

Senate Study Bill 200

Conference Committee Text

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1 1 Section 1. NEW SECTION. 555C.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Home" means a mobile home, modular home, or a
1 5 manufactured home as defined in section 435.1.
1 6 2. "Mobile home park" means a mobile home park as defined
1 7 in section 435.1.
1 8 3. "Personal property" includes personal property of the
1 9 owner or other occupant of the home, which is located in the
1 10 home, on the lot where the home is located, in the immediate
1 11 vicinity of the home or lot, or in any storage area provided
1 12 by the real property owner for use of the home owner or
1 13 occupant.
1 14 4. "Valueless home" means a home located in a mobile home
1 15 park including all other personal property, where all of the
1 16 following conditions exist:
1 17 a. The home has not been removed by its owner or occupant
1 18 after the right to possession of the underlying real estate
1 19 has been terminated pursuant to chapter 648 or the home has
1 20 been abandoned as defined in section 562B.27.
1 21 b. A lien of record, other than a tax lien as provided in
1 22 chapter 435, does not exist against the home. A lien exists
1 23 only if the real property owner receives notice of a lien on
1 24 the standardized registration form completed by an owner or
1 25 occupant pursuant to chapter 562B, or a lien has been filed in
1 26 the state or county records on a date before the home is
1 27 considered to be valueless.
1 28 c. The value of the home and other personal property is
1 29 equal to or less than the reasonable cost of disposal plus all
1 30 sums owing to the real property owner pertaining to the home.
1 31 Sec. 2. NEW SECTION. 555C.2 REMOVAL OF VALUELESS HOME –
1 32 PRESUMPTION OF VALUE.
1 33 1. An owner of a mobile home park may remove, or cause to
1 34 be removed, from the mobile home park a valueless home and
1 35 personal property associated with the home at any time
2 1 following a judgment of abandonment pursuant to chapter 555B
2 2 or an order of removal pursuant to chapter 648 without further
2 3 notice to the owner or occupant of the valueless home. Within
2 4 ten days of the removal, the mobile home owner shall give
2 5 written notice to the county treasurer for the county in which
2 6 the mobile home park is located by affidavit which shall
2 7 include a description of the valueless home, its owner or
2 8 occupant, if known, the date of removal, and if applicable,
2 9 the name and address of any third party to whom a new title
2 10 shall be issued.
2 11 2. A valueless home and any personal property associated
2 12 with the valueless home shall be conclusively deemed in value
2 13 to be equal to or less than the reasonable cost of disposal
2 14 plus all sums owing to the mobile home park owner pertaining
2 15 to the valueless home, if the mobile home park owner or an
2 16 agent of the owner removes the home and personal property to a
2 17 demolisher, sanitary landfill, or other lawful disposal site
2 18 or if the mobile home park owner allows a disinterested third
2 19 party to remove the valueless home and personal property in a
2 20 transaction in which the mobile home park owner receives no
2 21 actual consideration.

2 22 Sec. 3. NEW SECTION. 555C.3 NEW TITLE ‐ THIRD PARTY.

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

3 1 Sec. 4. NEW SECTION. 555C.4 REMOVAL BY MOBILE HOME PARK
3 2 OWNER.

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

3 9 Sec. 5. NEW SECTION. 555C.5 LIABILITY LIMITED.

3 10 A person who removes or allows the removal of a valueless
3 11 home as provided in this chapter is not liable to the previous
3 12 owner of the valueless home due to the removal of the
3 13 valueless home.

3 14 Sec. 6. NEW SECTION. 555C.6 RIGHTS OF REAL PROPERTY
3 15 OWNER.

3 16 The rights provided in this chapter to a real property
3 17 owner are not exclusive of other rights of the real property
3 18 owner.

3 19 EXPLANATION

3 20 This bill outlines procedures for the disposal of valueless
3 21 mobile homes, modular homes, and manufactured homes by the
3 22 mobile home park owner in which the valueless homes are
3 23 located. A mobile home, modular home, or manufactured home
3 24 may be considered a valueless home and removed if all of the
3 25 following conditions exist:

3 26 1. The home has not been removed by its owner after the
3 27 owner's right to possession of the underlying real property
3 28 has terminated pursuant to chapter 648 or the home has been
3 29 abandoned as defined by section 562B.27.

3 30 2. A lien of record, other than a tax lien filed under
3 31 chapter 435, does not exist against the property.

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

4 1 A person removing or disposing of a valueless home is not
4 2 liable to the previous owner for the valueless home or any
4 3 related personal property.

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

4 7 LSB 1870SC 76

4 8 tj/jw/5