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SENATE SUBSTITUTE FOR
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SENATE BILLS NOS. 843 & 658

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOLL

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TERRY L. SPIELER, Secretary.

3266S.05P

AN ACT

To repeal sections 441.060, 700.100, 700.350, 700.355, 700.360, 700.365, 700.370, 700.385, 700.455, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537 and 700.539, RSMo, relating to manufactured housing, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 441.060, 700.100, 700.350, 700.355, 700.360, 700.365, 700.370, 700.385, 700.455, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537 and 700.539, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 441.060, 700.100, 700.330, 700.350, 700.355, 700.360, 700.365, 700.370, 700.385, 700.455, 700.525, 700.527, 700.528 and 700.529, to read as follows:

441.060. 1. A tenancy at will or by sufferance, or for less than one year, may be terminated by the person entitled to the possession by giving one month's notice, in writing, to the person in possession, requiring the person in possession to vacate the premises.

2. An occupancy limitation of two persons per bedroom residing in a dwelling unit shall be presumed reasonable for this state. The two-person limitation shall not apply to a child or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

children born to the tenants during the course of the lease.

3. Except as otherwise provided by law, all contracts or agreements for the leasing, renting or occupation of stores, shops, houses, tenements or other buildings in cities, towns or villages, and of stores, shops, houses, tenements or other buildings except when such leasing, renting or occupation is as tenant of real estate used or rented for agricultural purposes, other than garden purposes, not made in writing, signed by the parties thereto, or their agents, shall be held and taken to be tenancies from month to month, and all such tenancies may be terminated by either party thereto, or the party's agent, giving to the other party, or the party's agent, one month's notice, in writing, of the party's intention to terminate such tenancy.

4. (1) **As used in this subsection, the following terms mean:**

(a) **"Manufactured home", the same meaning as provided in section 700.010, RSMo;**

(b) **"Manufactured home land lease community", any area, lot, parcel, or tract are leased for the placement of manufactured homes as a primary residence.**

(2) Except as provided in subdivision [(2)] (3), the landlord or the tenant may terminate a month-to-month tenancy by a written notice given to the other party stating that the tenancy shall terminate upon a periodic rent-paying date not less than one month after the receipt of the notice.

[(2)] (3) When a person occupies and has an ownership interest in a [mobile] **manufactured** home and is leasing the land or the lot upon which the [mobile] **manufactured** home is located, a tenancy for less than one year may be terminated by the landlord by giving written notice to the tenant that the tenancy shall terminate not sooner than sixty days from the date the rent payment next becomes due, notwithstanding any written lease provision regarding earlier lease termination to the contrary.

(4) **Notwithstanding the provisions of subsection (3) of this section, a landlord of a manufactured home land lease community shall provide at least one hundred twenty days prior written notice to all of the community's tenants who own their manufactured homes when the landlord requires such tenants to vacate the property due to a change in use of the property. In cases where more than one hundred twenty days remain on a current lease, the longer time period shall apply for purposes of providing notice pursuant to this section. The landlord shall not increase the rent, except for a rent increase based solely on an increase in property taxes, for any tenant of the manufactured home land lease community during the sixty-day period prior to providing such notice or at any time after providing such notice. Nothing in this subsection shall be construed as prohibiting a landlord from evicting a tenant with less than one hundred twenty days' notice for a violation of the lease or as otherwise provided by law.**

5. If after the rendition of a judgment and a request for an execution on any judgment rendered in an action pursuant to chapter 524, RSMo, chapter 534, RSMo, chapter 535, RSMo, or this chapter and there is no stay of execution, the service officer fails to deliver possession of the premises to the landlord within seven days of the delivery of the writ to such officer, the landlord may, within sixty days of the date of the judgment, in the presence of a municipal or county law enforcement officer of the jurisdiction in which the premises are located, without breach of the peace, break and remove locks, enter and take possession of the premises and remove any household goods, furnishings, fixtures or any other personal property left in or at the premises, provided the law enforcement officer is first presented a true copy of the judgment and order of execution, and the law enforcement officer acknowledges in writing such presentation, and such acknowledgment is filed in court by the plaintiff within five days following taking possession of the premises.

6. Except for negligent, willful or wanton acts or omissions of the landlord, or failure to both timely obtain and file the law enforcement officer acknowledgment described in the preceding subsection, the landlord shall have no liability for loss or damage to any household goods, furnishings, fixtures or any other personal property left in or at the dwelling unit, by reason of the landlord's removal of the property in accordance with the provisions of this section.

700.100. 1. The commission may refuse to register or refuse to renew the registration of any person who fails to comply with the provisions of section 700.090 or this section. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be delivered to the applicant within thirty days from date it is received by the commission. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be accompanied by a notice informing the recipient that the decision of the commission may be appealed as provided in chapter 386, RSMo.

2. The commission may consider a complaint filed with it charging a registered manufacturer or dealer with a violation of the provisions of this section, which charges, if proven, shall constitute grounds for revocation or suspension of his **or her** registration, or the placing of the registered manufacturer or dealer on probation.

3. The following specifications shall constitute grounds for the suspension, revocation or placing on probation of a manufacturer's or dealer's registration:

- (1) If required, failure to comply with the provisions of section 301.280, RSMo;
- (2) Failing to be in compliance with the provisions of section 700.090;
- (3) If a corporation, failing to file all franchise or sales tax forms required by Missouri law;
- (4) Engaging in any conduct which constitutes a violation of the provisions of section 407.020, RSMo;

(5) Failing to comply with the provisions of Sections 2301-2312 of Title 15 of the United States Code (Magnuson-Moss Warranty Act);

(6) As a dealer, failing to arrange for the proper initial setup of any new manufactured home or modular unit sold from or in the state of Missouri, unless the dealer receives a written waiver of that service from the purchaser or his or her authorized agent;

(7) As a dealer, failing to obtain for each used manufactured home or used modular unit sold a written notice, signed and dated by the purchaser or the purchaser's agent that states: "The Missouri Public Service Commission does not regulate setup of used manufactured homes and used modular units sold by the dealer.";

(8) Requiring any person to purchase any type of insurance from that manufacturer or dealer as a condition to his **or her** being sold any manufactured home or modular unit;

[(8)] (9) Requiring any person to arrange financing or utilize the services of any particular financing service as a condition to his **or her** being sold any manufactured home or modular unit; provided, however, the registered manufacturer or dealer may reserve the right to establish reasonable conditions for the approval of any financing source;

[(9)] (10) Engaging in conduct in violation of section 700.045;

[(10)] (11) Failing to comply with the provisions of section 301.210, RSMo;

[(11)] (12) Failing to pay all necessary fees and assessments authorized pursuant to sections 700.010 to 700.115.

700.330. 1. A sole owner of a manufactured home, and multiple owners of a manufactured home who hold their interest as joint tenants with right of survivorship or as tenants by the entirety, on application and payment of the fee required for an original certificate of ownership, may request the director of revenue to issue a certificate of ownership for the manufactured home in beneficiary form which includes a directive to the director of revenue to transfer the certificate of ownership on death of the sole owner or on death of all multiple owners to one beneficiary or to two or more beneficiaries as joint tenants with right of survivorship or as tenants by the entirety named on the face of the certificate.

2. A certificate of ownership in beneficiary form may not be issued to persons who hold their interest in a manufactured home as tenants in common.

3. A certificate of ownership issued in beneficiary form shall include after the name of the owner, or after the names of multiple owners, the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary or beneficiaries.

4. (1) During the lifetime of a sole owner and during the lifetime of all multiple owners, the signature or consent of the beneficiary or beneficiaries shall not be

required for any transaction relating to the manufactured home for which a certificate of ownership in beneficiary form has been issued.

(2) A certificate of ownership in beneficiary form may be revoked or the beneficiary or beneficiaries changed at any time before the death of a sole owner or surviving multiple owner only by the following methods:

(a) By a sale of the manufactured home with proper assignment and delivery of the certificate of ownership to another person; or

(b) By filing an application to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary or beneficiaries with the director of revenue in proper form and accompanied by the payment of the fee for an original certificate of ownership.

(3) The beneficiary's or beneficiaries' interest in the motor vehicle or trailer at death of the owner or surviving owner shall be subject to any contract of sale, assignment of ownership or security interest to which the owner or owners of the manufactured home were subject during their lifetime.

(4) The designation of a beneficiary or beneficiaries in a certificate of ownership issued in beneficiary form may not be changed or revoked by a will, any other instrument, or a change in circumstances, or otherwise be changed or revoked except as provided by subdivision (2) of this subsection.

5. (1) On proof of death of one of the owners of two or more multiple owners, or of a sole owner, surrender of the outstanding certificate of ownership, and on application and payment of the fee for an original certificate of ownership, the director of revenue shall issue a new certificate of ownership for the manufactured home to the surviving owner or owners or, if none, to the surviving beneficiary or beneficiaries, subject to any outstanding security interest; and the current valid certificate of number shall be so transferred.

(2) The director of revenue may rely on a death certificate or record or report that constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section 472.290, RSMo.

(3) The transfer of a manufactured home at death pursuant to this section is effective by reason of sections 301.675 to 301.682 and sections 306.455 to 306.465, RSMo, and is not to be considered as testamentary, or to be subject to the requirements of section 473.087, RSMo, or section 474.320, RSMo.

700.350. 1. As used in sections 700.350 to 700.390, the term "manufactured home" shall have the same meanings given it in section 700.010.

2. Unless excepted by section 700.375, a lien or encumbrance on a manufactured home shall not be valid against subsequent transferees or lienholders of the manufactured home who

took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 700.350 to 700.380.

3. A lien or encumbrance on a manufactured home is perfected by the delivery to the director of revenue[, by the owner, of the existing certificate of ownership, if any, an application for a certificate of ownership containing the name and address of the lienholder and the date of his security agreement, and the required certificate of ownership fee] **of a notice of lien in a format as prescribed by the director of revenue.** Such lien or encumbrance shall be perfected as of the time of its creation if the delivery [of the items] **of the notice of lien** required in this subsection to the director of revenue is completed within thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery. **A notice of lien shall contain the name and address of the owner of the manufactured home and the secured party, a description of the manufactured home, including the identification number and such other information as the department shall prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.** Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" [in the second lienholder's portion of the title application] **on the notice of lien** and noted on the certificate of ownership if the motor vehicle or trailer is subject to only one lien. **To secure future advances when an existing lien on a manufactured home does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows: Proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted by the department of revenue, and returned to the lienholder.**

4. Whether a manufactured home is subject to a lien or encumbrance shall be determined by the laws of the jurisdiction where the manufactured home was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrances attached that the manufactured home would be kept in this state and it is brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state shall be determined by the laws of this state;

(2) If the lien or encumbrance was perfected under the laws of the jurisdiction where the manufactured home was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, his lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state for three months after the first certificate of title of the manufactured home is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period, in which case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected under the laws of the jurisdiction where the manufactured home was when the lien or encumbrance attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected under paragraph (b) of subdivision (2) or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section **or by the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form the director prescribes and the required fee.**

5. By rules and regulations, the director of revenue shall establish a security procedure for the purpose of verifying that an electronic notice of lien or notice of satisfaction of lien on a manufactured home given as permitted in chapter 700, RSMo, is that of the lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a lien given as required in chapter 700, RSMo, is that of the director of revenue, and detecting error in the transmission or the content of such notice. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, call back procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself be a security procedure.

700.355. **1.** All certificates of title to a manufactured home issued by the director of revenue shall be mailed **or confirmation of such ownership shall be electronically transmitted** or otherwise delivered to the first lienholder named in such certificate or, if no lienholder is named, to the owner named therein.

2. A lienholder may elect that the director of revenue retain possession of an electronic certificate of ownership, and the director shall issue regulations to cover the procedure by which such election shall be made. Each such certificate of ownership, shall require a separate election, unless the director provides otherwise by regulation. A subordinate lienholder shall be bound by the election of the superior lienholder with respect to the certificate involved.

3. As used in this section, "electronic certificate of ownership" means any electronic record of ownership including a lien or liens that may be recorded.

700.360. If an owner creates a lien or encumbrance on a manufactured home:

(1) The owner shall immediately execute the application, either in the space provided therefor on the certificate of title or on a separate form the director of revenue prescribes, to name the lienholder on the certificate of title, showing the name and address of the lienholder and the date of his security agreement, and shall cause the certificate of title, the application and the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do so is a class A misdemeanor;

(2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the director of revenue accompanied by all other necessary documentation to perfect a lien as provided in this section;

(3) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title who receives the owner's application and required fee shall mail or deliver the certificate of title, application, and fee to the director of revenue. The delivery of the certificate of title to the director of revenue shall not affect the rights of the first lienholder under his security agreement;

~~[(3)]~~ **(4) Upon receipt of the certificate of title, application and the required fee, the director of revenue shall issue a new certificate of title containing the name and address of the new lienholder, and mail the certificate of title to the first lienholder named in it. If the lienholder has elected for the director of revenue to retain possession of an electronic certificate of ownership the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate. Upon receipt of such authorization and a notice of lien from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of ownership being electronically retained by the director and provide confirmation of the addition to both lienholders.**

700.365. 1. A lienholder may assign, absolutely or otherwise, his lien or encumbrance on the manufactured home to a person other than the owner without affecting the interest of the owner or the validity or effect of the lien or encumbrance, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the lien or encumbrance and the lienholder shall remain liable for any obligations as lienholder until the assignee is named as lienholder on the certificate of title.

2. An assignee under subsection 1 of this section may, but need not to perfect the assignment, have the certificate of title issued with the assignee named as lienholder, upon delivering to the director of revenue the certificate of title, an assignment by the lienholder named in the certificate of title, and the required fee in the form the director of revenue prescribes.

3. If the certificate of ownership is being electronically retained by the director of revenue, the original lienholder may mail or deliver a notice of assignment of a lien to the director in a form prescribed by the director. Upon receipt of notice of assignment, the director shall update the electronic certificate of ownership to reflect the assignment of the lien and lienholder.

700.370. 1. Upon the satisfaction of a lien or encumbrance on a manufactured home for which the certificate of title is in the possession of the lienholder, the lienholder shall, within ten days after demand, and, in any event, within thirty days, execute a release of his lien or encumbrance, and mail or deliver the certificate and release to the next lienholder named therein, or, if no other lienholder is so named, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner may cause the certificate of title, the release, and the required fee to be mailed or delivered to the director of revenue, who shall release the lienholder's rights on the certificate and issue a new certificate of title.

2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within ten business days of any release of a lien and provide the director with the most current address of the owner. The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner.

3. Upon the satisfaction of a second or third lien or encumbrance on a manufactured home for which the certificate of title is in the possession of the first lienholder, the lienholder whose lien or encumbrance is satisfied shall, within ten days after demand, and, in any event, within thirty days, execute a release and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall, at the request of the owner and upon receipt of the release and the required fee, either mail or deliver the certificate, the release, and the required fee to the director of revenue, or deliver the certificate of title to the owner, or the person authorized by him, for delivery of the certificate, the release and required fee to the director of revenue, who shall release the subordinate lienholder's rights on the certificate of title and issue a new certificate of title.

700.385. 1. When the holder of any indebtedness secured by a security agreement or other contract for security covering a manufactured home repossesses the manufactured home either by legal process or in accordance with the terms of a contract authorizing the repossession of the manufactured home without legal process, the holder may obtain a certificate of title from the director of revenue upon presentation of:

(1) An application, which shall be upon a blank form furnished by the director of

revenue and shall contain the full description of the manufactured home and the manufacturer's or other identifying number;

(2) An affidavit of the holder that the debtor defaulted in payment of the debt, and that the holder repossessed the manufactured home either by legal process or in accordance with the terms of the contract, **and the name and address of the owner of the real estate, other than the debtor, from whom the home was repossessed, and that the holder has paid to the real property owner all rent that has accrued in the real property owner's favor that the holder is obligated to pay pursuant to the provisions of section 700.529**, and the specific address where the manufactured home is held; and

(3) The original, or a conformed or photostatic copy of the original, of the security agreement or other contract for security and the instrument or instruments evidencing the indebtedness secured by the security agreement or other contract for security.

The director may, by regulation, prescribe for the inclusion in either or both the application or affidavit required by this subsection any other information that he **or she**, from time to time, deems necessary or advisable, and may prescribe that the affidavit required by this subsection be part of the application.

2. Upon the holder's presentation of the papers required by subsection 1 of this section and the payment of a fee of ten dollars, the director of revenue, if he **or she** is satisfied with the genuineness of the papers, shall issue and deliver to the holder a certificate of title which shall be in its usual form except it shall be clearly captioned "Repossessed Title"; except that, unless the application is accompanied by the written consent, acknowledged before an officer authorized to take acknowledgments, of the owners and other lienholders, if any, of the manufactured home as shown by the last prior certificate of title or ownership, if any, issued on the manufactured home for the issuance of a repossessed title to the applicant, no such repossessed title may be issued by the director of revenue unless the director shall first give ten days' written notice by first class United States mail postage prepaid to each of the owners and other lienholders, if any, of the manufactured home at each of their last mailing addresses as shown by the last prior certificate of title or ownership, if any, issued on the manufactured home that an application for a repossessed title has been made and the date the repossessed title will be issued, which notice shall be accompanied by a copy, photostatic or otherwise, of the application and affidavit. The application for repossessed title may be withdrawn by the applicant at any time before the granting thereof. Each repossessed title so issued shall, for all purposes, be treated as an original certificate of title and shall supersede the outstanding certificate of title or ownership, if any, and duplicates thereof, if any, on the manufactured home all of which shall become null and void.

3. In any case where there is no certificate of title or ownership, or duplicate thereof, outstanding in the name of the debtor on the repossessed manufactured home, the director of revenue shall issue a repossessed title to the holder upon the payment of all unpaid fees, taxes,

charges and penalties owed by the debtor, in addition to the fee specified in subsection 2 of this section.

700.455. 1. Every dealer shall, on or before January fifteenth of each year, instead of registering each manufactured home dealt in, make a verified application, upon a blank form for such purpose to be furnished by the commission, for a distinctive number for all the manufactured homes dealt in or controlled by such dealer. The application shall contain, but need not be limited to:

(1) When the applicant is a partnership, the name and address of each partner, or, when the applicant is a corporation, the names of the principal officers of the corporation and the state in which it is incorporated. The application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer;

(2) A bona fide established place of business shall be required for every dealer. A bona fide established place of business for any dealer shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading or exchanging of manufactured homes, where the public may contact the owner or operator at any reasonable time and where the books, records, files and other matters required and necessary to conduct the business shall be kept and maintained.

2. The application shall contain the business address, not a post-office box, and telephone number of the place where the books, records, files and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours.

3. Each application shall contain such additional information as may be required by the commission to enable it to determine whether the applicant is a bona fide dealer in fact and is of good moral character.

4. On the payment of **[a] the required** registration fee **[of fifty dollars]** there shall be assigned to each dealer a certificate of registration in such form as the commission shall prescribe.

700.525. [As used in sections 700.525 to 700.541, the following terms mean:

(1) "Abandoned", a physical absence from the property, and either:

(a) Failure by a renter of real property to pay any required rent for fifteen consecutive days, along with the discontinuation of utility service to the rented property for such period; or
(b) Indication of or notice of abandonment of real property rented from a landlord;

(2) "Manufactured home", a factory-built structure as defined in subdivision (5) or (7) of section 700.010.] **A manufactured home as defined in subdivision (5) of section 700.010 which is placed on the real estate of another pursuant to a valid written rental agreement signed by the homeowner shall be deemed abandoned if:**

(1) The real property owner has a reasonable belief that the homeowner has vacated the premises and intends not to return; and

(2) That rent is due and the homeowner has not paid said rent for thirty days; and

(3) The homeowner has failed to respond to the real property owner's notice of lien and abandonment set out in subsection 3 of section 700.527 by either failing to pay the rent or file a petition in the associate circuit court to contest the issue of abandonment and the lien.

700.527. 1. If a person abandons a manufactured home on any real property owned by another who is renting such real property to the owner of the manufactured home, and such abandonment is without the consent of the owner of the real property, **and the abandoned manufactured home is not subject to any lien perfected according to sections 700.350 to 700.380**, the owner of the real property [may seek possession of and title to the manufactured home in accordance with the provisions of sections 700.525 to 700.541 subject to the interest of any party with a security interest in the manufactured home] **shall have a lien for unpaid rent against the manufactured home. The lien for unpaid rental shall be enforced as provided in this section and may be contested as provided in section 700.528.**

2. [The landlord seeking possession of the manufactured home shall submit a report to the director of revenue. Such report shall include the following:

(1) An application, which shall be upon a blank form furnished by the director of revenue and shall contain the full description of the manufactured home and the manufacturer's or other identifying number;

(2) An affidavit of the landlord seeking possession of the manufactured home, stating that the manufactured home is abandoned as defined by section 700.525 and applicable rule of the department, the duration of such abandonment, that the manufactured home is located upon real property owned by the landlord, and that the manufactured home is the subject of a valid rental agreement signed by the renter, along with the original, or a photostatic or conformed copy of the original contract for rental of real property; and

(3) Any other information that the director of revenue may require by rule.] **The lien for unpaid rental shall be enforced as provided in this section and may be contested as provided in section 700.528.**

3. The real property owner claiming a lien on an abandoned manufactured home shall give written notice to the owner of the manufactured home, by certified mail, return receipt requested. The notice shall contain the following:

(1) The name, address, and telephone number of the real property owner;

(2) The name of the owner of the manufactured home and the make, year, and serial number of the manufactured home;

(3) That the manufactured home is abandoned as defined by section 700.525 and applicable rule of the director of revenue;

(4) The duration of such abandonment;

(5) That the manufactured home is located on real estate owned by the real property owner;

(6) That the home is located on said real estate by reason of a valid rental agreement signed by the homeowner;

(7) That the homeowner is in default of the rental agreement;

(8) The amount of rent accrued to the date of the notice and the monthly rate at which future rent will accrue until the abandoned home is redeemed;

(9) That the homeowner has not paid or made arrangements for the payment of the accrued rent;

(10) That the real property owner claims a lien for all such rent;

(11) That the owner of the manufactured home may redeem the abandoned manufactured home at any time during business hours by paying all rent accrued pursuant to the terms of the rental agreement;

(12) That the manufactured home-owner has a right to contest the real property owner's lien by filing, within ten days of receipt of the notice required by this section, a petition in the associate circuit division of circuit court of the county in which the manufactured home is located;

(13) That if the manufactured home remains unredeemed thirty days from the date of mailing of the notice and within ten days of mailing of the notice a petition is not filed to contest the lien, the real property owner may apply to the director of revenue for a lien title. Upon receipt of a lien title the real property owner shall have the right to sell the manufactured home to recover unpaid rent, actual and necessary expenses incurred in obtaining a lien title and conducting and advertising the sale.

4. The real property owner's lien and the sum of which the homeowner shall be obligated to pay to satisfy the lien shall be the unpaid rent accrued pursuant to the terms of the rental agreement to the date the homeowner satisfied the lien or if not so satisfied to the date the home is sold pursuant to this section.

5. The owner of the manufactured home shall not have the right to remove the home from the real property owner's property until such time as all rent provided for the rental agreement is paid.

6. If the homeowner has not paid or made arrangements for the payment of the accrued rent with the real property owner within thirty days from the date of mailing of the notice and no petition as provided in section 700.528 has been filed in the associate circuit division of the circuit court in the county in which the abandoned

manufactured home is located to contest the lien or if filed has been dismissed or judgment has been entered on the petition establishing the real property owners lien, the real property owner may apply to the director of revenue for a certificate of title in order to enforce the lien.

7. The application for a lien title shall be in the form furnished by the director of revenue and shall contain and be accompanied by:

- (1) The make, year and serial number of the manufactured home;**
- (2) An affidavit of the owner of real property seeking possession of the manufactured home that states:**
 - (a) The manufactured home is abandoned as defined by section 700.525 and by applicable rule of the director of revenue;**
 - (b) The duration of such abandonment;**
 - (c) The manufactured home is located upon real property owned by the real property owner;**
 - (d) The manufactured home is located on the real estate by reason of a valid rental agreement signed by the homeowner;**
 - (e) The homeowner is in default of the rental agreement;**
 - (f) The amount of past-due rent and the monthly rate at which future rent will accrue pursuant to the rental agreement;**
 - (g) The homeowner has not paid or made arrangements for the payment of the rent;**
 - (h) The owner of real property claims a lien for all such rent;**
 - (i) The real property owner mailed the notice required by subsection 3 of section 700.527 to the owner of the manufactured home by certified mail, return receipt requested;**
 - (j) The manufactured homeowner has not filed a petition in the associate circuit division of circuit court contesting the real property owner's lien, or if a petition was filed, that either the homeowner's petition was dismissed or that a judgment in the real property owner's favor establishing the lien was entered;**
- (3) A copy of the thirty-day notice given by certified mail to the owner of the manufactured home;**
- (4) A copy of the certified mail receipt indicating that the owner was sent the notice as required in subsection 3 of section 700.527;**
- (5) A copy of the envelope or mailing container showing the address and postal marking that indicate the notice was "not forwardable" or "address unknown";**
- (6) An original, photostatic or conformed copy of the original contract for the rental of the real property;**

(7) A copy of any judgment of dismissal of the homeowner's petition to contest the lien or a judgment awarding the real property owner a lien against the manufactured home; and

(8) Any other information that the director of revenue may require by rule.

8. If the director is satisfied with the genuineness of the application and supporting documents submitted pursuant to this section, the director shall issue, in the manner a repossessed title is issued, a certificate of ownership or certificate of title to the real property owner which shall be captioned "lien title".

9. Upon receipt of a lien title, the holder shall within thirty days begin proceedings to sell the manufactured home as prescribed in this section. The real property owner shall be entitled to any actual and necessary expenses incurred in obtaining the lien title, including, but not limited to reasonable attorney's fees and cost of advertising.

10. The sale of the manufactured home shall be held only after giving the owner not less than twenty days notice, by one of the following means:

(1) By personal delivery to the owner of a copy of the notice set out below;

(2) By mailing a copy of the notice set out below, by registered mail addressed to the owner of the manufactured home in which case a return receipt shall be evidence of due notice;

(3) 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 last publication to be not less than twenty days prior to the date of sale; or

(4) If no newspaper is published within the county in which said manufactured home is to be sold, then by posting the notice, not less than twenty days prior to the date of sale, on five handbills placed in five different places in the county in which the manufactured home is to be sold and with one of said handbills posted where the manufacture home is located.

11. The form of the notice shall be substantially as follows:

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:	Description of	Manufacturers	Amount of Lien:
	Manufactured	Serial Number:	
	Home:		

Name of Lienor

12. The owner of the manufactured home may redeem the home prior to the sale by payment of all rents due and owing to the real property owner pursuant to the rental agreement to the date of sale or payment whichever is sooner and payment of actual and necessary expenses incurred in obtaining the lien, including but not limited to reasonable attorney's fees, and necessary expenses of advertising the sale.

13. If the manufactured home is not redeemed prior to the date of sale provided in the notice set forth above, the real property owner may sell the manufactured home on the day and at the place specified in the notice. The proceeds of sale shall be distributed in the following order:

(1) To the satisfaction of real property owner's past due rent and reimbursement of its actual and necessary expenses incurred in obtaining the lien and lien title, including attorney's fees and the necessary expenses of advertising the sale provided for in this section;

(2) The excess, if any, shall be paid to the manufactured homeowner.

If the manufactured homeowner cannot be located within thirty days of the date of sale, the excess if any shall be deposited with the county treasurer of the county in which the home was sold and in the case of a sale within the city of St. Louis with its treasurer, together with a sworn statement containing the name of the owner, description of the manufactured home by manufacturer's serial number, amount of lien, sale price, name of purchaser, costs and manner of advertising.

14. The said treasurer shall credit such excess to the general revenue fund of the county or the city of St. Louis, subject to the right of the owner to reclaim the same at anytime within three years of the date of such deposit with the treasurer, after presentation of proper evidence of ownership and obtaining an order of the county commission, or comptroller of the city of St. Louis, directed to said treasurer for the return of said excess deposit.

15. Any lienor failing to or refusing to deliver to said treasurer the excess proceeds of sale together with a sworn statement is required in this section within thirty days after such sale, shall be liable for double the excess of proceeds of said sale, to be recovered in any court of competent jurisdiction by civil action.

16. The real property owner's compliance with the requirements of this section shall be a perpetual bar to any action against such owner of real property by any person for the recovery of the manufactured home or its value or of any damages growing out of the taking of possession and sale of said manufactured home.

17. The real property owner may be a purchaser at the public sale conducted

pursuant to this section.

700.528. 1. The owner of the abandoned manufactured home, within ten days of the mailing of the real property owner's notification provided for in subsection 3 of section 700.527, may file a petition in the associate circuit division of circuit court in the county in which the abandoned manufactured home is located to contest the real property owner's lien. The petition shall name the real property owner as a defendant. The director of revenue shall not be a party to such petition, but a copy of the petition shall be served on the director who shall not issue lien title to such abandoned manufactured home until the court by judgment upholds the lien or until the homeowner's petition is dismissed.

2. Upon the filing of the petition in the associate circuit division of circuit court, the owner may have the manufactured home released from the lien upon posting with the court, for the benefit of the real property owner, a cash or surety bond or other adequate security equal to the amount of the rental charges due and those which will accrue during the term of the proceedings to ensure payment of such rent in the event the manufactured homeowner does not prevail. Upon posting of the bond, the court shall issue an order notifying the real property owner of the posting of the bond and directing the real property owner to release the manufactured home to its owner. The court will then proceed to determine the parties' rights to the proceeds of the bond.

3. If the court determines the homeowner owes unpaid rent pursuant to the rent agreement, the court shall give judgment to real property owner in the sum of the unpaid rent, declare a lien in real property owner's favor against the manufactured home or if bond has been posted, order that so much of the bond proceeds as are necessary to satisfy the judgment to be immediately paid to the real property owner. The real property owner shall enforce the lien for the unpaid rent by submitting an application for lien title in the form and containing the information required by section 700.527. The real property owner shall attach to the application for lien title a copy of the judgment rendered by the associate circuit court. The homeowner may satisfy the lien by paying the amount set out in the judgment together with statutory judgment interest.

700.529. [Upon proof of all the foregoing in section 700.527 by proper affidavit and upon compliance with the provisions of sections 700.525 to 700.541, the director of revenue shall, if requested, issue a new certificate of title to the landlord.] 1. If a person abandons a manufactured home on any real property owned by another who is renting such real property to the owner of the manufactured home, and such abandonment is without the consent of the owner of the real property, and there exists a lien perfected

according to sections 700.350 to 700.380 on the manufactured home which is in default, the owner of the real property shall have a lien for unpaid rental against the manufactured home upon compliance with the provisions of this section by giving notice to the manufactured homeowner and any party with a perfected lien in the abandoned home by certified mail, postage prepaid and return receipt requested. The notice shall contain the following:

- (1) The name, address, and telephone number of the real property owner;
- (2) The name and last known address of the owner of the manufactured home;
- (3) The make, year, and serial number of the manufactured home;
- (4) That the manufactured home is abandoned as defined by section 700.525 and by applicable rule of the director;
- (5) That the manufactured home is located on real estate owned by the real property owner;
- (6) That the home is located on the real estate by reason of a valid rental agreement signed by the homeowner;
- (7) That the homeowner is in default of the rental agreement;
- (8) The amount of past-due rent and the monthly rate at which future rent will accrue pursuant to the rental agreement;
- (9) That the homeowner has not paid or made arrangements for the payment of the rent;
- (10) That the real property owner claims a lien for such rental;
- (11) That the owner of the manufactured home may redeem the home at any time during business hours by paying all unpaid rent accrued pursuant to the terms of the rental agreement through the date of removal of the home from the real property owner's premises and the perfected lienholder may redeem the abandoned manufactured home at any time during business hours by paying all rent specified in the rental agreement which accrues during the period beginning thirty days after this notice has been mailed to the perfected lienholder and continuing to the date the home is removed from real property owner's premises;
- (12) That the manufactured homeowner and the perfected lienholder shall each have the right to contest the real property owner's lien by filing, within ten days of the date of mailing the notice required by this section, a petition in the associate circuit division of the circuit court of the county in which the manufactured home is located;
- (13) That if the rent due remains unpaid thirty days from the date mailing of the notice and within ten days of mailing of the notice the petition referred to in subdivision (12) of this subsection is not filed to contest the lien, the real property

owner shall have a lien against the manufactured home which shall be superior to the perfected lienholder's lien and the amount of the lien shall continue to accrue monthly until the home is removed from real property owner's premises.

2. The real property owner's lien and the sum which the homeowner shall be obligated to pay to satisfy the lien shall be the unpaid rent accrued pursuant to the terms of the rental agreement through the date the home is removed from real property owner's premises and the real property owner's lien and the sum which the perfected lienholder shall be obligated to pay to satisfy the lien shall be the unpaid rental specified in the rental agreement which accrues during the period beginning thirty days after the notice specified in this section has been mailed to the lienholder and continuing to the date the home is removed from real property owner's premises. If an injunction or stay order issued by any court of competent jurisdiction prohibits the lienholder from removing the home, the lienholder's obligation to pay the rent shall abate until the date the injunction or stay order is lifted.

3. The owner of the manufactured home shall not have the right to remove the home from the real property owner's property until such time as all rent provided for in the rental agreement is paid and the perfected lienholder shall not have the right to remove the home until such time as the lienholder has paid all rent it is obligated to pay to the real property owner pursuant to the provisions of this section.

4. Until a perfected lienholder has paid all rent it is obligated to pay to the real property owner accrued in the real property owner's favor pursuant to the provisions of this section, the director shall not issue a certificate of title or repossession title to the manufactured home to the perfected lienholder.

5. The owner of the abandoned manufactured home and/or the perfected lienholder, within ten days of mailing of the notice specified in subsection 1 of this section, may file a petition in the associate circuit division of the circuit court of the county in which the abandoned manufactured home is located to contest the real property owner's lien. If the court determines the homeowner and/or the perfected lienholder owe unpaid rent, the court shall declare a lien in real property owner's favor and shall separately state the amount of the homeowner and/or the perfected lienholder's obligation to the date of the judgment. The homeowner and the perfected lienholder may satisfy the lien by paying the amount set out in the judgment of the court.

[700.530. The provisions of sections 700.525 to 700.539 shall not affect the right of a secured party to take possession of, and title to, a manufactured home pursuant to section 400.9-503, RSMo, section 700.386 or otherwise as allowed by contract or law.]

[700.531. The director of revenue shall notify the owner of record of the

manufactured home and any holder of a security interest in the manufactured home of its status of abandonment, the name and business address of the landlord seeking possession of the manufactured home, and the right of the landlord to seek title to the manufactured home pursuant to sections 700.525 to 700.541 if such manufactured home remains abandoned or if the owner of record of the manufactured home and any holder of a security interest in the manufactured home does not respond to the notice. The notice shall be given within fifteen working days of the receipt of the application of the landlord pursuant to subsection 2 of section 700.527.]

[700.533. The owner of such manufactured home or the holder of a valid security interest therein which is in default may claim title to it from the landlord seeking possession of the manufactured home upon proof of ownership or valid security interest which is in default and payment of all reasonable rents due and owing to the landlord.]

[700.535. If the manufactured home is titled in Missouri, the valid owner of the manufactured home or the holder of a valid security interest therein may voluntarily relinquish any claim to the manufactured home by affirmatively declaring such relinquishment or by failing to respond to the notice required by section 700.531 within thirty days of the mailing or delivery of such notice by the director of revenue.]

[700.537. The lienholder of an abandoned manufactured home may repossess an abandoned manufactured home by notifying by registered mail, postage prepaid, the owner if known, and any lienholders of record, at their last known addresses, that application for a certificate of title will be made unless the owner or lienholder of record makes satisfactory arrangements with the owner of real property upon which such abandoned manufactured home is situated within thirty days of the mailing of the notice. This notice shall be supplied by the use of a form designed and provided by the director of revenue.]

[700.539. 1. Within thirty days after the notification form required by section 700.537 has been mailed, and the owner or lienholder has made satisfactory arrangements with the owner of real property, the lienholder who sent notification pursuant to sections 700.525 to 700.541 may apply to the director of revenue for a certificate of title. The application shall be accompanied by:

(1) An affidavit of the lienholder that he is in compliance with all requirements of sections 700.525 to 700.541;

(2) A copy of the receipt indicating that the owner or lienholder of record has received the notice required by sections 700.525 to 700.541;

(3) A fee as required by the director of revenue by rule.

2. Upon proof of the foregoing by proper affidavit and upon compliance with all requirements of sections 700.525 to 700.541, the director of revenue shall, if requested,

issue a new certificate of title to the lienholder in possession within fifteen working days after request.]

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