

By: Representatives Snowden, Barnett

To: Judiciary A

HOUSE BILL NO. 827  
(As Passed the House)

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:





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 January 1, 2019.

