

Reprinted

SENATE FILE 226
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 200)

Passed Senate, Date ^(P. 756) 3-21-95 Passed House, Date ^{P. 1562} 4/13/95
Vote: Ayes 49 Nays 1 Vote: Ayes 80 Nays 15
Approved April 26, 1995

A BILL FOR

1 An Act relating to the disposition of valueless mobile homes,
2 modular homes, and manufactured homes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 226

S-3093

1 Amend Senate File 226 as follows:

2 1. Page 2, line 4, by inserting after the word
3 "home" the following: "park".

By EUGENE FRAISE

Adopted 3-21-95
S-3093 FILED MARCH 2, 1995
(P. 756)

S.F. 226

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1 Section 1. NEW SECTION. 555C.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Home" means a mobile home, modular home, or a
5 manufactured home as defined in section 435.1.

6 2. "Mobile home park" means a mobile home park as defined
7 in section 435.1.

8 3. "Personal property" includes personal property of the
9 owner or other occupant of the home, which is located in the
10 home, on the lot where the home is located, in the immediate
11 vicinity of the home or lot, or in any storage area provided
12 by the real property owner for use of the home owner or
13 occupant.

14 4. "Valueless home" means a home located in a mobile home
15 park including all other personal property, where all of the
16 following conditions exist:

17 a. The home has not been removed by its owner or occupant
18 after the right to possession of the underlying real estate
19 has been terminated pursuant to chapter 648 or the home has
20 been abandoned as defined in section 562B.27.

21 b. A lien of record, other than a tax lien as provided in
22 chapter 435, does not exist against the home. A lien exists
23 only if the real property owner receives notice of a lien on
24 the standardized registration form completed by an owner or
25 occupant pursuant to chapter 562B, or a lien has been filed in
26 the state or county records on a date before the home is
27 considered to be valueless.

28 c. The value of the home and other personal property is
29 equal to or less than the reasonable cost of disposal plus all
30 sums owing to the real property owner pertaining to the home.

31 Sec. 2. NEW SECTION. 555C.2 REMOVAL OF VALUELESS HOME --
32 PRESUMPTION OF VALUE.

33 1. An owner of a mobile home park may remove, or cause to
34 be removed, from the mobile home park a valueless home and
35 personal property associated with the home at any time

1 following a judgment of abandonment pursuant to chapter 555B
2 or an order of removal pursuant to chapter 648 without further
3 notice to the owner or occupant of the valueless home. Within
4 ten days of the removal, the mobile home owner shall give
5 written notice to the county treasurer for the county in which
6 the mobile home park is located by affidavit which shall
7 include a description of the valueless home, its owner or
8 occupant, if known, the date of removal, and if applicable,
9 the name and address of any third party to whom a new title
10 shall be issued.

11 2. A valueless home and any personal property associated
12 with the valueless home shall be conclusively deemed in value
13 to be equal to or less than the reasonable cost of disposal
14 plus all sums owing to the mobile home park owner pertaining
15 to the valueless home, if the mobile home park owner or an
16 agent of the owner removes the home and personal property to a
17 demolisher, sanitary landfill, or other lawful disposal site
18 or if the mobile home park owner allows a disinterested third
19 party to remove the valueless home and personal property in a
20 transaction in which the mobile home park owner receives no
21 actual consideration.

22 Sec. 3. NEW SECTION. 555C.3 NEW TITLE -- THIRD PARTY.

23 If a new title is to be issued to a third party who is
24 removing a valueless home, the county treasurer shall issue,
25 upon receipt of the affidavit required in section 555C.2, a
26 new title upon payment of a fee equal to the fee specified in
27 section 321.42 for replacement certificates of title for
28 vehicles. Any tax lien levied pursuant to chapter 435 is
29 canceled and the ownership interest of the previous owner or
30 occupant of the valueless home is terminated as of the date of
31 issuance of the new title. The new title owner shall take the
32 title free of all rights and interests even though the mobile
33 home park owner fails to comply with the requirements of this
34 chapter or any judicial proceedings, if the new title owner
35 acts in good faith.

1 A person removing or disposing of a valueless home is not
2 liable to the previous owner for the valueless home or any
3 related personal property.

4 The bill also provides for the canceling of any tax liens
5 and the titling of the valueless home in the name of the
6 person who disposes of the valueless home.

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3 requires:

4 1. "Home" means a mobile home, modular home, or a
5 manufactured home as defined in section 435.1.

6 2. "Mobile home park" means a mobile home park as defined
7 in section 435.1.

8 3. "Personal property" includes personal property of the
9 owner or other occupant of the home, which is located in the
10 home, on the lot where the home is located, in the immediate
11 vicinity of the home or lot, or in any storage area provided
12 by the real property owner for use of the home owner or
13 occupant.

14 4. "Valueless home" means a home located in a mobile home
15 park including all other personal property, where all of the
16 following conditions exist:

17 a. The home has not been removed by its owner or occupant
18 after the right to possession of the underlying real estate
19 has been terminated pursuant to chapter 648 or the home has
20 been abandoned as defined in section 562B.27.

21 b. A lien of record, other than a tax lien as provided in
22 chapter 435, does not exist against the home. A lien exists
23 only if the real property owner receives notice of a lien on
24 the standardized registration form completed by an owner or
25 occupant pursuant to chapter 562B, or a lien has been filed in
26 the state or county records on a date before the home is
27 considered to be valueless.

28 c. The value of the home and other personal property is
29 equal to or less than the reasonable cost of disposal plus all
30 sums owing to the real property owner pertaining to the home.

31 Sec. 2. NEW SECTION. 555C.2 REMOVAL OF VALUELESS HOME --
32 PRESUMPTION OF VALUE.

33 1. An owner of a mobile home park may remove, or cause to
34 be removed, from the mobile home park a valueless home and
35 personal property associated with the home at any time

1 following a judgment of abandonment pursuant to chapter 555B
2 or an order of removal pursuant to chapter 648 without further
3 notice to the owner or occupant of the valueless home. Within
4 ten days of the removal, the mobile home park owner shall give
5 written notice to the county treasurer for the county in which
6 the mobile home park is located by affidavit which shall
7 include a description of the valueless home, its owner or
8 occupant, if known, the date of removal, and if applicable,
9 the name and address of any third party to whom a new title
10 shall be issued.

11 2. A valueless home and any personal property associated
12 with the valueless home shall be conclusively deemed in value
13 to be equal to or less than the reasonable cost of disposal
14 plus all sums owing to the mobile home park owner pertaining
15 to the valueless home, if the mobile home park owner or an
16 agent of the owner removes the home and personal property to a
17 demolisher, sanitary landfill, or other lawful disposal site
18 or if the mobile home park owner allows a disinterested third
19 party to remove the valueless home and personal property in a
20 transaction in which the mobile home park owner receives no
21 actual consideration.

22 Sec. 3. NEW SECTION. 555C.3 NEW TITLE -- THIRD PARTY.

23 If a new title is to be issued to a third party who is
24 removing a valueless home, the county treasurer shall issue,
25 upon receipt of the affidavit required in section 555C.2, a
26 new title upon payment of a fee equal to the fee specified in
27 section 321.42 for replacement certificates of title for
28 vehicles. Any tax lien levied pursuant to chapter 435 is
29 canceled and the ownership interest of the previous owner or
30 occupant of the valueless home is terminated as of the date of
31 issuance of the new title. The new title owner shall take the
32 title free of all rights and interests even though the mobile
33 home park owner fails to comply with the requirements of this
34 chapter or any judicial proceedings, if the new title owner
35 acts in good faith.

1 Sec. 4. NEW SECTION. 555C.4 REMOVAL BY MOBILE HOME PARK
2 OWNER.

3 Unless the valueless home is to be titled in the name of a
4 third party, the mobile home park owner may dispose of a
5 valueless home and any personal property to a demolisher,
6 sanitary landfill, or other lawful disposal site under the
7 terms and conditions as the mobile home park owner shall
8 determine.

9 Sec. 5. NEW SECTION. 555C.5 LIABILITY LIMITED.

10 A person who removes or allows the removal of a valueless
11 home as provided in this chapter is not liable to the previous
12 owner of the valueless home due to the removal of the
13 valueless home.

14 Sec. 6. NEW SECTION. 555C.6 RIGHTS OF REAL PROPERTY
15 OWNER.

16 The rights provided in this chapter to a real property
17 owner are not exclusive of other rights of the real property
18 owner.

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SENATE FILE 226

H-3915

- 1 Amend Senate File 226, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 19 and 20, by striking the words
- 4 and figures "or the home has been abandoned as defined
- 5 in section 562B.27".
- 6 2. Page 2, lines 1 and 2, by striking the words
- 7 and figures "a judgment of abandonment pursuant to
- 8 chapter 555B or".

By DISNEY of Polk

H-3915 FILED APRIL 12, 1995

Adopted 4-13-95 (R 1562)

HOUSE AMENDMENT TO
SENATE FILE 226

S-3427

- 1 Amend Senate File 226, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 17 through 20 and
- 4 inserting the following:
- 5 "a. The home has been abandoned as defined in
- 6 section 562B.27, subsection 1, and the home has not
- 7 been removed after the right to possession of the
- 8 underlying real estate has been terminated pursuant to
- 9 chapter 648."
- 10 2. Page 2, lines 1 and 2, by striking the words
- 11 and figure "a judgment of abandonment pursuant to
- 12 chapter 555B or" and inserting the following: "a
- 13 determination of abandonment in accordance with
- 14 section 562B.27, subsection 1, and".
- 15 3. Page 2, line 21, by striking the word
- 16 "actual".
- 17 4. By renumbering, relettering, or redesignating
- 18 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3427 FILED APRIL 13, 1995

Senate concurred 4/18/95 (p.1250)

SENATE FILE 226

H-3929

1 Amend the amendment, H-3915, to Senate File 226, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 8 and
5 inserting the following:
6 "_____. Page 1, by striking lines 17 through 20 and
7 inserting the following:
8 "a. The home has been abandoned as defined in
9 section 562B.27, subsection 1, and the home has not
10 been removed after the right to possession of the
11 underlying real estate has been terminated pursuant to
12 chapter 648."
13 _____. Page 2, lines 1 and 2, by striking the words
14 and figure "a judgment of abandonment pursuant to
15 chapter 555B or" and inserting the following: "a
16 determination of abandonment in accordance with
17 section 562B.27, subsection 1, and".
18 2. By renumbering as necessary.

By DISNEY of Polk

H-3929 FILED APRIL 13, 1995

ADOPTED

(P. 1562)

SENATE FILE 226

H-3930

2 reprinted by the Senate, as follows:
3 1. Page 2, line 21, by striking the word "actual".
By HOLVECK of Polk

H-3930 FILED APRIL 13, 1995

ADOPTED BY UNANIMOUS CONSENT

Frause
Judge
Rittner

SSB 200

Succeeded By *Local Government*
SF/HF
SENATE FILE 226

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON SORENSEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disposition of valueless mobile homes,
2 modular homes, and manufactured homes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 555C.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Home" means a mobile home, modular home, or a
5 manufactured home as defined in section 435.1.

6 2. "Mobile home park" means a mobile home park as defined
7 in section 435.1.

8 3. "Personal property" includes personal property of the
9 owner or other occupant of the home, which is located in the
10 home, on the lot where the home is located, in the immediate
11 vicinity of the home or lot, or in any storage area provided
12 by the real property owner for use of the home owner or
13 occupant.

14 4. "Valueless home" means a home located in a mobile home
15 park including all other personal property, where all of the
16 following conditions exist:

17 a. The home has not been removed by its owner or occupant
18 after the right to possession of the underlying real estate
19 has been terminated pursuant to chapter 648 or the home has
20 been abandoned as defined in section 562B.27.

21 b. A lien of record, other than a tax lien as provided in
22 chapter 435, does not exist against the home. A lien exists
23 only if the real property owner receives notice of a lien on
24 the standardized registration form completed by an owner or
25 occupant pursuant to chapter 562B, or a lien has been filed in
26 the state or county records on a date before the home is
27 considered to be valueless.

28 c. The value of the home and other personal property is
29 equal to or less than the reasonable cost of disposal plus all
30 sums owing to the real property owner pertaining to the home.

31 Sec. 2. NEW SECTION. 555C.2 REMOVAL OF VALUELESS HOME --
32 PRESUMPTION OF VALUE.

33 1. An owner of a mobile home park may remove, or cause to
34 be removed, from the mobile home park a valueless home and
35 personal property associated with the home at any time

1 following a judgment of abandonment pursuant to chapter 555B
2 or an order of removal pursuant to chapter 648 without further
3 notice to the owner or occupant of the valueless home. Within
4 ten days of the removal, the mobile home owner shall give
5 written notice to the county treasurer for the county in which
6 the mobile home park is located by affidavit which shall
7 include a description of the valueless home, its owner or
8 occupant, if known, the date of removal, and if applicable,
9 the name and address of any third party to whom a new title
10 shall be issued.

11 2. A valueless home and any personal property associated
12 with the valueless home shall be conclusively deemed in value
13 to be equal to or less than the reasonable cost of disposal
14 plus all sums owing to the mobile home park owner pertaining
15 to the valueless home, if the mobile home park owner or an
16 agent of the owner removes the home and personal property to a
17 demolisher, sanitary landfill, or other lawful disposal site
18 or if the mobile home park owner allows a disinterested third
19 party to remove the valueless home and personal property in a
20 transaction in which the mobile home park owner receives no
21 actual consideration.

22 Sec. 3. NEW SECTION. 555C.3 NEW TITLE -- THIRD PARTY.

23 If a new title is to be issued to a third party who is
24 removing a valueless home, the county treasurer shall issue,
25 upon receipt of the affidavit required in section 555C.2, a
26 new title upon payment of a fee equal to the fee specified in
27 section 321.42 for replacement certificates of title for
28 vehicles. Any tax lien levied pursuant to chapter 435 is
29 canceled and the ownership interest of the previous owner or
30 occupant of the valueless home is terminated as of the date of
31 issuance of the new title. The new title owner shall take the
32 title free of all rights and interests even though the mobile
33 home park owner fails to comply with the requirements of this
34 chapter or any judicial proceedings, if the new title owner
35 acts in good faith.

1 Sec. 4. NEW SECTION. 555C.4 REMOVAL BY MOBILE HOME PARK
2 OWNER.

3 Unless the valueless home is to be titled in the name of a
4 third party, the mobile home park owner may dispose of a
5 valueless home and any personal property to a demolisher,
6 sanitary landfill, or other lawful disposal site under the
7 terms and conditions as the mobile home park owner shall
8 determine.

9 Sec. 5. NEW SECTION. 555C.5 LIABILITY LIMITED.

10 A person who removes or allows the removal of a valueless
11 home as provided in this chapter is not liable to the previous
12 owner of the valueless home due to the removal of the
13 valueless home.

14 Sec. 6. NEW SECTION. 555C.6 RIGHTS OF REAL PROPERTY
15 OWNER.

16 The rights provided in this chapter to a real property
17 owner are not exclusive of other rights of the real property
18 owner.

19 EXPLANATION

20 This bill outlines procedures for the disposal of valueless
21 mobile homes, modular homes, and manufactured homes by the
22 mobile home park owner in which the valueless homes are
23 located. A mobile home, modular home, or manufactured home
24 may be considered a valueless home and removed if all of the
25 following conditions exist:

26 1. The home has not been removed by its owner after the
27 owner's right to possession of the underlying real property
28 has terminated pursuant to chapter 648 or the home has been
29 abandoned as defined by section 562B.27.

30 2. A lien of record, other than a tax lien filed under
31 chapter 435, does not exist against the property.

32 3. The value of the home and other personal property
33 located at the same site is equal to or less than the
34 reasonable cost of disposal plus all sums owing to the mobile
35 home park owner pertaining to the home.

1 A person removing or disposing of a valueless home is not
2 liable to the previous owner for the valueless home or any
3 related personal property.

4 The bill also provides for the canceling of any tax liens
5 and the titling of the valueless home in the name of the
6 person who disposes of the valueless home.

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SENATE FILE 226

AN ACT

RELATING TO THE DISPOSITION OF VALUELESS MOBILE HOMES, MODULAR HOMES, AND MANUFACTURED HOMES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 555C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Home" means a mobile home, modular home, or a manufactured home as defined in section 435.1.
2. "Mobile home park" means a mobile home park as defined in section 435.1.
3. "Personal property" includes personal property of the owner or other occupant of the home, which is located in the home, on the lot where the home is located, in the immediate vicinity of the home or lot, or in any storage area provided by the real property owner for use of the home owner or occupant.
4. "Valueless home" means a home located in a mobile home park including all other personal property, where all of the following conditions exist:

a. The home has been abandoned as defined in section 562B.27, subsection 1, and the home has not been removed after the right to possession of the underlying real estate has been terminated pursuant to chapter 648.

b. A lien of record, other than a tax lien as provided in chapter 435, does not exist against the home. A lien exists only if the real property owner receives notice of a lien on the standardized registration form completed by an owner or occupant pursuant to chapter 562B, or a lien has been filed in the state or county records on a date before the home is considered to be valueless.

c. The value of the home and other personal property is equal to or less than the reasonable cost of disposal plus all sums owing to the real property owner pertaining to the home.

Sec. 2. NEW SECTION. 555C.2 REMOVAL OF VALUELESS HOME -- PRESUMPTION OF VALUE.

1. An owner of a mobile home park may remove, or cause to be removed, from the mobile home park a valueless home and personal property associated with the home at any time following a determination of abandonment in accordance with section 562B.27, subsection 1, and an order of removal pursuant to chapter 648 without further notice to the owner or occupant of the valueless home. Within ten days of the removal, the mobile home park owner shall give written notice to the county treasurer for the county in which the mobile home park is located by affidavit which shall include a description of the valueless home, its owner or occupant, if known, the date of removal, and if applicable, the name and address of any third party to whom a new title shall be issued.

2. A valueless home and any personal property associated with the valueless home shall be conclusively deemed in value to be equal to or less than the reasonable cost of disposal plus all sums owing to the mobile home park owner pertaining to the valueless home, if the mobile home park owner or an

agent of the owner removes the home and personal property to a demolisher, sanitary landfill, or other lawful disposal site or if the mobile home park owner allows a disinterested third party to remove the valueless home and personal property in a transaction in which the mobile home park owner receives no consideration.

Sec. 3. NEW SECTION. 555C.3 NEW TITLE -- THIRD PARTY.

If a new title is to be issued to a third party who is removing a valueless home, the county treasurer shall issue, upon receipt of the affidavit required in section 555C.2, a new title upon payment of a fee equal to the fee specified in section 321.42 for replacement certificates of title for vehicles. Any tax lien levied pursuant to chapter 435 is canceled and the ownership interest of the previous owner or occupant of the valueless home is terminated as of the date of issuance of the new title. The new title owner shall take the title free of all rights and interests even though the mobile home park owner fails to comply with the requirements of this chapter or any judicial proceedings, if the new title owner acts in good faith.

Sec. 4. NEW SECTION. 555C.4 REMOVAL BY MOBILE HOME PARK OWNER.

Unless the valueless home is to be titled in the name of a third party, the mobile home park owner may dispose of a valueless home and any personal property to a demolisher, sanitary landfill, or other lawful disposal site under the terms and conditions as the mobile home park owner shall determine.

Sec. 5. NEW SECTION. 555C.5 LIABILITY LIMITED.

A person who removes or allows the removal of a valueless home as provided in this chapter is not liable to the previous owner of the valueless home due to the removal of the valueless home.

Sec. 6. NEW SECTION. 555C.6 RIGHTS OF REAL PROPERTY OWNER.

The rights provided in this chapter to a real property owner are not exclusive of other rights of the real property owner.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 226, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 26, 1995

TERRY E. BRANSTAD
Governor