



County Technical Assistance Service

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Manufactured Homes

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Table of Contents

Manufactured Homes.....	3
Titling of Manufactured Homes.....	3
Affidavit of Affixation	3
Certificate of Title.....	3
Installation Permits	4

Manufactured Homes

Reference Number: CTAS-682

A “manufactured home” is defined as a structure which is transportable in one or more sections and which, in the traveling mode, is at least eight feet in width and at least forty (40) feet in length, or when erected on site is at least three hundred twenty (320) square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems; a manufactured home also may be any structure that meets all of the foregoing requirements except size, and which the manufacturer has voluntarily filed a certification with the Department of Housing and Urban Development and complies with the standards of that agency. Manufactured homes are sometimes referred to as mobile homes or house trailers. T.C.A. § 55-1-105.

Titling of Manufactured Homes

Reference Number: CTAS-683

The ownership of a manufactured home is legally recorded by either obtaining a certificate of title from the county clerk or by filing an affidavit of affixation with the register of deeds. These types of structures generally are considered personal property and are titled in a manner similar to motor vehicles by certificate of title, but under certain circumstances these structures may be so permanently affixed to the land that they become more like a house, and ownership is recorded in the real property records. Whether the structure is considered personal property or real property is important to lenders trying to perfect a security interest in these structures. The distinction is also important for bankruptcy law purposes, because a debtor in bankruptcy is allowed certain preferences with regard to real property that is the debtor’s principal residence.

Affidavit of Affixation

Reference Number: CTAS-684

When the real estate and the manufactured home are owned by the same owner(s), and the manufactured home is affixed to the real estate, the owner(s) may record an Affidavit of Affixation. T.C.A. § 55-3-128. The recording of an Affidavit of Affixation in the register of deeds’ office will be prima facie evidence that the manufactured home is affixed to real property as an improvement to the property, so that lenders will be able to rely on the affidavit to file and properly perfect their liens, and bankruptcy judges may rely on the affidavit in connection with determining whether a manufactured home qualifies as a principal residence. This also means that the manufactured home is to be taxed as part of the real property to which it is affixed, so the assessor of property will need to know when these affidavits are filed so that the property may be added to the county’s tax rolls.

The Affidavit of Affixation is required to be substantially in the form set out in T.C.A. § 55-3-128. The owner of the manufactured home and real property must answer the questions listed on the affidavit under oath, and then file the completed affidavit in the office of the register of deeds. The register records the instrument with the real estate records after receiving the proper fees. A copy of the affidavit also must be filed with the assessor of property.

The Affidavit of Affixation is to be used only when the owner of the manufactured home also owns the real estate to which the home is affixed. If the land is owned by someone other than the owner of the manufactured home, a certificate of title must be obtained regardless of whether the home is affixed to the land.

Certificate of Title

Reference Number: CTAS-685

Manufactured homes which are not affixed to land, and those which are affixed to land owned by someone other than the owner of the manufactured home, are issued certificates of title. For manufactured homes that are affixed to the owner’s land and for which an Affidavit of Affixation has been recorded, no

certificate of title is necessary. For example, it is not necessary to issue a certificate of title for a new manufactured home purchased by a land owner to be affixed to that land if the owner is filing an Affidavit of Affixation with the register of deeds.

If a manufactured home is affixed to a parcel of real property with the same owner, upon filing an Affidavit of Affixation the owner is required to surrender the title for cancellation by providing the following documentation to the county clerk:

1. The certificate(s) of title to the manufactured home duly endorsed to show release of any lienholders; or if the manufactured home is new, the manufacturer's statement or certificate of origin; or if the manufactured home is not covered by a certificate of title and the owner is unable to produce the manufacturer's certificate of origin, a statement to that effect in the Affidavit of Affixation;
2. A certified copy of the deed to the real property to which the manufactured home has been affixed as recorded in the register's office; and
3. A certified copy of the Affidavit of Affixation recorded in the register's office.

T.C.A. § 55-3-128.

No fee is provided in the statute for either the county clerk or the state for the surrender of the certificate of title.

The surrender of the certificate of title is mandatory. The owner cannot continue to hold a certificate of title for the manufactured home after filing an Affidavit of Affixation with the register.

If the owner of a manufactured home who has surrendered the certificate of title later wants to have the title reissued (which may happen if the owner sells the manufactured home without selling the real property), this may be done by applying for a new certificate of title with the county clerk and providing the following:

1. An abstract of title showing legal ownership of the manufactured home and real property and any mortgages recorded on the real property;
2. For every lienholder shown on the title abstract, either a release of the lien or a lienor's statement that the lien is to be recorded on the certificate of title; and
3. Payment of the required fees for issuance of the certificate of title.

T.C.A. § 55-3-129.

Installation Permits

Reference Number: CTAS-686

County clerks are responsible for selling installation permits to licensed installers of manufactured homes. Under T.C.A. § 68-126-406, prior to installing a manufactured home an installer must obtain a permit and pay an inspection fee of forty-five dollars (\$45.00). A permit is required for each installation. The permit is purchased from the county clerk of any county by paying the inspection fee. The county clerk issues a permit decal which must be placed on the electrical panel box cover of the manufactured home. The installer must write the address of the home on the permit, and the electrical inspector cannot authorize the electricity to be turned on at the home if no installation permit decal is present.

Of the \$45.00 fee, the county clerk retains eight dollars (\$8.00) and remits thirty-seven dollars (\$37.00) to the commissioner of commerce and insurance (to be used to defray inspection costs) on a monthly basis, no later than the twentieth (20th) day of the month following the month in which the fee is paid, with a report showing the license numbers of the installers and retailers who purchase permits and the corresponding permit numbers sold. The decals are furnished to the county clerks by the commissioner. County clerks are required to account for each permit decal issued.

If a permit is lost or destroyed, the county clerk may issue a replacement decal upon payment of an additional forty-five dollars (\$45.00) and submission of an affidavit stating that the decal was lost or destroyed. The county clerk retains eight dollars (\$8.00) and remits a copy of the affidavit and thirty-seven dollars (\$37.00) to the commissioner of commerce and insurance with the monthly report.

Inspections are handled by the Department of Commerce and Insurance, as is licensing of installers and retailers of manufactured homes. The responsibilities of the county clerk are limited to selling installation permits, collecting the inspection fees, and filing reports and remitting fees monthly to the commissioner of commerce and insurance.

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