

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 410
Committee Substitute Favorable 4/10/13
Committee Substitute #2 Favorable 4/24/13

Short Title: Cancel Title to Manufactured Home.

(Public)

Sponsors:

Referred to:

March 25, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CANCEL A
CERTIFICATE OF TITLE TO A MANUFACTURED HOME WHEN THE PERSON
REQUESTING CANCELLATION DOES NOT HAVE THE CERTIFICATE OF TITLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-109.2 reads as rewritten:

"§ 20-109.2. Surrender of title to manufactured home.

(a) Surrender of Title. – If a certificate of title has been issued for a manufactured ~~home~~home, the owner listed on the title has the title, and the manufactured home qualifies as real property as defined in G.S. 105-273(13), the owner listed on the title shall submit an affidavit to the Division that the manufactured home meets this definition and surrender the certificate of title to the Division.

(a1) Surrender When Title Not Available. – If a certificate of title has been issued for a manufactured home, no issued title is available, and the manufactured home qualifies as real property as defined in G.S. 105-273(13), the owner listed on the title shall be deemed to have surrendered the title to the Division if the owner of the real property on which the manufactured home is affixed (i) submits an affidavit to the Division that the manufactured home meets the definition of real property under G.S. 105-273(13) and in compliance with subsection (b) of this section and (ii) submits a tax record showing the manufactured home listed for ad valorem taxes as real property pursuant to Article 17 of Chapter 105 of the General Statutes in the name of the record owner of the real property on which the manufactured home is affixed.

(b) Affidavit. – The affidavit must be in a form approved by the Commissioner and shall include or provide for all of the following information:

- (1) The manufacturer and, if applicable, the model name of the manufactured ~~home~~home affixed to real property upon which cancellation is sought.
- (2) The vehicle identification number and serial number of the manufactured ~~home~~home affixed to real property upon which cancellation is sought.
- (3) The legal description of the real property on which the manufactured home is ~~placed~~affixed, stating that the owner of the manufactured home also owns the real property or that the owner of the manufactured home has entered into a lease with a primary term of at least 20 years for the real property on which the manufactured home is affixed with a copy of the lease or a memorandum thereof pursuant to G.S. 47-18 attached to the affidavit, if not previously recorded.



- 1 (4) A description of any security interests in the manufactured ~~home~~ home
2 affixed to real property upon which cancellation is sought.
- 3 (5) A section for the Division's notation or statement that either the procedure in
4 subsection (a) of this section for surrendering the title has been surrendered
5 and the title has been cancelled by the ~~Division~~ Division or the affiant
6 submits this affidavit pursuant to subsection (a1) of this section to have the
7 title deemed surrendered by the owner listed on the certificate of title.
- 8 (6) An affirmative statement that the affiant is (i) the record owner of the real
9 property on which the manufactured home is affixed and the lease for the
10 manufactured home does not include a provision allowing the owner listed
11 on the certificate of title to dispose of the manufactured home prior to the
12 end of the primary term of the lease or (ii) is the owner of the manufactured
13 home and either owns the real property on which the manufactured home is
14 affixed or has entered into a lease with a primary term of at least 20 years for
15 the real property on which the manufactured home is affixed.
- 16 (7) The affiant affirms that he or she has sent notice of this cancellation by hand
17 delivery or by first-class mail to the last known address of the owner listed
18 on the certificate of title prior to filing this affidavit with the Division.
- 19 (c) Cancellation. – Upon compliance ~~by the owner~~ with the ~~procedure~~ procedures in
20 subsection (a) or (a1) of this section for surrender of title, the Division shall rescind and cancel
21 the certificate of title. If a security interest has been recorded on the certificate of title and not
22 released by the secured party, the Division may not cancel the title without written consent
23 from all secured parties. After canceling the title, the Division shall return the original of the
24 affidavit to the ~~owner~~ affiant, or to the secured party having the first recorded security interest,
25 with the Division's notation or statement that the title has been surrendered and has been
26 cancelled by the Division. The ~~owner~~ affiant or secured party shall file the affidavit returned by
27 the Division with the office of the register of deeds of the county where the real property is
28 located. The Division may charge five dollars (\$5.00) for a cancellation of a title under this
29 section.
- 30 ...
- 31 (f) No Right of Action. – A person damaged by the cancellation of a certificate of title
32 pursuant to subsection (a1) of this section does not have a right of action against the Division."
- 33 **SECTION 2.** This act becomes effective July 1, 2013.