records of the county in which the property is situated.  
81 For issuance of the certificate, a fee of Twelve Dollars (\$12.00)  
82 shall be collected by the county tax assessor, Ten Dollars  
83 (\$10.00) of which shall be retained by the assessor and Two  
84 Dollars (\$2.00) of which shall be forwarded to the chancery clerk  
85 for filing the certificate.

86 **SECTION 2.** Section 63-21-30, Mississippi Code of 1972, is  
87 amended as follows:

88 63-21-30. The certificate of title issued for a manufactured  
89 home that is classified as real property may be mailed or  
90 delivered to the State Tax Commission for cancellation. In order  
91 to have the manufactured home or mobile home classified as real  
92 property, the owner shall first obtain a release of any lien

93 indicated on the certificate of title, if any such certificate was  
94 issued, or a lienor's statement that the lienor's security  
95 interest in the manufactured home or mobile home shall be  
96 perfected by mortgage or deed of trust. The State Tax Commission  
97 may require any documents or information that it considers  
98 necessary to be mailed or delivered to the commission along with  
99 the certificate of title.

100 **SECTION 3.** Section 63-21-43, Mississippi Code of 1972, is  
101 amended as follows:

102 63-21-43. (1) Unless excepted by Section 63-21-41, a  
103 security interest in a vehicle or a security interest in any  
104 manufactured home or mobile home that is not affixed to real  
105 property is not valid against creditors of the owner or subsequent  
106 transferees or lienholders of the vehicle, manufactured home or  
107 mobile home unless perfected as provided in this chapter.

108 (2) (a) A security interest is perfected at the time the  
109 owner signs a security agreement describing the vehicle,  
110 manufactured home or mobile home, the secured party gives value,  
111 the owner has rights in the vehicle, manufactured home or mobile  
112 home, and an application for certificate of title signed by the  
113 owner is presented to a designated agent.

114 (b) The designated agent shall deliver to the State Tax  
115 Commission the existing certificate of title, if any, or the  
116 manufacturer's certificate of origin and application for a  
117 certificate of title containing the name and address of the  
118 lienholder and the date of his security agreement, and the  
119 required fee, but the security interest will perfect at the time  
120 the requirements of subsection 2(a) of this section are met.

121 (c) When a manufacturer's statement of origin or an  
122 existing certificate of title on a motor vehicle, manufactured  
123 home or mobile home is unavailable, a first lienholder or the  
124 first lienholder's designee may file a notarized copy of an  
125 instrument creating and evidencing a lien or encumbrance on the

126 motor vehicle, manufactured home or mobile home with the State Tax  
127 Commission and shall remit therewith the appropriate information  
128 for each lien to be filed. The recording and filing shall  
129 constitute constructive notice of the lien against the motor  
130 vehicle, manufactured home or mobile home described therein to  
131 creditors of the owner, subsequent purchasers and encumbrancers,  
132 except such liens as are by law dependent upon possession.

133 (3) If a vehicle, manufactured home or mobile home is  
134 subject to a security interest when brought into this state, the  
135 validity of the security interest is determined by the law of the  
136 jurisdiction where the vehicle, manufactured home or mobile home  
137 was when the security interest attached, subject to the following:

138 (a) If the parties understood at the time the security  
139 interest attached that the vehicle, manufactured home or mobile  
140 home would be kept in this state and it was brought into this  
141 state within thirty (30) days thereafter for purposes other than  
142 transportation through this state, the validity of the security  
143 interest in this state is determined by the law of this state.

144 (b) If the security interest was perfected under the  
145 law of the jurisdiction where the vehicle, manufactured home or  
146 mobile home was when the security interest attached, the following  
147 rules apply:

148 (i) If the name of the lienholder is shown on an  
149 existing certificate of title issued by that jurisdiction, his  
150 security interest continues perfected in this state.

151 (ii) If the name of the lienholder is not shown on  
152 an existing certificate of title issued by that jurisdiction the  
153 security interest continues perfected in this state for four (4)  
154 months after a first certificate of title of the vehicle,  
155 manufactured home or mobile home is issued in this state, and also  
156 thereafter if, within the period of four (4) months, it is  
157 perfected in this state. The security interest may also be  
158 perfected in this state after the expiration of the period of four

159 (4) months, in which case perfection dates from the time of  
160 perfection in this state.

161 (c) If the security interest was not perfected under  
162 the law of the jurisdiction where the vehicle, manufactured home  
163 or mobile home was when the security interest attached, it may be  
164 perfected in this state, in which case perfection dates from the  
165 time of perfection in this state.

166 (d) A security interest may be perfected under  
167 paragraph (b)(ii) or paragraph (c) of this subsection, either as  
168 provided in subsection (2), or by the holder of the lien created  
169 out of this state delivering to a county tax collector or a  
170 designated agent a notice of security interest in the form the  
171 State Tax Commission prescribes, together with documents to  
172 support the security interest as required by the State Tax  
173 Commission and the required fee. The county tax collector or a  
174 designated agent shall process said notice in the manner  
175 prescribed by the State Tax Commission.

176 **SECTION 4.** Section 63-21-45, Mississippi Code of 1972, is  
177 amended as follows:

178 63-21-45. (1) If an owner, dealer or lienholder creates a  
179 security interest in a vehicle, manufactured home or mobile home:

180 (a) The owner shall immediately execute the application  
181 in the space provided therefor on the certificate of title, or on  
182 a separate form the State Tax Commission prescribes to name the  
183 lienholder on the certificate showing the name and address of the  
184 lienholder and the date of his security agreement, and cause the  
185 certificate, application and the required fee to be delivered to  
186 the lienholder.

187 (b) The lienholder shall immediately cause the  
188 certificate, application and required fee to be mailed or  
189 delivered to a county tax collector or a designated agent.

190 (c) Upon request of the owner or subordinate  
191 lienholder, a lienholder in possession of the certificate of title

192 shall either mail or deliver the certificate to the subordinate  
193 lienholder for delivery to a county tax collector or a designated  
194 agent or, upon receipt from the subordinate lienholder of the  
195 owner's application and the required fee, mail or deliver them to  
196 a county tax collector or a designated agent with the certificate.  
197 The delivery of the certificate does not affect the rights of the  
198 first lienholder under his security agreement.

199           (d) Upon receipt of the certificate of title,  
200 application and the required fee, the State Tax Commission shall  
201 either endorse on the certificate or issue a new certificate  
202 containing the name and address of the new lienholder, and mail  
203 the certificate to the first lienholder named in it.

204           (2) Information evidencing a bank or lending institution's  
205 lien or other security interest in a motor vehicle's, manufactured  
206 home's or mobile home's certificate of title may be transferred by  
207 electronic means as provided in Section 63-21-16.

208           **SECTION 5.** This act shall take effect and be in force from  
209 and after July 1, 2007.