

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2764

1 AN ACT TO CREATE NEW SECTION 63-21-28, MISSISSIPPI CODE OF
 2 1972, TO REQUIRE THE DEPARTMENT OF REVENUE TO ISSUE A CERTIFICATE
 3 OF TITLE PURSUANT TO A FILED AFFIDAVIT OF OWNERSHIP FOR A
 4 MANUFACTURED HOME OR A MOBILE HOME THAT IS MANUFACTURED BEFORE
 5 JULY 1, 1999; TO AMEND SECTION 63-21-29, MISSISSIPPI CODE OF 1972,
 6 TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE A DISTINCTIVE
 7 CERTIFICATE OF TITLE FOR A MANUFACTURED HOME OR A MOBILE HOME
 8 MANUFACTURED BEFORE JULY 1, 1999; TO AMEND SECTION 63-21-30,
 9 MISSISSIPPI CODE OF 1972, TO ALLOW THE OWNER OF A MANUFACTURED
 10 HOME OR MOBILE HOME TO FILE AN AFFIDAVIT OF OWNERSHIP ATTACHED TO
 11 AN AFFIDAVIT OF AFFIXATION IN ORDER TO RETIRE THE CERTIFICATE OF
 12 TITLE; TO PROVIDE A STATUTORY FORM FOR THE AFFIDAVIT OF OWNERSHIP;
 13 AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** The following shall be codified as Section
 16 63-21-28, Mississippi Code of 1972:

17 63-21-28. The Department of Revenue shall issue a
 18 certificate of title pursuant to a filed affidavit of ownership
 19 substantially similar to the affidavit provided in Section
 20 63-21-30(22) for a manufactured home or a mobile home that is
 21 manufactured before July 1, 1999.

22 **SECTION 2.** Section 63-21-29, Mississippi Code of 1972, is
 23 amended as follows:



24 63-21-29. If the * * * Department of Revenue is not
25 satisfied that there are no undisclosed security interests created
26 before August 9, 1968, in a previously registered vehicle, or
27 created before July 1, 1999, in a previously registered
28 manufactured home or mobile home, the * * * department may, in
29 addition to the commission's options under Section 63-21-27 * * *:

30 (a) Issue a distinctive certificate of title of the
31 vehicle containing the legend "This vehicle, manufactured home or
32 mobile home may be subject to an undisclosed lien" and any other
33 information the * * * department prescribes; or

34 (b) Issue a distinctive certificate of title of the
35 vehicle containing the legend "This certificate of title for this
36 [manufactured home/mobile home] is issued pursuant to a filed
37 affidavit of ownership and may be subject to an undisclosed lien"
38 and any other information the department prescribes.

39 **SECTION 3.** Section 63-21-30, Mississippi Code of 1972, is
40 amended as follows:

41 63-21-30. (1) If the legal owner of a manufactured home or
42 mobile home and the real property to which the manufactured home
43 or mobile home has become affixed, wishes to permanently retire
44 the title to a manufactured home or mobile home to real property,
45 then such owner may file or cause to be filed an affidavit of
46 affixation duly sworn to and acknowledged before any officer or
47 person authorized to administer an oath under the laws of this
48 state in the official records of the chancery clerk of the county,



49 or in the judicial district in counties having more than one (1)
50 such district, in which the real property is located, which
51 contains or is accompanied by:

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

55 (b) The name of the manufacturer, the make, the model
56 name, the model year, the dimensions, and the manufacturer's
57 serial number or VIN of the manufactured home or mobile home, to
58 the extent such data exists;

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

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

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

66 (f) A statement that either:

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

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



73 (iii) The manufactured home or mobile home is not
74 covered by a certificate of title and the owner of the
75 manufactured home or mobile home, after diligent search and
76 inquiry, is unable to produce the original manufacturer's
77 certificate of origin for the manufactured home or mobile home,
78 together with a bill of sale, paid tax receipts showing assessment
79 in the name of the owner for a period of not less than ten (10)
80 years, an installment contract reflecting the serial number or VIN
81 of the manufactured home or mobile home, or other due proof of
82 ownership acceptable to the Department of Revenue; or

83 (iv) If the manufactured home or mobile home is
84 manufactured before July 1, 1999, an affidavit of ownership
85 substantially similar to the affidavit provided in subsection (22)
86 of this section;

87 (g) A statement whether or not the manufactured home or
88 mobile home is subject to one or more security interests or liens
89 and if the manufactured home or mobile home is subject to one or
90 more security interests or liens, the name and address of each
91 party holding a security interest in or lien on the manufactured
92 home or mobile home, including each holder shown on any
93 certificate of title issued by the Department of Revenue, if any,
94 the original principal amount secured by each security interest or
95 lien;

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



98 (i) A statement that:
99 (i) All permits required by applicable
100 governmental authorities have been obtained;
101 (ii) The homeowner intends that the mobile home or
102 manufactured home be an immovable fixture and a permanent part of
103 the real property; and
104 (iii) The wheels and axles have been removed;
105 (j) A statement that the manufactured home is
106 permanently connected to a septic or sewer system and other
107 utilities such as electricity, water and/or gas;
108 (k) A statement that all ad valorem taxes due and
109 payable for the manufactured home or mobile home and land on which
110 it is located have been paid, together with a paid receipt for the
111 prior year confirming the same;
112 (l) If different than the owner, the name and address
113 of a person authorized to file a certified copy of the affidavit
114 of affixation with the tax collector after it has been duly
115 recorded in the real property records;
116 (m) A statement authorizing the tax collector or other
117 designated agent to submit the completed application to the
118 Department of Revenue for retirement of the title to the
119 manufactured home or mobile home to real property; and
120 (n) Due acknowledgement of the signature of each
121 affiant as required by Section 89-3-1 et seq. or any successor
122 statute.



123 (2) The chancery clerk, upon receipt of an affidavit of
124 affixation meeting the requirements set forth in subsection (1) of
125 this section and applicable fee to record the affidavit and
126 provide a certified copy thereof, shall record the affidavit of
127 affixation in the official records and shall provide a certified
128 copy of the recorded affidavit to the owner or other party
129 submitting the affidavit of affixation for recording. The
130 chancery clerk shall forward a copy of the recorded affidavit of
131 affixation to the county tax assessor in order to assist in
132 locating and identifying the manufactured home or mobile home for
133 property tax purposes.

134 (3) After completing the requirements in subsections (1) and
135 (2) of this section, the owner of the manufactured home or mobile
136 home, or lienholder as shown on the certificate of title pursuant
137 to a power of attorney from the owner of the manufactured home or
138 mobile home, if such lienholder is a designated agent, or the
139 person authorized in the affidavit of affixation, shall file a
140 certified copy of the recorded affidavit of affixation with the
141 tax collector of the county where the manufactured home or mobile
142 home is located for retirement of the home's title, accompanied
143 by:

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



147 fee simple or other legal ownership interest in the subject real
148 property; and

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

150 (i) The certificate of title to the manufactured
151 home or mobile home duly endorsed or otherwise showing the release
152 of any lienholders noted on the certificate of title;

153 (ii) The manufacturer's certificate of
154 origin; * * *

155 (iii) If the manufactured home or mobile home is
156 not covered by a certificate of title and the owner of the
157 manufactured home or mobile home, after diligent search and
158 inquiry, is unable to produce the original manufacturer's
159 certificate of origin for the manufactured home or mobile
160 home * * *; or

161 (iv) If the manufactured home or mobile home is
162 manufactured before July 1, 1999, an affidavit of ownership
163 substantially similar to the affidavit provided in subsection (22)
164 of this section.

165 (4) Upon receipt of the affidavit of affixation and
166 accompanying documents, the tax collector shall submit the
167 completed application for the retirement of the title to the
168 manufactured home or mobile home to the Department of Revenue.

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



172 applicant, the lender, and authorized representative, if any, in
173 writing at the address shown in the affidavit that the title to
174 the manufactured home or mobile home has been retired. If the
175 affidavit of affixation indicates that the manufactured home or
176 mobile home is currently covered by a certificate of origin or is
177 not covered by a certificate of title and after diligent search
178 and inquiry the owner is unable to produce the original
179 manufacturer's certificate of origin, but otherwise provides a
180 bill of sale, paid tax receipts showing assessment in the name of
181 the owner for a period of not less than ten (10) years, an
182 installment contract reflecting the serial number or VIN of the
183 manufactured home or mobile home, or other due proof of ownership
184 in a form acceptable to the Department of Revenue, or if the
185 affidavit of affixation has an attached affidavit of ownership as
186 provided for in subsection (3) (b) (iv) of this section then the
187 Department of Revenue may issue a certificate of title for the
188 purpose of effectuating the retirement of title.

189 (6) If the legal owner of the manufactured home or mobile
190 home whose title has been retired under this section and the real
191 property to which the manufactured home or mobile home has become
192 affixed, wishes to detach or sever the manufactured home or mobile
193 home from the real property, then such owner may file or cause to
194 be filed an affidavit of severance duly sworn to and acknowledged
195 before any officer or person authorized to administer an oath
196 under the laws of this state in the official records of the



197 chancery clerk in the county, or in the judicial district in
198 counties having more than one (1) such district, in which the real
199 property is located, which contains or is accompanied by:

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

203 (b) A description of the manufactured home or mobile
204 home including the name of the manufacturer, the model year, make,
205 width, length, and the serial number or VIN of the manufactured
206 home or mobile home;

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

209 (d) A statement that the party executing the affidavit
210 is the owner of the real property described in the affidavit of
211 affixation;

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

214 (f) A statement whether or not the manufactured home or
215 mobile home and real property to which the home is affixed is
216 subject to one or more security interests or liens and if the same
217 is subject to one or more security interests or liens, the name
218 and address of each party holding a security interest in or lien
219 on the manufactured home or mobile home and the real property to
220 which it is affixed, the original principal amount secured by each
221 security interest or lien and a statement that the security



222 interest or lien as to the manufactured home or mobile home shall
223 be released;

224 (g) A lien release as to the manufactured home or
225 mobile home or, if the lienholder desires to retain a security
226 interest or lien in the manufactured home or mobile home after
227 title is severed from the real property, a lienholder's statement
228 of the names and addresses of any lienholders in the order of
229 their priority and the dates of their mortgages, deeds of trust or
230 other liens filed of record upon the real property;

231 (h) A statement that all ad valorem taxes due and
232 payable for the land on which the manufactured home or mobile home
233 is located have been paid, together with paid receipts for the
234 prior year confirming the same and acknowledgement that taxes for
235 the current year, which are assessed but not yet due and payable,
236 will be based on the status of the manufactured home or mobile
237 home and real property to which it is attached as of January 1 of
238 the current year;

239 (i) If different than the owner, the name and address
240 of a person authorized to file a certified copy of the affidavit
241 of severance with the tax collector after it has been duly
242 recorded in the real property records and the person has received
243 the newly issued certificate of title from the Department of
244 Revenue;

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



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

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

252 (7) If a manufactured home or mobile home whose title has
253 been retired pursuant to this section is destroyed completely or
254 otherwise becomes uninhabitable, and the legal owner of the
255 manufactured home or mobile home, and the real property to which
256 the manufactured home or mobile home was affixed, desires to
257 document the destruction or uninhabitability thereof, then the
258 owner of such destroyed or uninhabitable manufactured home or
259 mobile home may file an affidavit of destruction duly sworn to and
260 acknowledged before any officer or person authorized to administer
261 an oath under the laws of this state in the official records of
262 the chancery clerk in the county and applicable judicial district,
263 if any, in which the real property is located, which contains or
264 is accompanied by:

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

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

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



272 width, length and the serial number or VIN of the manufactured
273 home;

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

276 (e) A statement that the party executing the affidavit
277 is the owner of the real property described in the affidavit of
278 affixation; and

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

282 (8) The chancery clerk, upon receipt of an affidavit of
283 severance meeting the requirements set forth in subsection (6) of
284 this section or an affidavit of destruction meeting the
285 requirements set forth in subsection (7) of this section and
286 applicable fee to record the affidavit and provide a certified
287 copy thereof, shall record the affidavit of severance or
288 destruction, as applicable, in the official records and provide a
289 certified copy of the recorded affidavit to the owner or other
290 party submitting the affidavit for recording and shall forward a
291 copy of the affidavit to the county tax assessor in order to
292 assist in (a) in the case of an affidavit of severance, locating
293 and identifying the manufactured home or mobile home for property
294 tax purposes; or (b) in the case of an affidavit of destruction,
295 removing the manufactured home or mobile home from the tax roll.



296 (9) After completing the requirements in subsections (6) and
297 (8) of this section, the owner of the manufactured home or mobile
298 home, and the real property to which the manufactured home or
299 mobile home has become affixed with a recorded and retired title,
300 or the person authorized in the affidavit of severance, shall file
301 a certified copy of the duly recorded affidavit of severance with
302 the tax collector of the county where the manufactured home or
303 mobile home is located for the issuance of a new certificate of
304 title to the manufactured home or mobile home, accompanied by:

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

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

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

314 (10) Upon receipt of the items required in subsection (9) of
315 this section, the tax collector of the county where the
316 manufactured home or mobile home is located shall, for any
317 manufactured home or mobile home for which a certificate of title
318 would be required under Section 63-21-9, submit the completed
319 application to the Department of Revenue for the issuance of a new



320 certificate of title to the legal owner of the real property
321 identified in the affidavit of severance.

322 (11) Upon receipt of an application containing the items
323 required in subsection (10) of this section, the Department of
324 Revenue shall issue a new certificate of title in the name of the
325 legal owner(s) of the real property to which the manufactured home
326 or mobile home was attached and, if applicable, shall list the
327 lienholders, if any, in the order of their priority as shown in
328 the abstract of title. The new certificate of title shall be
329 delivered to the applicant or authorized representative, if any,
330 at the address shown in the affidavit.

331 (12) Upon completing the requirements in subsection (10) of
332 this section, the conveyance of and the perfection of a security
333 interest in a manufactured home or mobile home shall be governed
334 by the provisions of Chapter 21, Title 63, Mississippi Code of
335 1972, or Chapter 9, Title 75, Mississippi Code of 1972, as
336 applicable.

337 (13) A manufactured home or mobile home shall be deemed real
338 property for all purposes and shall be governed by the laws
339 applicable thereto, upon the occurrence of all of the following
340 events:

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



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

346 When an application for retirement is filed with the
347 Department of Revenue within sixty (60) days of recording the
348 related affidavit of affixation in the official records of the
349 chancery clerk in the county, or in the judicial district in
350 counties having more than one (1) such district, in which the real
351 property is located and the application is thereafter accepted by
352 the department, the requirements of this section shall be deemed
353 satisfied as of the date the affidavit of affixation is recorded.

354 (14) A manufactured home or mobile home whose title has been
355 retired pursuant to this section shall be conveyed by deed or
356 other real property contract and shall only be transferred or
357 otherwise contracted together with the real property to which it
358 is affixed, unless and until the procedures described in this
359 section for severance or destruction and issuance of a new title
360 are followed. The legal description in any such conveyance
361 instrument may include a recitation that the real property
362 includes a manufactured home or mobile home permanently affixed to
363 the real property but such a recitation is not required.

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



368 mobile home shall only be secured as part of the real property to
369 which it is attached through a mortgage or deed of trust and such
370 lien shall automatically attach as of the date of recording and
371 must be foreclosed in the same manner as a mortgage on real
372 property.

373 (16) Upon written request, the Department of Revenue shall
374 provide written acknowledgment of compliance with the provisions
375 of this section. Such written acknowledgment may be filed in the
376 official records of the chancery clerk in the county, or in the
377 judicial district in counties having more than one (1) such
378 district, in which the real property is located.

379 (17) This section applies to the sale or transfer of
380 manufactured homes or mobile homes occurring on or after January
381 1, 2019, or to any person who voluntarily elects to retire the
382 title to the manufactured home or mobile home pursuant to this
383 section.

384 (18) Recordation of the affidavit of affixation pursuant to
385 subsections (1) and (2) of this section shall be prima facie
386 evidence that the manufactured home or mobile home has become
387 affixed to the real property as an improvement to real property
388 and shall satisfy the requirements of 11 USC Section 1322(b)(2),
389 or any successor statute, to the extent the manufactured home or
390 mobile home constitutes the owner's principal residence.

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



393 THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS:
394 _____
395 _____

396 AFFIDAVIT OF AFFIXATION

397 (MANUFACTURED HOME OR MOBILE HOME)

398 STATE OF _____

399 COUNTY OF _____

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

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

408 _____

409 Manufacturer's Name Make Model Name Model Year

410 _____

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

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

414 _____

415 Street City County State Zip Code

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



418 [insert legal description]

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

422 5. The home shall be assessed and taxed as an improvement to
423 the land.

424 6. Check one:

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

428 [] The home is currently covered by a manufacturer's
429 certificate of origin and the homeowner shall submit the original
430 certificate of origin to a designated agent on behalf of the
431 Department of Revenue; or

432 [] The home is not covered by a certificate of title
433 and the owner of the manufactured home, after diligent search and
434 inquiry, is unable to produce the original manufacturer's
435 certificate of origin for the home, and * * * an affidavit of
436 ownership is attached hereto.

437 7. The home (check one):

438 [] Is not subject to any security interest or lien;
439 or

440 [] Is subject to the following security interests or
441 liens:

442 _____



443 Lienholder #1 Original Principal Amount Secured

444 _____

445 Address:

446 _____

447 Lienholder #2 Original Principal Amount Secured

448 _____

449 Address:

450 8. Other than those disclosed in this affidavit, the
451 homeowner is not aware of (a) any other security interest or lien
452 affecting the home; and (b) any other facts or information that
453 could reasonably affect the validity of the title of the home or
454 the existence or nonexistence of security interests or lien in it.

455 9. A release of personal property security interest or lien
456 from each of the lienholders identified in paragraph 7 of this
457 affidavit, if any, is attached hereto.

458 10. (a) All permits required by applicable governmental
459 authorities have been obtained; (b) the wheels and axles have been
460 removed; and (c) the home is or will be permanently connected to a
461 septic or sewer system and other utilities such as electricity,
462 water and/or gas.

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

465 12. All ad valorem taxes currently due and payable for the
466 home and the land to which it is attached have been paid and a



467 receipt for the prior year confirming the same are attached
468 hereto.

469 13. The homeowner(s) hereby authorize(s) the following
470 person(s) to file an application to retire title to the home with
471 the tax collector of the county where the manufactured home or
472 mobile home is located and to receive written acknowledgement from
473 the Department of Revenue of retirement of title:

474 _____
475 Name of Authorized Representative _____
476 Mailing Address _____ Phone Number _____

477 14. The homeowner(s) hereby authorize(s) the tax collector
478 to submit the completed application on behalf of the homeowner(s)
479 to the Department of Revenue to permanently retire title to the
480 manufactured home or mobile home to herein described land. This
481 affidavit is executed by homeowner(s) pursuant to applicable state
482 law and shall be recorded in the official land records in the
483 county, or in the judicial district in counties having more than
484 one (1) such district, in which the home is located.

485 Further, affiant(s) sayeth naught.

486 _____
487 Signature of Homeowner #1:
488 _____

489 Printed Name Address City State Zip Code

490 _____

491 Signature of Homeowner #2 (If more than one (1) homeowner):



492 _____
493 Printed Name Address City State Zip Code

494 Sworn to and subscribed before me this the _____ day of
495 _____, 20__.

496 _____

497 Notary Public

498 My Commission Expires: _____

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

501 THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS:
502 _____ _____
503 _____ _____

504 AFFIDAVIT OF SEVERANCE

505 (MANUFACTURED HOME OR MOBILE HOME)

506 STATE OF _____

507 COUNTY OF _____

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

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

516 _____



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

546 7. Check one:

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

550 [] A statement from each of the lienholders identified
551 in paragraph 6 of this affidavit is attached hereto authorizing
552 the lienholder's security interest or lien to be recorded on the
553 face of the certificate of title and, if more than one (1)
554 lienholder, the order of priority of the same.

555 8. All ad valorem taxes due and payable for the land on
556 which the home is located have been paid, and a paid receipt for
557 the prior year confirming the same are attached hereto. Homeowner
558 acknowledges that taxes for the current year, which are assessed
559 but not yet due and payable, will be based on the status of the
560 home and land to which it is attached as of January 1 of the
561 current year.

562 9. The homeowner(s) hereby authorize(s) the following
563 person(s) to file a certified copy of the affidavit of severance
564 with the tax collector of the county where the manufactured home



590 My Commission Expires: _____

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

593 THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS:
594 _____
595 _____

596 AFFIDAVIT OF DESTRUCTION

597 (MANUFACTURED HOME OR MOBILE HOME)

598 STATE OF _____

599 COUNTY OF _____

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

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

608 _____

609 Manufacturer's Name Make Model Name Model Year

610 _____

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

612 2. The title to the home was previously retired pursuant to
613 that certain affidavit of affixation recorded on _____ in



614 the official land records of _____ County, Mississippi, in
615 Book _____, Page _____ or as Instrument _____.

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

619 4. The home was destroyed or became uninhabitable on
620 _____ (insert date) as a result of _____
621 (describe cause).

622 This affidavit is executed by homeowner(s) pursuant to
623 applicable state law and shall be recorded in the official land
624 records in the county, or in the judicial district in counties
625 having more than one (1) such district, in which the home is
626 located.

627 Further, affiant(s) sayeth naught.

628 _____

629 Signature of Homeowner #1

630 _____

631 Printed Name Address City State Zip Code

632 _____

633 Signature of Homeowner #2 (If more than one (1) homeowner)

634 _____

635 Printed Name Address City State Zip Code

636 Sworn to and subscribed before me this _____ day of

637 _____, 20__.

638 _____



639 Notary Public

640 My Commission Expires: _____

641 (22) The affidavit of ownership required pursuant to this
642 section shall be in substantially the following form:

643 THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS:

644 _____

645 _____

646 AFFIDAVIT OF OWNERSHIP

647 (For Mobile Homes Manufactured before July 1, 1999)

648 STATE OF _____

649 COUNTY OF _____

650 BEFORE ME, the undersigned notary public in and for said
651 county and stated, appeared [Name of Grantor(s)] who are known to
652 me or have produced satisfactory evidence of their identity to be
653 the person(s) whose name(s) is/are subscribed below, and how being
654 first duly sworn, did each on personal oath state the following to
655 wit:

656 1. That the legal names of the owners at the time of
657 execution of this Affidavit of Ownership are:

658 _____

659 Name Street Address

660 _____

661 City, State, Zip Code Telephone Number

662 _____

663 Name Street Address



664

665 City, State, Zip Code Telephone Number

666 [Attach Any Additional Owners as Exhibit A]

667 2. That [Name of Grantor(s)] received consideration in the
668 amount of _____ dollars cash in hand, and other good and
669 valuable consideration, the receipt and sufficiency of is hereby
670 acknowledged, and sold to [Name of Owner(s)] the following
671 manufactured home or mobile home:

672

673 Manufacturer's Name Make Model

674

675 Manufacturer's Serial No./VIN Length & Width Model Year

676 3. That the manufactured home or mobile home is located at
677 the following property address:

678

679 Street Address City State

680

681 Zip Code County County Tax Parcel Number

682 4. That the manufactured or mobile home is not covered nor
683 has ever been covered by a certificate of title.

684 5. That the legal description of the real property where the
685 manufactured or mobile home is or will be permanently affixed is:

686 (If manufactured or mobile home is personal property, indicate
687 N/A.)

688

[insert legal description]



689 6. The manufactured or mobile home (check one):
690 [] Is not subject to any security interest or lien; or
691 [] Is subject to the following security interests or
692 liens:

693 _____
694 Lienholder #1 Original Principal Amount Secured

695 _____
696 Address

697 _____
698 Lienholder #2 Original Principal Amount Secured

699 _____
700 Address

701 7. Other than those liens and encumbrances itemized in
702 Number 6, Owner(s) is/are not aware of any other security
703 interest, lien or encumbrance affecting the manufactured or mobile
704 home.

705 8. The manufactured or mobile home (check one):
706 [] Is assessed as real property and a Certificate of
707 Mobile Home is filed in the office of the chancery clerk it is
708 recorded in Land Deed Book _____, Page _____; or

709 [] Is assessed as personal property. The mobile home
710 account number is _____.

711 9. This manufactured home or mobile home was manufactured or
712 assembled prior to July 1, 1999, and has never been titled
713 pursuant to Section 63-21-9, as amended.



714 Further, affiant(s) sayeth naught.

715 WITNESS MY SIGNATURE, on this [day] day of [Month], [Year].

716 _____

717 [Grantor Name(s)]

718 _____

719 [Grantee Name(s)]

720 STATE OF

721 COUNTY OF

722 Personally appeared before me, the undersigned authority in
723 and for the said county and state, on this [Day] day of [Month],
724 [Year], within my jurisdiction, the within named [Grantor Name]
725 who acknowledged that (he) (she) (they) executed the above and
726 foregoing instrument.

727 So subscribed and sworn before me this the [Day] day of
728 [Month], [Year].

729 _____

730 Notary Public

731 My Commission Expires:

732 **SECTION 4.** This act shall take effect and be in force from
733 and after its passage.

