

By: Representatives Snowden, Barnett

To: Judiciary A

HOUSE BILL NO. 827

1 AN ACT TO AMEND SECTION 27-53-5, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT OWNERS OF MANUFACTURED HOMES OR MOBILE HOMES FROM CERTAIN
3 REGISTRATION REQUIREMENTS IF THE TITLE TO SUCH HOME HAS BEEN
4 RETIRED IN ACCORDANCE WITH THIS ACT; TO AMEND SECTION 27-53-15,
5 MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH A
6 MANUFACTURED HOME OR MOBILE HOME IS TAXED AS REAL PROPERTY OR
7 PERSONAL PROPERTY; TO AMEND SECTION 63-21-11, MISSISSIPPI CODE OF
8 1972, TO EXEMPT MANUFACTURED HOMES OR MOBILE HOMES WHOSE TITLE HAS
9 BEEN PERMANENTLY RETIRED FROM REGISTRATION; TO AMEND SECTION
10 63-21-16, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT NO CERTIFICATE
11 OF TITLE SHOULD BE ISSUED WHEN AN AFFIDAVIT OF AFFIXATION IS OF
12 RECORD; TO AMEND SECTION 63-21-17, MISSISSIPPI CODE OF 1972, TO
13 REQUIRE THE DEPARTMENT OF REVENUE TO MAINTAIN CERTAIN RECORDS; TO
14 AMEND SECTION 63-21-25, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
15 NO CERTIFICATE OF TITLE SHOULD BE ISSUED WHEN AN AFFIDAVIT OF
16 AFFIXATION IS OF RECORD; TO AMEND SECTION 63-21-30, MISSISSIPPI
17 CODE OF 1972, TO REVISE THE PROCEDURE FOR RETIRING TITLE TO
18 MANUFACTURED HOMES OR MOBILE HOMES; TO REQUIRE AN AFFIDAVIT OF
19 AFFIXATION TO BE RECORDED IN THE OFFICIAL RECORDS OF THE CHANCERY
20 CLERK; TO REQUIRE CERTAIN INFORMATION TO ACCOMPANY THE AFFIDAVIT
21 OF AFFIXATION; TO REQUIRE THE OWNER OR LIENHOLDER OF THE
22 MANUFACTURED OR MOBILE HOME TO FILE AN APPLICATION WITH THE
23 DEPARTMENT OF REVENUE FOR RETIREMENT OF TITLE; TO PROVIDE A
24 PROCEDURE FOR THE SEVERANCE OF A MANUFACTURED OR MOBILE HOME FROM
25 THE REAL PROPERTY TO WHICH IT HAS BECOME AFFIXED; TO PROVIDE A
26 PROCEDURE TO DOCUMENT THE DESTRUCTION OR UNINHABITABILITY OF A
27 MANUFACTURED OR MOBILE HOME WHOSE TITLE HAS BEEN RETIRED; TO
28 PROVIDE CERTAIN FORMS; TO AMEND SECTION 63-21-37, MISSISSIPPI CODE
29 OF 1972, TO CLARIFY THAT NO CERTIFICATE OF TITLE SHOULD BE ISSUED
30 WHEN AN AFFIDAVIT OF AFFIXATION IS OF RECORD; TO AMEND SECTION
31 63-21-43, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A PMSI IS
32 PERFECTED; TO AMEND SECTION 63-21-57, MISSISSIPPI CODE OF 1972, TO
33 PROVIDE FOR CONTINUATION OF A LIEN IN CERTAIN CIRCUMSTANCES; TO
34 AMEND SECTION 63-21-64, MISSISSIPPI CODE OF 1972, TO ADD A FEE FOR



35 APPLICATION WITH THE DEPARTMENT OF REVENUE; AND FOR RELATED
36 PURPOSES.

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

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

40 27-53-5. (1) It shall be the duty of the owner of a
41 manufactured home or mobile home, not later than seven (7) days,
42 Saturdays, Sundays and legal holidays excluded, after the date of
43 purchase or entry into the county where the manufactured home or
44 mobile home is located, to register such manufactured home or
45 mobile home with the tax collector of the county where the
46 manufactured home or mobile home is located. If a certificate of
47 title has been issued or applied for concerning the manufactured
48 home or mobile home, the original certificate of title or a copy
49 of the application shall be presented to the tax collector at the
50 time of the registration. The registration application for such
51 manufactured home or mobile home shall contain the following
52 information: name and address of owner, length and width of the
53 manufactured home or mobile home, serial number or vehicle
54 identification number (VIN) of manufactured home or mobile home,
55 make of manufactured home or mobile home, date of purchase,
56 present market value, and address where manufactured home or
57 mobile home is located if other than the address of the owner. At
58 the time that an owner registers his manufactured home or mobile
59 home, and before a registration certificate may be issued by the
60 tax collector, the owner of the manufactured home or mobile home



61 shall pay a registration fee of One Dollar (\$1.00) to the county
62 tax collector and provide proof of payment of the previous year's
63 taxes unless the manufactured home or mobile home was purchased
64 from a licensed dealer. It is also the duty of the owner of the
65 manufactured home or mobile home to reregister his manufactured
66 home or mobile home with the tax collector within seven (7) days
67 after the relocation of such manufactured home or mobile home from
68 one (1) location in the county to another location in the county
69 in order that there will always be on file with the tax collector
70 the current address of such manufactured home or mobile home.

71 (2) It shall be the duty of every manufactured home or
72 mobile home owner to provide either (a) proof of registration in
73 the county in which the manufactured home or mobile home is
74 located and at the address at which utility service is to be
75 provided, as required by subsection (1), or (b) a certified copy
76 of a recorded affidavit of affixation, together with a copy of the
77 initial or any subsequent written confirmation from the Department
78 of Revenue that the title to such home has been permanently
79 retired, to each utility company whose service is procured by the
80 owner before the utility company shall connect its services. For
81 purposes of this section, "utility" shall mean and include water,
82 gas, electric and telephone services, including such utilities as
83 are owned and operated by municipalities.

84 (3) No utility company shall connect, provide or transfer
85 service without receiving and recording either (a) the number of



86 the current registration certificate * * * issued for the
87 manufactured home or mobile home at the address where service will
88 be connected, provided or transferred, or (b) instrument number or
89 the book and page where the affidavit of affixation is recorded.

90 (4) It shall be the duty of every manufactured home or
91 mobile home owner subject to the use tax levy in Section 27-67-5
92 to provide proof of payment of such tax prior to the time of
93 registration. If the manufactured home or mobile home has been
94 registered in another county in this state, then the owner shall
95 only need to show proof of such registration.

96 (5) Every utility company, in its discretion, may furnish to
97 the county tax collector, upon request, the names and addresses of
98 all manufactured home or mobile home customers to whom the utility
99 company provides a service.

100 (6) The owner of a manufactured home or mobile home whose
101 title has been permanently retired to real property under Section
102 63-21-30 shall be exempt from the requirements of subsection (1)
103 of this section until such time as the owner of such manufactured
104 home or mobile home files an affidavit of severance.

105 **SECTION 2.** Section 27-53-15, Mississippi Code of 1972, is
106 amended as follows:

107 27-53-15. (1) A manufactured home or mobile home shall be
108 considered personal property for purposes of ad valorem taxation
109 unless the manufactured homeowner or mobile homeowner who owns the



110 land on which the manufactured home or mobile home is located

111 either:

112 (a) Declares at the time of registration that the
113 manufactured home or mobile home shall be classified as real
114 property for ad valorem tax purposes only under subsection (2) of
115 this section; or

116 (b) Permanently retires the title to real property
117 under Section 63-21-30.

118 (2) The manufactured homeowner or mobile homeowner who owns
119 the land on which the manufactured home or mobile home is located
120 shall have the option at the time of registration of declaring
121 whether the manufactured home or mobile home shall be classified
122 as personal or real property for ad valorem tax purposes only. If
123 the manufactured home or mobile home is to be classified as real
124 property for ad valorem tax purposes only, then the wheels and
125 axles must be removed and it must be anchored and blocked in
126 accordance with the rules and procedures promulgated by the
127 Commissioner of Insurance of the State of Mississippi. After the
128 wheels and axles have been removed and the manufactured home or
129 mobile home has been anchored and blocked in accordance with such
130 rules and procedures, the manufactured home or mobile home shall
131 be considered to have been affixed to a permanent foundation. The
132 county tax assessor shall then enter the manufactured home or
133 mobile home on the land rolls and tax it as real property on the
134 land on which it is located from the date of registration. At



135 such time, the county tax assessor shall issue a certificate
136 certifying that the manufactured home or mobile home has been
137 classified as real property for ad valorem tax purposes only.
138 Such certificate shall contain the name of the owner of the
139 manufactured home or mobile home, the name of the manufacturer,
140 the model, the serial number or VIN and the legal description of
141 the real property on which the manufactured home or mobile home is
142 located. The county tax assessor shall cause such certificate to
143 be filed in the land records of the county in which the property
144 is situated. After filing, the chancery clerk shall forward the
145 certificate to the owner. For issuance of the certificate, a fee
146 of * * * Ten Dollars (\$10.00) shall be collected by the county tax
147 assessor * * * and retained by the county tax assessor and the
148 county tax assessor shall also collect the applicable fee pursuant
149 to Section 25-7-9(1)(b) for the filing of the certificate and such
150 fee shall be forwarded to the chancery clerk. Upon the filing of
151 the certificate in the land records, the manufactured home or
152 mobile home shall then be considered real property for purposes of
153 ad valorem taxation only. The filing of such a certificate shall
154 not affect the validity or priority of any existing perfected
155 lien. If a manufactured home or mobile home is classified as real
156 property for ad valorem tax purposes only and no certificate of
157 title was required to be issued or issued for such property
158 pursuant to Chapter 21, Title 63, Mississippi Code of 1972, a
159 security interest may be obtained therein through the use of a



160 mortgage or deed of trust describing both the manufactured home or
161 mobile home and the land on which the manufactured home or mobile
162 home is located. For a manufactured home or mobile home
163 classified as personal property for which no certificate of title
164 was required to be issued or issued pursuant to the provisions of
165 Chapter 21, Title 63, Mississippi Code of 1972, the perfection of
166 a security interest therein shall be governed by the provisions of
167 Chapter 9, Title 75, Mississippi Code of 1972. Regardless of
168 whether a manufactured home or mobile home for which a certificate
169 of title was required to be issued or issued pursuant to the
170 provisions of Chapter 21, Title 63, Mississippi Code of 1972, is
171 classified as real property for ad valorem tax purposes only or is
172 classified as personal property, the perfection of a security
173 interest therein shall be governed by the provisions of Chapter
174 21, Title 63, Mississippi Code of 1972. A manufactured home or
175 mobile home that has been classified as personal property may be
176 reclassified as real property for ad valorem tax purposes only at
177 the option of its owner if the owner obtains a certification from
178 the tax assessor as provided in this section. Conversely, a
179 manufactured home or mobile home that has been classified as real
180 property for ad valorem tax purposes only may be reclassified for
181 purposes of ad valorem taxation only as personal property at the
182 option of its owner if there is no lien against it and if the
183 owner notifies the county tax assessor to reassess it and have the
184 county tax collector enter it upon the manufactured home rolls.



185 Upon a request for reclassification, if no certificate of title
186 was required to be issued or issued for the manufactured home or
187 mobile home, there must be no lien against it and the property
188 owner shall present proof satisfactory to the tax assessor that
189 there are no liens outstanding on the property. If there is a
190 lien against the manufactured home or mobile home, the county tax
191 assessor shall refuse to allow the county tax collector to
192 reclassify it as personal property until the lien has been
193 released. If a certificate of title as provided in Chapter 21,
194 Title 63, Mississippi Code of 1972, has been issued, the
195 manufactured home or mobile home may be reclassified for ad
196 valorem taxation purposes only regardless of whether a lien exists
197 on the certificate of title. Upon such request, the tax assessor
198 may issue a certificate cancelling the classification of the
199 manufactured home or mobile home as real property for ad valorem
200 tax purposes only and cause such certification to be filed in the
201 land records of the county in which the property is situated. For
202 issuance of the certificate, a fee of * * * Ten Dollars (\$10.00)
203 shall be collected by the county tax assessor * * * and retained
204 by the county tax assessor and the county tax assessor shall also
205 collect the applicable fee pursuant to Section 25-7-9(1)(b) for
206 the filing of the certificate and such fee shall be forwarded to
207 the chancery clerk.

208 (3) If the title to a manufactured home or mobile home has
209 been permanently retired to real property under Section 63-21-30,



210 then the county tax assessor shall enter the manufactured home or
211 mobile home on the land rolls and tax it as real property on the
212 land on which it is located from the date of recordation of the
213 affidavit of affixation. Upon the filing of the affidavit of
214 affixation in the land records, the manufactured home or mobile
215 home shall be considered real property for ad valorem taxation and
216 for all other purposes.

217 **SECTION 3.** Section 63-21-11, Mississippi Code of 1972, is
218 amended as follows:

219 63-21-11. (1) No certificate of title need be obtained for:

220 (a) A vehicle, manufactured home or mobile home owned
221 by the United States or any agency thereof;

222 (b) A vehicle, manufactured home or mobile home owned
223 by a manufacturer or dealer and held for sale, even though
224 incidentally moved on the highway or used for purposes of testing
225 or demonstration, or a vehicle used by a manufacturer solely for
226 testing;

227 (c) A vehicle, manufactured home or mobile home owned
228 by a nonresident of this state and not required by law to be
229 registered in this state;

230 (d) A vehicle regularly engaged in the interstate
231 transportation of persons or property for which a currently
232 effective certificate of title has been issued in another state;

233 (e) A vehicle moved solely by animal power;

234 (f) An implement of husbandry;



235 (g) Special mobile equipment;
236 (h) A pole trailer;
237 (i) Utility trailers of less than five thousand (5,000)
238 pounds gross vehicle weight * * *;

239 (j) A manufactured home with respect to which the
240 requirements of subsections (1) through (5) of Section 63-21-30,
241 as applicable, have been satisfied unless with respect to the same
242 manufactured home or mobile home there has been recorded an
243 affidavit of severance pursuant to subsection (6) of Section
244 63-21-30.

245 (2) Nothing in this section shall prohibit the issuance of a
246 certificate of title to the nonresident owner of an all-terrain
247 vehicle that is purchased in this state.

248 **SECTION 4.** Section 63-21-16, Mississippi Code of 1972, is
249 amended as follows:

250 63-21-16. (1) All designated agents appointed by the * * *
251 Department of Revenue under Section 63-21-13, Mississippi Code of
252 1972, may electronically transmit to the * * * Department of
253 Revenue information entered by them on applications for a
254 certificate of title given in connection with the sale or transfer
255 of a motor vehicle, manufactured home or mobile home or a loan for
256 which the owner's motor vehicle, manufactured home or mobile home
257 is pledged to that institution as collateral for the loan. The
258 format and the data required to be transmitted shall be
259 established by the * * * Department of Revenue. Transmission of



260 data shall meet minimum criteria and edits established by
261 the * * * Department of Revenue equal to any edit presently
262 existing in the statewide title registration system, or as may be
263 established, to which the county tax collectors shall also
264 conform. All data transmitted must successfully pass edits
265 established by the * * * Department of Revenue, including
266 lienholder name, mailing address and lienholder account number
267 assigned to a lienholder by the * * * Department of Revenue to
268 identify the lienholder, for the purpose of causing the data to
269 appear in the certificate of title for which the application is
270 made.

271 (2) It shall be the responsibility of the designated agent
272 to verify all data before it is electronically transmitted. It
273 shall also be the responsibility of the designated agent to ensure
274 that the required certification of designated agent and the
275 certification of statement of facts that are contained on the
276 application for certificate of title appear above the signatures
277 of both the owner and the authorized representative of the
278 designated agent. Data which cannot be transmitted because of
279 error shall be corrected by the designated agent when the
280 statewide title registration system indicates that the data is
281 erroneous or is not valid for the purposes of titling the motor
282 vehicle, manufactured home or mobile home or for transfer of the
283 data.



284 (3) When an institution has agreed to loan money for the
285 purchase of a motor vehicle, manufactured home or mobile home, the
286 institution shall complete an application for certificate of title
287 or require the borrower to provide to the institution the copy of
288 the application for certificate of title contained in the
289 application packet which is designated "Lienholder's Copy"
290 according to provisions of the Motor Vehicle and Manufactured
291 Housing Title Law, which the owner will receive from the county
292 tax collector or any designated agent upon completion of the
293 application for title and registration process.

294 (4) An application for certificate of title originating from
295 a designated agent shall be entered on the statewide title
296 registration system by the originating lending institution when
297 the transaction is for the purpose of perfecting the institution's
298 interest in a vehicle, manufactured home or mobile home currently
299 owned or purchased by the applicant, in connection with
300 application for certificate of title or the purchase of a license
301 tag or both.

302 (5) When an institution in this state adds a second lien on
303 a certificate of title in possession of a first lienholder
304 institution in this state, the second lienholder institution
305 seeking to be shown on the certificate of title shall:

306 (a) Prepare the application for certificate of title in
307 accordance with the requirements of Sections 63-21-15 and
308 63-21-45(1)(c);



309 (b) Obtain all required signatures; and
310 (c) Forward the completed application for certificate
311 of title to the first lienholder together with any necessary
312 remittance advice, a check for the title fee payable to the * * *
313 Department of Revenue and a cover letter to the first lienholder
314 requesting that the first lienholder attach the certificate of
315 title to the required documents sent by the second lienholder and
316 then forward the application, certificate of title and required
317 documents to the * * * Department of Revenue.

318 (6) Upon receipt of the application for certificate of title
319 from the second lienholder institution to record the second lien,
320 the first lienholder institution shall compare the data contained
321 in the application for certificate of title to the information
322 contained in the original certificate of title. If the first
323 lienholder institution is satisfied as to the ownership, accuracy
324 and order of priority of liens as shown in the application, it
325 shall enter the data contained on the application for certificate
326 of title prepared by the second lienholder on the statewide title
327 registration system, including the designated agent number of the
328 second lienholder. After entering the data from the application
329 for certificate of title, the first lienholder institution shall
330 immediately forward the application for certificate of title with
331 the certificate of title attached to the application, the
332 remittance advice and the second lienholder's check for the title



333 fee to the * * * Department of Revenue within three (3) working
334 days.

335 (7) In an assignment of lien pursuant to Section 63-21-47,
336 the assignee shall receive the notice of assignment along with the
337 current title attached and with the assignors interest open. The
338 assignee lienholder shall prepare an application for certificate
339 of title according to the notice of assignment, showing the
340 assignee institution as the lienholder, and then shall
341 electronically transmit the data to the * * * Department of
342 Revenue. The completed application shall be forwarded to
343 the * * * Department of Revenue within three (3) working days.

344 (8) The * * * Department of Revenue, upon receipt of
345 applications for certificate of title, shall verify the data by
346 accessing it on the statewide title registration system by the
347 title application control number appearing on the application for
348 title. After receiving verification that is satisfactory to
349 the * * * Department of Revenue that the data necessary for the
350 issuance of a new certificate of title exists, the * * *
351 Department of Revenue shall issue a new certificate of title that
352 records the interests of all the parties named in the application
353 for certificate of title.

354 (9) Designated agents shall be connected to the statewide
355 title registration system for the purpose of electronic transfer
356 of applications for certificate of title data in the order of
357 priority established by the * * * Department of Revenue.



358 (10) If a participating designated agent fails to comply
359 with the provisions of this section or the rules adopted by
360 the * * * Department of Revenue to implement this section,
361 the * * * Department of Revenue may impose a penalty of
362 Twenty-five Dollars (\$25.00) for each instance of noncompliance.
363 Any penalty imposed under this section not paid within thirty (30)
364 days after a notice is given shall be subject to collection from
365 the bond of the designated agent that is required to be provided
366 under the provisions of Section 63-21-13(3). The penalty provided
367 shall also be assessable, due and collectible from any licensed
368 motor vehicle dealer or manufactured home or mobile home dealer
369 for failure to accept an application for certificate of title for
370 each and every vehicle, manufactured home or mobile home he sells
371 to a consumer. These penalties shall be cumulative, supplemental
372 and in addition to the penalties provided by any other law.

373 (11) This section shall apply to all designated agents
374 appointed by the * * * Department of Revenue under Section
375 63-21-13, that choose to electronically transmit information on
376 applications for certificates of title to the * * * Department of
377 Revenue. This section shall not apply to other designated agents.

378 (12) Notwithstanding the foregoing, the Department of
379 Revenue shall not issue a certificate of title to a manufactured
380 home or mobile home with respect to which title has been retired
381 to real property under Section 63-21-30 unless with respect to the



382 same manufactured home or mobile home title has been severed from
383 real property pursuant to Section 63-21-30.

384 **SECTION 5.** Section 63-21-17, Mississippi Code of 1972, is
385 amended as follows:

386 63-21-17. (1) The * * * Department of Revenue shall examine
387 each application received and, when satisfied as to its
388 genuineness and regularity and that the applicant is entitled to
389 the issuance of a certificate of title, shall issue a certificate
390 of title of the vehicle, manufactured home or mobile home on the
391 form prescribed by the * * * department.

392 (2) The * * * Department of Revenue shall maintain a record
393 of all certificates of title issued pursuant to the provisions of
394 this chapter:

395 (a) Under a distinctive title number assigned to the
396 vehicle, manufactured home or mobile home;

397 (b) Under the vehicle identification number;

398 (c) Under the name of the owner; and

399 (d) In the discretion of the * * * Department of
400 Revenue, by any other method the * * * department determines.

401 (3) The Department of Revenue shall maintain a record of
402 each affidavit of affixation filed in accordance with subsections
403 (3), (4) and (5) of Section 63-21-30. The record shall state the
404 name and mailing address of each owner of the related manufactured
405 home, the county of recordation, the date of recordation, and the
406 book and page number of each book of records in which there has



407 been recorded an affidavit of affixation under subsections (1) and
408 (2) of Section 63-21-30, the name of the manufacturer, the make,
409 the model name, the model year, the dimensions, and the
410 manufacturer's serial number or VIN of the manufactured home or
411 mobile home, to the extent that such data exists, and any other
412 information the Department of Revenue prescribes.

413 (4) The Department of Revenue shall maintain a record of
414 each manufacturer's certificate of origin submitted for the
415 purpose of effectuating the retirement of title as provided in
416 Section 63-21-30. The record shall state the name and mailing
417 address of each owner of the manufactured home, the date the
418 manufacturer's certificate of origin was submitted, the county of
419 recordation, the date of recordation, and the book and page number
420 of each book of records in which there has been recorded an
421 affidavit of affixation under subsections (1) and (2) of Section
422 63-21-30, the name of the manufacturer, the make, the model name,
423 the model year, the dimensions, and the manufacturer's serial
424 number or VIN of the manufactured home or mobile home, to the
425 extent that such data exists, and any other information the
426 Department of Revenue prescribes.

427 (5) The Department of Revenue shall maintain a record of
428 each certificate of title accepted for surrender as provided in
429 subsection (5) of Section 63-21-30. The record shall state the
430 name and mailing address of each owner of the manufactured home,
431 the date the certificate of title was accepted for surrender, the



432 county of recordation, the date of recordation, and the book and
433 page number of each book of records in which there has been
434 recorded an affidavit of affixation under subsections (1) and (2)
435 of Section 63-21-30, the name of the manufacturer, the make, the
436 model name, the model year, the dimensions, and the manufacturer's
437 serial number or VIN of the manufactured home or mobile home, to
438 the extent that such data exists, and any other information the
439 Department of Revenue prescribes.

440 (6) The Department of Revenue shall maintain a record of
441 each affidavit of severance filed in accordance with subsection
442 (6) of Section 63-21-30. The record shall state the name and
443 mailing address of each owner of the related manufactured home,
444 the county of recordation, the date of recordation, and the book
445 and page number of each book of records in which there has been
446 recorded an affidavit of severance under subsection (6) of Section
447 63-21-30, the name of the manufacturer, the make, the model name,
448 the model year, the dimensions, and the manufacturer's serial
449 number or VIN of the manufactured home or mobile home, to the
450 extent that such data exists, and any other information the
451 Department of Revenue prescribes.

452 (7) Records of affidavits of affixation, submitted
453 manufacturer's certificates of origin, surrendered certificates of
454 title, and affidavits of severance shall be maintained permanently
455 and be subject to public records request. The records of
456 affidavits of affixation, submitted manufacturer's certificates of



457 origin, and surrendered certificates of title shall include a
458 statement that the manufactured home is real property as provided
459 in subsections (13) and (14) of Section 63-21-30.

460 **SECTION 6.** Section 63-21-25, Mississippi Code of 1972, is
461 amended as follows:

462 63-21-25. The * * * Department of Revenue shall refuse
463 issuance of a certificate of title:

464 (a) If any required fee is not paid; * * *

465 (b) If the * * * department has reasonable grounds to
466 believe that the applicant is not the owner of the vehicle,
467 manufactured home or mobile home, or that the application contains
468 a false or fraudulent statement, or that the applicant has failed
469 to furnish required information or documents or any additional
470 information the * * * department reasonably requires * * *; or

471 (c) If the certificate of title is to a manufactured
472 home or mobile home with respect to which title has been retired
473 to real property under Section 63-21-30 unless with respect to the
474 same home title has been severed from real property pursuant to
475 Section 63-21-30.

476 **SECTION 7.** Section 63-21-30, Mississippi Code of 1972, is
477 amended as follows:

478 63-21-30. * * * (1) If the legal owner of a manufactured
479 home or mobile home and the real property to which the
480 manufactured home or mobile home has become affixed, wishes to
481 permanently retire the title to a manufactured home or mobile home



482 to real property, then such owner may file or cause to be filed an
483 affidavit of affixation duly sworn to and acknowledged before any
484 officer or person authorized to administer an oath under the laws
485 of this state in the official records of the chancery clerk of the
486 county, or in the judicial district in counties having more than
487 one (1) such district, in which the real property is located,
488 which contains or is accompanied by:

489 (a) The names and addresses of the legal owner or
490 owners of the manufactured home or mobile home and real property
491 to which the manufactured home or mobile home has become affixed;

492 (b) The name of the manufacturer, the make, the model
493 name, the model year, the dimensions, and the manufacturer's
494 serial number or VIN of the manufactured home or mobile home, to
495 the extent such data exists;

496 (c) The legal description and indexing instructions of
497 the real property to which the manufactured home or mobile home is
498 or shall be permanently affixed;

499 (d) A statement that the party executing the affidavit
500 is the owner of the real property described therein;

501 (e) A statement that the manufactured home is to be
502 taxed as an improvement to the real property;

503 (f) A statement that either:

504 (i) The manufactured home or mobile home is
505 covered by a certificate of title that the owner shall surrender
506 to the Department of Revenue;



507 (ii) The manufactured home or mobile home is
508 covered by a manufacturer's statement or certificate of origin
509 that the owner shall surrender to the Department of Revenue; or

510 (iii) The manufactured home or mobile home is not
511 covered by a certificate of title and the owner of the
512 manufactured home or mobile home, after diligent search and
513 inquiry, is unable to produce the original manufacturer's
514 certificate of origin for the manufactured home or mobile home,
515 together with a bill of sale, paid tax receipts showing assessment
516 in the name of the owner for a period of not less than ten (10)
517 years, an installment contract reflecting the serial number or VIN
518 of the manufactured home or mobile home, or other due proof of
519 ownership acceptable to the Department of Revenue;

520 (g) A statement whether or not the manufactured home or
521 mobile home is subject to one or more security interests or liens
522 and if the manufactured home or mobile home is subject to one or
523 more security interests or liens, the name and address of each
524 party holding a security interest in or lien on the manufactured
525 home or mobile home, including each holder shown on any
526 certificate of title issued by the Department of Revenue, if any,
527 the original principal amount secured by each security interest or
528 lien;

529 (h) A lien release as to each party holding a security
530 interest in or lien on the manufactured home or mobile home;

531 (i) A statement that:



532 (i) All permits required by applicable
533 governmental authorities have been obtained;

534 (ii) The homeowner intends that the mobile home or
535 manufactured home be an immovable fixture and a permanent part of
536 the real property; and

537 (iii) The wheels and axles have been removed;

538 (j) A statement that the manufactured home is
539 permanently connected to a septic or sewer system and other
540 utilities such as electricity, water and/or gas;

541 (k) A statement that all ad valorem taxes due and
542 payable for the manufactured home or mobile home and land on which
543 it is located have been paid, together with a paid receipt for the
544 prior year confirming the same;

545 (l) If different than the owner, the name and address
546 of a person authorized to file a certified copy of the affidavit
547 of affixation with the tax collector after it has been duly
548 recorded in the real property records;

549 (m) A statement authorizing the tax collector or other
550 designated agent to submit the completed application to the
551 Department of Revenue for retirement of the title to the
552 manufactured home or mobile home to real property; and

553 (n) Due acknowledgement of the signature of each
554 affiant as required by Section 89-3-1 et seq. or any successor
555 statute.



556 (2) The chancery clerk, upon receipt of an affidavit of
557 affixation meeting the requirements set forth in subsection (1) of
558 this section and applicable fee to record the affidavit and
559 provide a certified copy thereof, shall record the affidavit of
560 affixation in the official records and shall provide a certified
561 copy of the recorded affidavit to the owner or other party
562 submitting the affidavit of affixation for recording. The
563 chancery clerk shall forward a copy of the recorded affidavit of
564 affixation to the county tax assessor in order to assist in
565 locating and identifying the manufactured home or mobile home for
566 property tax purposes.

567 (3) After completing the requirements in subsections (1) and
568 (2) of this section, the owner of the manufactured home or mobile
569 home, or lienholder as shown on the certificate of title pursuant
570 to a power of attorney from the owner of the manufactured home or
571 mobile home, if such lienholder is a designated agent, or the
572 person authorized in the affidavit of affixation, shall file a
573 certified copy of the recorded affidavit of affixation with the
574 tax collector of the county where the manufactured home or mobile
575 home is located for retirement of the home's title, accompanied
576 by:

577 (a) A copy of the deed or other instrument of
578 conveyance of legal ownership to the real property to which the
579 manufactured home or mobile home has become affixed conveying a



580 fee simple or other legal ownership interest in the subject real
581 property; and

582 (b) One (1) of the following:

583 (i) The certificate of title to the manufactured
584 home or mobile home duly endorsed or otherwise showing the release
585 of any lienholders noted on the certificate of title;

586 (ii) The manufacturer's certificate of origin; or

587 (iii) If the manufactured home or mobile home is
588 not covered by a certificate of title and the owner of the
589 manufactured home or mobile home, after diligent search and
590 inquiry, is unable to produce the original manufacturer's
591 certificate of origin for the manufactured home or mobile home, a
592 statement to that effect in the affidavit of affixation, together
593 with a bill of sale, paid tax receipts showing assessment in the
594 name of the owner for a period of not less than ten (10) years, an
595 installment contract reflecting the serial number or VIN of the
596 manufactured home or mobile home, or other due proof of ownership
597 acceptable to the Department of Revenue.

598 (4) Upon receipt of the affidavit of affixation and
599 accompanying documents, the tax collector shall submit the
600 completed application for the retirement of the title to the
601 manufactured home or mobile home to the Department of Revenue.

602 (5) Upon receipt of an application containing the items
603 required in subsections (3) and (4) of this section, the
604 Department of Revenue shall retire the title and shall notify the



605 applicant, the lender, and authorized representative, if any, in
606 writing at the address shown in the affidavit that the title to
607 the manufactured home or mobile home has been retired. If the
608 affidavit of affixation indicates that the manufactured home or
609 mobile home is currently covered by a certificate of origin or is
610 not covered by a certificate of title and after diligent search
611 and inquiry the owner is unable to produce the original
612 manufacturer's certificate of origin, but otherwise provides a
613 bill of sale, paid tax receipts showing assessment in the name of
614 the owner for a period of not less than ten (10) years, an
615 installment contract reflecting the serial number or VIN of
616 manufactured home or mobile home, or other due proof of ownership
617 in a form acceptable to the Department of Revenue, then the
618 Department of Revenue may issue a certificate of title for the
619 purpose of effectuating the retirement of title.

620 (6) If the legal owner of the manufactured home or mobile
621 home whose title has been retired under this section and the real
622 property to which the manufactured home or mobile home has become
623 affixed, wishes to detach or sever the manufactured home or mobile
624 home from the real property, then such owner may file or cause to
625 be filed an affidavit of severance duly sworn to and acknowledged
626 before any officer or person authorized to administer an oath
627 under the laws of this state in the official records of the
628 chancery clerk in the county, or in the judicial district in



629 counties having more than one (1) such district, in which the real
630 property is located, which contains or is accompanied by:

631 (a) The names and mailing addresses of the legal owners
632 of the manufactured home or mobile home and real property to which
633 the manufactured home or mobile home has become affixed;

634 (b) A description of the manufactured home or mobile
635 home including the name of the manufacturer, the model year, make,
636 width, length, and the serial number or VIN of the manufactured
637 home or mobile home;

638 (c) The book and page number or instrument number, and
639 date of recordation of the affidavit of affixation;

640 (d) A statement that the party executing the affidavit
641 is the owner of the real property described in the affidavit of
642 affixation;

643 (e) A statement that the manufactured home is no longer
644 to be taxed as an improvement to the real property;

645 (f) A statement whether or not the manufactured home or
646 mobile home and real property to which the home is affixed is
647 subject to one or more security interests or liens and if the same
648 is subject to one or more security interests or liens, the name
649 and address of each party holding a security interest in or lien
650 on the manufactured home or mobile home and the real property to
651 which it is affixed, the original principal amount secured by each
652 security interest or lien and a statement that the security



653 interest or lien as to the manufactured home or mobile home shall
654 be released;

655 (g) A lien release as to the manufactured home or
656 mobile home or, if the lienholder desires to retain a security
657 interest or lien in the manufactured home or mobile home after
658 title is severed from the real property, a lienholder's statement
659 of the names and addresses of any lienholders in the order of
660 their priority and the dates of their mortgages, deeds of trust or
661 other liens filed of record upon the real property;

662 (h) A statement that all ad valorem taxes due and
663 payable for the land on which the manufactured home or mobile home
664 is located have been paid, together with paid receipts for the
665 prior year confirming the same and acknowledgement that taxes for
666 the current year, which are assessed but not yet due and payable,
667 will be based on the status of the manufactured home or mobile
668 home and real property to which it is attached as of January 1 of
669 the current year;

670 (i) If different than the owner, the name and address
671 of a person authorized to file a certified copy of the affidavit
672 of severance with the tax collector after it has been duly
673 recorded in the real property records and the person has received
674 the newly issued certificate of title from the Department of
675 Revenue;

676 (j) A statement authorizing the tax collector or other
677 designated agent to submit the completed application to the



678 Department of Revenue for the issuance of a new certificate of
679 title to the manufactured home or mobile home; and

680 (k) Due acknowledgement of the signature of each
681 affiant as required by Section 89-3-1 et seq. or any successor
682 statute.

683 (7) If a manufactured home or mobile home whose title has
684 been retired pursuant to this section is destroyed completely or
685 otherwise becomes uninhabitable, and the legal owner of the
686 manufactured home or mobile home, and the real property to which
687 the manufactured home or mobile home was affixed, desires to
688 document the destruction or uninhabitability thereof, then the
689 owner of such destroyed or uninhabitable manufactured home or
690 mobile home may file an affidavit of destruction duly sworn to and
691 acknowledged before any officer or person authorized to administer
692 an oath under the laws of this state in the official records of
693 the chancery clerk in the county and applicable judicial district,
694 if any, in which the real property is located, which contains or
695 is accompanied by:

696 (a) The date and cause of destruction or
697 uninhabitability of the manufactured home or mobile home;

698 (b) The names and mailing addresses of the legal owner
699 of the manufactured home or mobile home and real property to which
700 the manufactured home or mobile home has become affixed;

701 (c) A description of the manufactured home or mobile
702 home including the name of the manufacturer, the model year, make,



703 width, length and the serial number or VIN of the manufactured
704 home;

705 (d) The book and page number or instrument number, and
706 date of recordation of the affidavit of affixation;

707 (e) A statement that the party executing the affidavit
708 is the owner of the real property described in the affidavit of
709 affixation; and

710 (f) Due acknowledgement of the signature of each
711 affiant as required by Section 89-3-1 et seq. or any successor
712 statute.

713 (8) The chancery clerk, upon receipt of an affidavit of
714 severance meeting the requirements set forth in subsection (6) of
715 this section or an affidavit of destruction meeting the
716 requirements set forth in subsection (7) of this section and
717 applicable fee to record the affidavit and provide a certified
718 copy thereof, shall record the affidavit of severance or
719 destruction, as applicable, in the official records and provide a
720 certified copy of the recorded affidavit to the owner or other
721 party submitting the affidavit for recording and shall forward a
722 copy of the affidavit to the county tax assessor in order to
723 assist in (a) in the case of an affidavit of severance, locating
724 and identifying the manufactured home or mobile home for property
725 tax purposes; or (b) in the case of an affidavit of destruction,
726 removing the manufactured home or mobile home from the tax roll.



727 (9) After completing the requirements in subsections (6) and
728 (8) of this section, the owner of the manufactured home or mobile
729 home, and the real property to which the manufactured home or
730 mobile home has become affixed with a recorded and retired title,
731 or the person authorized in the affidavit of severance, shall file
732 a certified copy of the duly recorded affidavit of severance with
733 the tax collector of the county where the manufactured home or
734 mobile home is located for the issuance of a new certificate of
735 title to the manufactured home or mobile home, accompanied by:

736 (a) An abstract of land title showing legal ownership
737 of the manufactured home or mobile home and real property along
738 with any unreleased mortgages, deeds of trust or other liens filed
739 of record upon the real property;

740 (b) A lien release as to the manufactured home or
741 mobile home or a lienholder's statement of the names and addresses
742 of any lienholders in the order of their priority; and

743 (c) The required fee for the certificate of title for
744 the manufactured home or mobile home.

745 (10) Upon receipt of the items required in subsection (9) of
746 this section, the tax collector of the county where the
747 manufactured home or mobile home is located shall, for any
748 manufactured home or mobile home for which a certificate of title
749 would be required under Section 63-21-9, submit the completed
750 application to the Department of Revenue for the issuance of a new



751 certificate of title to the legal owner of the real property
752 identified in the affidavit of severance.

753 (11) Upon receipt of an application containing the items
754 required in subsection (10) of this section, the Department of
755 Revenue shall issue a new certificate of title in the name of the
756 legal owner(s) of the real property to which the manufactured home
757 or mobile home was attached and, if applicable, shall list the
758 lienholders, if any, in the order of their priority as shown in
759 the abstract of title. The new certificate of title shall be
760 delivered to the applicant or authorized representative, if any,
761 at the address shown in the affidavit.

762 (12) Upon completing the requirements in subsection (10) of
763 this section, the conveyance of and the perfection of a security
764 interest in a manufactured home or mobile home shall be governed
765 by the provisions of Chapter 21, Title 63, Mississippi Code of
766 1972, or Chapter 9, Title 75, Mississippi Code of 1972, as
767 applicable.

768 (13) A manufactured home or mobile home shall be deemed real
769 property for all purposes and shall be governed by the laws
770 applicable thereto, upon the occurrence of all of the following
771 events:

772 (a) An affidavit of affixation conforming to subsection
773 (1) of this section has been duly recorded; and



774 (b) An application for retirement of the title to a
775 manufactured home or mobile home conforming to subsection (3) of
776 this section has been filed with the Department of Revenue.

777 When an application for retirement is filed with the
778 Department of Revenue within sixty (60) days of recording the
779 related affidavit of affixation in the official records of the
780 chancery clerk in the county, or in the judicial district in
781 counties having more than one (1) such district, in which the real
782 property is located and the application is thereafter accepted by
783 the department, the requirements of this section shall be deemed
784 satisfied as of the date the affidavit of affixation is recorded.

785 (14) A manufactured home or mobile home whose title has been
786 retired pursuant to this section shall be conveyed by deed or
787 other real property contract and shall only be transferred or
788 otherwise contracted together with the real property to which it
789 is affixed, unless and until the procedures described in this
790 section for severance or destruction and issuance of a new title
791 are followed. The legal description in any such conveyance
792 instrument may include a recitation that the real property
793 includes a manufactured home or mobile home permanently affixed to
794 the real property but such a recitation is not required.

795 (15) If the title has been retired under this section, for
796 purposes of perfecting, realizing, and foreclosure of security
797 interests, a separate security interest in the manufactured home
798 or mobile home shall not exist, and the manufactured home or



799 mobile home shall only be secured as part of the real property to
800 which it is attached through a mortgage or deed of trust and such
801 lien shall automatically attach as of the date of recording and
802 must be foreclosed in the same manner as a mortgage on real
803 property.

804 (16) Upon written request, the Department of Revenue shall
805 provide written acknowledgment of compliance with the provisions
806 of this section. Such written acknowledgment may be filed in the
807 official records of the chancery clerk in the county, or in the
808 judicial district in counties having more than one (1) such
809 district, in which the real property is located.

810 (17) This section applies to the sale or transfer of
811 manufactured homes or mobile homes occurring on or after the
812 effective date of this act, or to any person who voluntarily
813 elects to retire the title to the manufactured home or mobile home
814 pursuant to this section.

815 (18) Recordation of the affidavit of affixation pursuant to
816 subsections (1) and (2) of this section shall be prima facie
817 evidence that the manufactured home or mobile home has become
818 affixed to the real property as an improvement to real property
819 and shall satisfy the requirements of 11 USC Section 1322(b)(2),
820 or any successor statute, to the extent the manufactured home or
821 mobile home constitutes the owner's principal residence.

822 (19) The affidavit of affixation required pursuant to this
823 section shall be in substantially the following form:



824 THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS:
825 _____
826 _____

827 AFFIDAVIT OF AFFIXATION
828 (MANUFACTURED HOME OR MOBILE HOME)

829 STATE OF _____
830 COUNTY OF _____

831 Before me, the undersigned notary public in and for said
832 county and state, appeared [type the name and address of each
833 homeowner signing this affidavit], known to me (or satisfactorily
834 proven) to be the person(s) whose name(s) is/are subscribed below
835 (each a "homeowner"), and who, being by me first duly sworn, did
836 each by personal oath state as follows:

837 1. Homeowner(s) own(s) the manufactured home or mobile home
838 ("home") described as follows:

839 _____
840 Manufacturer's Name Make Model Name Model Year
841 _____

842 Manufacturer's Serial No./VIN Length/Width New/Used

843 2. The home is or will be located at the following "property
844 address":

845 _____
846 Street City County State Zip Code

847 3. The legal description of the real property where the home
848 is or will be permanently affixed ("land") is:



849 [insert legal description]

850 4. The homeowner(s) executing below is/are all the legal
851 owner(s) of the real property to which the home has become
852 permanently affixed.

853 5. The home shall be assessed and taxed as an improvement to
854 the land.

855 6. Check one:

856 [] The home is currently covered by a certificate of
857 title and the homeowner shall surrender the original title to a
858 designated agent on behalf of the Department of Revenue;

859 [] The home is currently covered by a manufacturer's
860 certificate of origin and the homeowner shall submit the original
861 certificate of origin to a designated agent on behalf of the
862 Department of Revenue; or

863 [] The home is not covered by a certificate of title
864 and the owner of the manufactured home, after diligent search and
865 inquiry, is unable to produce the original manufacturer's
866 certificate of origin for the home, and a bill of sale, paid tax
867 receipts showing assessment in the name of the owner for a period
868 of not less than ten (10) years, an installment contract
869 reflecting the serial number or VIN of manufactured home or mobile
870 home, or other due proof of ownership in a form acceptable to the
871 Department of Revenue is attached hereto.

872 7. The home (check one):



873 [] is not subject to any security interest or lien;

874 or

875 [] is subject to the following security interests or

876 liens:

877

878 Lienholder #1 Original Principal Amount Secured

879

880 Address:

881

882 Lienholder #2 Original Principal Amount Secured

883

884 Address:

885

886 8. Other than those disclosed in this affidavit, the

887 homeowner is not aware of (a) any other security interest or lien

888 affecting the home; and (b) any other facts or information that

889 could reasonably affect the validity of the title of the home or

890 the existence or nonexistence of security interests or lien in it.

891 9. A release of personal property security interest or lien

892 from each of the lienholders identified in paragraph 7 of this

893 affidavit, if any, is attached hereto.

894 10. (a) All permits required by applicable governmental

895 authorities have been obtained; (b) the wheels and axles have been

896 removed; and (c) the home is or will be permanently connected to a

897 septic or sewer system and other utilities such as electricity,

water and/or gas.



898 11. The home is or shall become an immovable fixture and a
899 permanent part of the real property.

900 12. All ad valorem taxes currently due and payable for the
901 home and the land to which it is attached have been paid and a
902 receipt for the prior year confirming the same are attached
903 hereto.

904 13. The homeowner(s) hereby authorize(s) the following
905 person(s) to file an application to retire title to the home with
906 the tax collector of the county where the manufactured home or
907 mobile home is located and to receive written acknowledgement from
908 the Department of Revenue of retirement of title:

909 _____
910 Name of Authorized Representative

911 Mailing Address Phone Number

912 14. The homeowner(s) hereby authorize(s) the tax collector
913 to submit the completed application on behalf of the homeowner(s)
914 to the Department of Revenue to permanently retire title to the
915 manufactured home or mobile home to herein described land. This
916 affidavit is executed by homeowner(s) pursuant to applicable state
917 law and shall be recorded in the official land records in the
918 county, or in the judicial district in counties having more than
919 one (1) such district, in which the home is located.

920 Further, affiant(s) sayeth naught.

921 _____
922 Signature of Homeowner #1:



923 _____
924 Printed Name Address City State Zip Code

925 _____
926 Signature of Homeowner #2 (If more than one homeowner):

927 _____
928 Printed Name Address City State Zip Code

929 Sworn to and subscribed before me this the _____ day of
930 _____ , 20 .

931 _____
932 Notary Public

933 My Commission Expires: _____

934 (20) The affidavit of severance required pursuant to this
935 section shall be in substantially the following form:

936 THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS:
937 _____
938 _____

939 AFFIDAVIT OF SEVERANCE
940 (MANUFACTURED HOME OR MOBILE HOME)

941 STATE OF _____
942 COUNTY OF _____

943 Before me, the undersigned notary public in and for said
944 county and state, appeared [type the name and address of each
945 homeowner signing this affidavit], known to me (or satisfactorily
946 proven) to be the person(s) whose name(s) is/are subscribed below



947 (each a "homeowner"), and who, being by me first duly sworn, did
948 each by personal oath state as follows:

949 1. Homeowner(s) own(s) the manufactured home or mobile home
950 ("home") described as follows:

951 _____
952 Manufacturer's Name Make Model Name Model Year
953 _____

954 Manufacturer's Serial No./VIN Length/Width

955 2. The title to the home was previously retired pursuant to
956 that certain affidavit of affixation recorded on _____ in
957 Book _____, Page _____ or as Instrument _____.

958 3. The homeowner(s) executing below is/are all the legal
959 owner(s) of the real property to which the home has become
960 permanently affixed.

961 4. Upon the recording hereof, the home shall no longer be
962 assessed and taxed as an improvement to real property.

963 5. The home (check one):

964 [] is not subject to any security interest or lien;

965 or

966 [] is subject to the following security interests or

967 lien:

968 _____
969 Lienholder #1 Original Principal Amount Secured
970 _____

971 Address:



972 _____
973 Lienholder #2 Original Principal Amount Secured

974 _____
975 Address:

976 6. Other than those disclosed in this affidavit, the
977 homeowner is not aware of (a) any other security interest or lien
978 affecting the home; or (b) any other facts or information that
979 could reasonably affect the validity of the title of the home or
980 the existence or nonexistence of security interests or lien in it.

981 7. Check one:

982 [] A release of the real property security interest or
983 lien from each of the lienholders identified in paragraph 6 of
984 this affidavit, if any, is attached hereto; or

985 [] A statement from each of the lienholders identified
986 in paragraph 6 of this affidavit is attached hereto authorizing
987 the lienholder's security interest or lien to be recorded on the
988 face of the certificate of title and, if more than one lienholder,
989 the order of priority of the same.

990 8. All ad valorem taxes due and payable for the land on
991 which the home is located have been paid, and a paid receipt for
992 the prior year confirming the same are attached hereto. Homeowner
993 acknowledges that taxes for the current year, which are assessed
994 but not yet due and payable, will be based on the status of the
995 home and land to which it is attached as of January 1 of the
996 current year.



997 9. The homeowner(s) hereby authorize(s) the following
998 person(s) to file a certified copy of the affidavit of severance
999 with the tax collector of the county where the manufactured home
1000 or mobile home is located and to receive the newly issued
1001 certificate of title from the Mississippi Department of Revenue:

1002 _____
1003 Name of Authorized Representative Mailing Address Phone Number

1004 10. The homeowner(s) hereby authorize(s) the tax collector
1005 to submit the completed application on behalf of the homeowner(s)
1006 to the Department of Revenue to sever title to the manufactured
1007 home or mobile home from herein described land and issue a new
1008 certificate of title in the name of the homeowner(s).

1009 This affidavit is executed by homeowner(s) pursuant to
1010 applicable state law and shall be recorded in the official land
1011 records in the county in which the home is located.

1012 Further, affiant(s) sayeth naught.

1013 _____

1014 Signature of Homeowner #1:

1015 _____

1016 Printed Name Address City State Zip Code

1017 _____

1018 Signature of Homeowner #2 (If more than one homeowner):

1019 _____

1020 Printed Name Address City State Zip Code



1021 Sworn to and subscribed before me this the _____ day of

1022 _____, 20 .

1023 _____

1024 Notary Public

1025 My Commission Expires: _____

1026 (21) The affidavit of destruction required pursuant to this
1027 section shall be in substantially the following form:

1028 THIS INSTRUMENT PREPARED BY: _____ INDEXING INSTRUCTIONS:

1029 _____

1030 _____

1031 AFFIDAVIT OF DESTRUCTION

1032 (MANUFACTURED HOME OR MOBILE HOME)

1033 STATE OF _____

1034 COUNTY OF _____

1035 Before me, the undersigned notary public in and for said
1036 County and State, appeared [type the name(s) of each homeowner
1037 signing this affidavit], known to me (or satisfactorily proven) to
1038 be the person(s) whose name(s) is/are subscribed below (each a
1039 "homeowner"), and who, being by me first duly sworn, did each by
1040 personal oath state as follows:

1041 1. Homeowner(s) own(s) the manufactured home or mobile home
1042 ("home") described as follows:

1043 _____

1044 Manufacturer's Name Make Model Name Model Year

1045 _____



1046 Manufacturer's Serial No./VIN Length/Width New/Used

1047 2. The title to the home was previously retired pursuant to
1048 that certain affidavit of affixation recorded on in
1049 the official land records of County, Mississippi, in
1050 Book , Page or as Instrument .

1051 3. The homeowner(s) executing below is/are all the legal
1052 owner(s) of the real property to which the home is/was permanently
1053 affixed.

1054 4. The home was destroyed or became uninhabitable on
1055 (insert date) as a result of
1056 (describe cause).

1057 This affidavit is executed by homeowner(s) pursuant to
1058 applicable state law and shall be recorded in the official land
1059 records in the county, or in the judicial district in counties
1060 having more than one (1) such district, in which the home is
1061 located.

1062 Further, affiant(s) sayeth naught.
1063 _____

1064 Signature of Homeowner #1
1065 _____

1066 Printed Name Address City State Zip Code
1067 _____

1068 Signature of Homeowner #2 (If more than one (1) homeowner)
1069 _____

1070 Printed Name Address City State Zip Code



1071 Sworn to and subscribed before me this _____ day of
1072 _____, 20 ____ .
1073 _____
1074 Notary Public
1075 My Commission Expires: _____

1076 **SECTION 8.** Section 63-21-37, Mississippi Code of 1972, is
1077 amended as follows:

1078 63-21-37. Except as provided in subsection (c) of Section
1079 63-21-25, the * * * Department of Revenue, upon receipt of a
1080 properly assigned certificate of title, with an application for a
1081 new certificate of title, the required fee and any other documents
1082 required by the * * * Department of Revenue, shall issue a new
1083 certificate of title in the name of the transferee as owner and
1084 mail it to the first lienholder named in it or, if none, to the
1085 owner.

1086 Except as provided in subsection (c) of Section 63-21-25,
1087 the * * * Department of Revenue, upon receipt of an application
1088 for a new certificate of title by a transferee other than by
1089 voluntary transfer, with proof of the transfer, the required fee
1090 and any other documents required by law, shall issue a new
1091 certificate of title in the name of the transferee as owner. If
1092 the outstanding certificate of title is not delivered to the * * *
1093 Department of Revenue, the * * * department shall make demand
1094 therefor from the holder thereof.



1095 The * * * Department of Revenue shall file every surrendered
1096 certificate of title, every manufacturer's certificate of origin,
1097 or a microfilm of every such certificate, for a period of time
1098 deemed necessary by it in order to permit the tracing of title of
1099 the vehicle, manufactured home or mobile home designated therein.
1100 Such filing requirement shall be in addition to and not in
1101 substitution for the recordkeeping requirements set forth in
1102 Section 63-21-17, which recordkeeping requirements are not limited
1103 to any period of time.

1104 **SECTION 9.** Section 63-21-43, Mississippi Code of 1972, is
1105 amended as follows:

1106 63-21-43. (1) Unless excepted by Section 63-21-41, a
1107 security interest in a vehicle, manufactured home or mobile home
1108 of a type which a certificate of title is required is not valid
1109 against creditors of the owner or subsequent transferees or
1110 lienholders of the vehicle, manufactured home or mobile home
1111 unless perfected as provided in this chapter.

1112 (2) (a) A security interest is perfected at the time the
1113 owner signs a security agreement describing the vehicle,
1114 manufactured home or mobile home, the secured party gives value,
1115 the owner has rights in the vehicle, manufactured home or mobile
1116 home, and an application for certificate of title signed by the
1117 owner is presented to a designated agent; provided, however, that
1118 a purchase money security interest under Chapter 9, Title 75
1119 (Uniform Commercial Code - secured transactions) in a mobile home



1120 or a manufactured home is perfected against the rights of judicial
1121 lien creditors and execution creditors on and after the date such
1122 purchase money security interest attaches.

1123 (b) The designated agent shall deliver to the * * *
1124 Department of Revenue the existing certificate of title, if any,
1125 an application for a certificate of title containing the name and
1126 address of the lienholder and the date of his security agreement,
1127 and the required fee, but the security interest will perfect at
1128 the time the requirements of subsection 2(a) of this section are
1129 met.

1130 (3) If a vehicle, manufactured home or mobile home is
1131 subject to a security interest when brought into this state, the
1132 validity of the security interest is determined by the law of the
1133 jurisdiction where the vehicle, manufactured home or mobile home
1134 was when the security interest attached, subject to the following:

1135 (a) If the parties understood at the time the security
1136 interest attached that the vehicle, manufactured home or mobile
1137 home would be kept in this state and it was brought into this
1138 state within thirty (30) days thereafter for purposes other than
1139 transportation through this state, the validity of the security
1140 interest in this state is determined by the law of this state.

1141 (b) If the security interest was perfected under the
1142 law of the jurisdiction where the vehicle, manufactured home or
1143 mobile home was when the security interest attached, the following
1144 rules apply:



1145 (i) If the name of the lienholder is shown on an
1146 existing certificate of title issued by that jurisdiction, his
1147 security interest continues perfected in this state.

1148 (ii) If the name of the lienholder is not shown on
1149 an existing certificate of title issued by that jurisdiction the
1150 security interest continues perfected in this state for four (4)
1151 months after a first certificate of title of the vehicle,
1152 manufactured home or mobile home is issued in this state, and also
1153 thereafter if, within the period of four (4) months, it is
1154 perfected in this state. The security interest may also be
1155 perfected in this state after the expiration of the period of four
1156 (4) months, in which case perfection dates from the time of
1157 perfection in this state.

1158 (c) If the security interest was not perfected under
1159 the law of the jurisdiction where the vehicle, manufactured home
1160 or mobile home was when the security interest attached, it may be
1161 perfected in this state, in which case perfection dates from the
1162 time of perfection in this state.

1163 (d) A security interest may be perfected under
1164 paragraph (b)(ii) or paragraph (c) of this subsection, either as
1165 provided in subsection (2), or by the holder of the lien created
1166 out of this state delivering to a county tax collector or a
1167 designated agent a notice of security interest in the form
1168 the * * * Department of Revenue prescribes, together with
1169 documents to support the security interest as required by



1170 the * * * Department of Revenue and the required fee. The county
1171 tax collector or a designated agent shall process said notice in
1172 the manner prescribed by the * * * Department of Revenue.

1173 **SECTION 10.** Section 63-21-57, Mississippi Code of 1972, is
1174 amended as follows:

1175 63-21-57. The * * * Department of Revenue shall file each
1176 notice of security interest received by the * * * department with
1177 the required fee and maintain a record of all notices of security
1178 interests filed by the * * * department:

1179 (a) Alphabetically, under the name of the owner;

1180 (b) Under the vehicle, manufactured home or mobile home
1181 identification number;

1182 (c) Under the certificate of title number; and

1183 (d) In the discretion of the * * * department, by any
1184 other method it determines.

1185 The * * * department, before issuing or reissuing a
1186 certificate of title, shall check the name of the owner and the
1187 certificate of title number of the vehicle, manufactured home or
1188 mobile home against the record above provided for.

1189 The recordkeeping requirements are in addition to the
1190 recordkeeping requirements set forth in Section 63-21-17 and
1191 Section 63-21-37. The records required to be maintained by
1192 Section 63-21-17 shall be maintained indefinitely.

1193 **SECTION 11.** Section 63-21-64, Mississippi Code of 1972, is
1194 amended as follows:



1195 63-21-64. There shall be paid to the Department of Revenue
1196 for issuing and processing documents required by this chapter,
1197 fees for manufactured homes or mobile homes according to the
1198 following schedule:

- 1199 (a) Each application for certificate
1200 of title.....\$ 9.00
- 1201 (b) Each application for replacement or
1202 corrected certificate of title..... 9.00
- 1203 (c) Each suspension or revocation of
1204 certificate of title..... 9.00
- 1205 (d) Each notice of security interest..... 9.00
- 1206 (e) Each release of security interest..... 9.00
- 1207 (f) Each assignment by lienholder..... 9.00
- 1208 (g) Each application for information as to the status
1209 of the title of a manufactured home or mobile home..... 9.00
- 1210 (h) Each application for retirement, destruction or
1211 severance of title pursuant to Section 63-21-30..... 9.00

1212 The designated agent may add the sum of One Dollar (\$1.00) to
1213 each document processed for which a fee is charged to be retained
1214 as his commission for services rendered. All other fees collected
1215 shall be remitted to the department.

1216 If more than one (1) transaction is involved in any
1217 application on a single manufactured home or mobile home and if
1218 supported by all required documents, the fee charged by the * * *



1219 department's designated agent for processing and issuing shall be
1220 considered as only one (1) transaction.

1221 **SECTION 12.** This act shall take effect and be in force from
1222 and after July 1, 2018.

