

Missouri Manufactured Housing Association

Clarifications from Senate Bill 630 Affixing vs. Titling and Abandoned Homes

1. Affixing vs. Titling
 - a. Owner's choice to title or affix;
 - b. If titled can convert to affixed;
 - c. If affixed cannot convert to title without recording an affidavit of severance.
 - i. DOR will issue a title upon receiving and processing a properly recorded Affidavit of Severance
 2. Forms for Affixing
 - a. Affidavit of Affixation (Form 5312) MUST be recorded with the Recorder of Deeds
 - b. The recorded Form 5312 must be processed by a Department of Revenue License Office (or mailed to the Central Office in Jefferson City) and accompanied with:
 - i. Application for Surrender of Title or MSO (Form 5315) if title or MSO is being surrendered; **OR**
 - ii. Application for Confirmation of Conversion (Form 5314) if no title or MSO is being surrendered.
 1. An attorney or a licensed title insurance agent MUST complete the bottom portion of Form 5314.
 - iii. Forms 5314 and 5315 are NOT required to be recorded with the Recorder of Deeds.
- THE AFFIDAVIT OF AFFIXATION MUST BE FILED WITH DOR WITHIN 60 DAYS OF RECORDING WITH THE RECORDER OF DEEDS OR IT CANNOT BE PROCESSED BY DOR.**
3. Forms for Severance
 - a. Affidavit of Severance (Form 5311) MUST be recorded with the Recorder of Deeds.
 - b. An attorney or licensed title insurance agent MUST complete the bottom portion of page 2.
 4. Where to Obtain Forms?
 - a. www.dor.mo.gov/forms/
 - b. Type the form number in the "Form Number/Name" field;
 - c. All forms on the website are in a fill able pdf format that can be saved on your local computer
 5. Documents Received After Processing
 - a. Affixation
 - i. Certificate of Affixation – provided at the license office separate from the receipt for payment. See Example A; and
 - ii. Notification Letter – mailed to entities identified in the Affidavit of Affixation, Application for Confirmation of Conversion, or Application for Surrender of Title or MSO. See Example B.
 - b. Severance
 - i. Notification Letter – mailed to entities identified in the Affidavit of Severance. Example C; and
 - ii. Title – mailed after record updates.
 6. Missing ID Numbers
 - a. Vital data – cannot process without it;
 - b. DOR to provide guidance for locating or obtaining ID numbers on website.

Additional detailed information including frequently asked questions available on DOR's website: [http://
dor.mo.gov/motorv/homes/](http://dor.mo.gov/motorv/homes/)

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7. Abandoned Manufactured Homes

- a. Law allows the owner of the real property to secure a lien on an abandoned manufactured home;
 - i. The lien shall be for unpaid rent against the manufactured home.
- b. Landowner must provide a written notice to the homeowner and any lienholder of record. Form 5328 <http://dor.mo.gov/forms/5328.pdf> mailed to owner and lienholder by **CERTIFIED MAIL**;
 - i. Obtaining owner/lienholder information
 - Subscribe to on line inquiry for frequent record searches at <http://dor.mo.gov/motory/liendeal/nol/index.php>
 - One time record search – Form 5091 <http://dor.mo.gov/forms/5091.pdf>
- c. Thirty (30) days after mailing by CERTIFIED MAIL:
 - i. Complete application for Manufactured Home Lien Title, Form 5329 http://dor.mo.gov/forms/5329_2011.pdf and submit to Motor Vehicle Bureau, P.O. Box 100, Jefferson City, MO 65105-0100, with:
 - A copy of the 30 day notice (Form 5328) mailed by certified mail to the owner and lienholder;
 - A copy of the certified mail receipt;
 - Copies of the envelope showing the addresses and postal markings indicating the notices were not forwardable or addresses unknown;
 - A copy of the rental contract;
 - A copy of any judgment of dismissal if the owner or lienholder filed a petition to contest the lien; and
 - An \$11.00 title fee.
- d. Upon receipt of all acceptable documentation, the landowner will be issued a lien title.
- e. With the lien title the landowner shall:
 - i. Begin proceedings to sell the manufactured home within 30 days;
 - ii. The sale of the manufactured home shall only be held after giving the owner at least 20 days notice;
 - iii. The notice must substantially contain the following information:

NOTICE

Notice is hereby given that on (insert date), sale will be held at (insert place), to sell the following manufactured home to enforce a lien existing under the laws of the state of Missouri for real estate rental, unless the manufactured home is redeemed prior to the date of sale.

Name of Owner:

Amount of Lien:

Description of Manufactured Home:

Manufactured Home Serial Number:

Name of Lienholder:

- iv. Notice to the home owner shall be given by one of the following methods:
 - Personal delivery;
 - Registered mail with return receipt requested; or
 - By publishing the notice not less than twice in a newspaper of general circulation in the county in which the manufactured home is to be sold. The publication of such notice shall not be less than 20 days prior to the date of the sale. See section 700.527.10 for additional details if no newspaper is published in the county.
- v. The proceeds from the sale are to be distributed in the following order:
 - To the satisfaction of the real property owner for past-due rent and reimbursement of actual and necessary expenses incurred in obtaining the lien and lien title (including attorney fees);
 - The excess, if any, shall be paid to the home owner;
 - If the homeowner cannot be located, the excess shall be deposited with the county treasurer in the county where the home was sold