



Ninety-Ninth Legislature - Second Session - 2006
Committee Statement
LB 1215

Hearing Date: February 7, 2006

Committee On: Transportation and Telecommunications

Introducer(s): (Baker)

Title: Change provisions relating to mobile home certificates of title

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

8	Yes	Senators Foley, Aguilar, Baker, Dw. Pedersen, Stuthman, Brown, Smith and Hudkins
	No	
	Present, not voting	
	Absent	

Proponents:

Jill Becker
Bob Hallstrom
James C. Lamphere
Camille Hawk

Representing:

Introducer, Senator Tom Baker, District #44
Nebraska Bankers Association
Nebraska Land Title Association
Creditor/Lenders

Opponents:

Sherry Schweitzer
Jean Sidwell

Representing:

County Clerk's Association
County Treasurer's

Neutral:

Representing:

Summary of purpose and/or changes:

The bill changes provisions regarding mobile home certificates of title. The bill provides a statutory procedure for the cancellation of a certificate of title for a manufactured home/mobile home.

Explanation of amendments, if any:

The committee amendment, AM2259, replaces section 1 of the bill. Sections 2 and 3 remain the same.

Section 1 amends §60-169 to provide that for a mobile home with a certificate of title, if the mobile home is affixed to real property owned by the owner, the certificate of title may be surrendered to the county clerk of the county of issuance or to the department if the owner submits an affidavit with the information required by subsection (2).

Subsection (2) provides that if subsection (1) is met, the clerk shall cancel the title, notify the department, and send a copy of the affidavit to the department. If the department cancels the title, the department shall note that on its records. After the cancellation of a certificate of title, no certificate of title may be issued except as provided in subsection (7).

Subsection (3) requires the mobile home owner with a cancelled certificate of title to deliver a copy of the affidavit to be filed with the register of deeds in the county in which the property is located.

Subsection (4) requires the county to maintain a copy of any affidavit filed under this section for twenty years.

Subsection (5) provides that if a mobile home is affixed to real estate before the effective date of this act, a lienholder or secured interest party of both the mobile home and the real estate may enforce its lien or security interest by accepting a deed in lieu of foreclosure or in the manner provided for enforcing liens. The lien or security interest is perfected if the holder has perfected a lien on the real estate. The date of perfection of the lien or security interest in the mobile home is the date of perfection of the lien on the real estate to which the mobile home is affixed on the effective date of this act.

Subsection (6) provides that a mobile home for which a certificate of title has been canceled and for which an affidavit of affixture has been duly recorded shall be treated as part of the real estate, and any lien shall be perfected and enforced in the same manner as a lien on real estate. The owner may convey ownership of the mobile home only has a part of the real estate to which it is affixed.

Subsection (7) provides that if an owner of both the mobile home and the real estate intends to detach the mobile home from the real estate, the owner shall, before detaching the mobile home, record an affidavit of detachment in the office of the register of deeds in the county in which the affidavit is recorded and apply for a certificate of title. The requirements for the affidavit of detachment are listed.

Subsection (8) provides that an owner of an affixed mobile home for which the certificate of title has previously been canceled shall not detach the mobile home before a certificate of title is issued. If a certificate of title is issued, the mobile home is no longer considered part of the real property and any lien shall be perfected and the owner may convey ownership only by certificate of title.

Subsection (9) defines “a mobile home is affixed to real estate” and “ownership interest”. Internal corrections are made.

Section 2 contains the repealer clause.

Section 3 contains the emergency clause.

Senator Tom Baker, Chairperson