

House File 2348

H-8167

1 Amend House File 2348 as follows:

2 1. Page 6, after line 15 by inserting:

3 <Sec. \_\_\_\_\_. NEW SECTION. 435.26B Affidavit in lieu  
4 of surrender of certificate of title — manufactured and  
5 mobile homes.

6 1. If there is no record that a certificate of  
7 title has been issued or surrendered for a manufactured  
8 home or mobile home that is located outside a  
9 manufactured home community or mobile home park, that  
10 has been converted to real estate by being placed  
11 on a permanent foundation, and that is entered on  
12 the tax rolls, the owner may effectuate a surrender  
13 of the certificate of title by recording with the  
14 county recorder an affidavit that includes all of the  
15 following:

16 a. The full legal name, Iowa driver's license  
17 number or Iowa nonoperator's identification card  
18 number, bona fide residence, and mailing address of  
19 the owner, and any other identification information  
20 required by the state department of transportation.  
21 If the owner is a firm, association, or corporation,  
22 the affidavit shall contain the bona fide business  
23 address and federal employer identification number of  
24 the owner.

25 b. A description of the manufactured or mobile  
26 home including, insofar as the specified data may  
27 exist with respect to a manufactured or mobile home,  
28 the manufacturer, model, year of manufacture, and  
29 identification number or other assigned number.

30 c. A statement of the affiant's title or ownership  
31 interest and a statement of all liens, encumbrances,  
32 or security interest upon the manufactured or mobile  
33 home, including the names and mailing addresses of  
34 all persons having any such liens, encumbrances, or  
35 security interests.

36 d. A statement of any facts or information known to  
37 the affiant that could affect the validity of title or  
38 the existence or validity of any lien, encumbrance, or  
39 security interest on the manufactured or mobile home.

40 e. The name and address of the person from whom the  
41 owner purchased or acquired the manufactured or mobile  
42 home, including information related to the location and  
43 date of purchase or acquisition.

44 f. The affidavit shall also include an attached  
45 written opinion of an attorney licensed in this  
46 state that certifies marketable record title to the  
47 manufactured or mobile home.

48 g. A statement that the manufactured or mobile home  
49 is located outside a manufactured home community or  
50 mobile home park, has been converted to real estate by

1 being placed on a permanent foundation, and has been  
2 entered on the tax rolls. This statement shall be  
3 endorsed by the city or county assessor, as applicable,  
4 and include the legal description of the real property  
5 upon which the manufactured or mobile home is situated.

6 *h.* A statement that the owner has made a diligent  
7 search and inquiry but has been unable to locate  
8 and produce a manufacturer's certificate of origin  
9 or a certificate of title for the manufactured or  
10 mobile home and that the owner has no knowledge that  
11 a certificate of title has previously been issued or  
12 surrendered for the manufactured or mobile home.

13 *i.* (1) An endorsement by the state department  
14 of transportation that the department has searched  
15 its records and has no record of a certificate of  
16 title or a surrender of a certificate of title for the  
17 manufactured or mobile home and that the department  
18 has no record of any ownership interest contrary  
19 to the ownership interest asserted by the affiant.  
20 The endorsement shall also specify that the state  
21 department of transportation is unable to identify any  
22 lien, encumbrance, or security interest contrary to  
23 those specified by the affiant.

24 (2) The state department of transportation shall  
25 not conduct any search of records or provide any  
26 endorsement until the affidavit has been completed,  
27 executed, and endorsed pursuant to paragraphs "a"  
28 through "h" and the affiant has paid a fee not to  
29 exceed two hundred dollars. The state department of  
30 transportation shall set the amount of the fee by rule.

31 (3) Following endorsement of the affidavit, the  
32 state department of transportation shall return the  
33 affidavit to the owner for recording.

34 (4) If the state department of transportation  
35 has endorsed an affidavit, the department shall not  
36 issue a certificate of title for the manufactured or  
37 mobile home unless the manufactured or mobile home is  
38 reconverted under section 435.27.

39 2. Recording the affidavit with all necessary  
40 endorsements and attachments shall establish the  
41 surrender of the certificate of title.

42 3. After the surrender of the certificate of title  
43 under this section, a conveyance of an interest in  
44 the manufactured or mobile home shall not require a  
45 transfer of title if the manufactured or mobile home  
46 remains located on the same real property that is  
47 identified in the affidavit under subsection 2.

48 4. A foreclosure action on a manufactured or mobile  
49 home for which the certificate of title was surrendered  
50 under this section shall be conducted as a real estate

1 foreclosure.

2 5. A tax lien and its priority shall not be  
3 modified as a result of a surrender of title under this  
4 section.

5 6. The state department of transportation shall  
6 adopt rules under chapter 17A to implement this  
7 section. The rules adopted by the state department of  
8 transportation shall include a standardized form for an  
9 affidavit required under this section.>

10 2. Page 6, after line 23 by inserting:

11 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act,  
12 being deemed of immediate importance, takes effect upon  
13 enactment.>

14 3. Title page, by striking line 4 and inserting  
15 <home dealers, establishing titling procedures for  
16 certain manufactured and mobile homes, making penalties  
17 applicable, and including effective date provisions.>

18 4. By renumbering as necessary.

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HUSER of Polk