

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 \_\_\_\_\_



517 Manufacturer's Name                      Make                      Model                      Name                      Model Year

518 \_\_\_\_\_

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

520            2. The title to the home was previously retired pursuant to  
521 that certain affidavit of affixation recorded on \_\_\_\_\_ in  
522 Book \_\_\_\_\_, Page \_\_\_\_\_ or as Instrument \_\_\_\_\_.

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

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

528            5. The home (check one):

529                       Is not subject to any security interest or lien;  
530 or

531                       Is subject to the following security interests or  
532 lien:

533 \_\_\_\_\_

534 Lienholder #1    Original Principal Amount Secured

535 \_\_\_\_\_

536 Address:

537 \_\_\_\_\_

538 Lienholder #2    Original Principal Amount Secured

539 \_\_\_\_\_

540 Address:



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



565 or mobile home is located and to receive the newly issued  
566 certificate of title from the Mississippi Department of Revenue:  
567 \_\_\_\_\_

568 Name of Authorized Representative Mailing Address Phone Number

569 10. The homeowner(s) hereby authorize(s) the tax collector  
570 to submit the completed application on behalf of the homeowner(s)  
571 to the Department of Revenue to sever title to the manufactured  
572 home or mobile home from herein described land and issue a new  
573 certificate of title in the name of the homeowner(s).

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

577 Further, affiant(s) sayeth naught.

578 \_\_\_\_\_

579 Signature of Homeowner #1:

580 \_\_\_\_\_

581 Printed Name Address City State Zip Code

582 \_\_\_\_\_

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

584 \_\_\_\_\_

585 Printed Name Address City State Zip Code

586 Sworn to and subscribed before me this the \_\_\_\_ day of  
587 \_\_\_\_\_, 20\_\_.

588 \_\_\_\_\_

589 Notary Public





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.

