

MANUFACTURED HOMES & MOBILE HOMES

What is a mobile home?

A mobile home is defined as any re-locatable structure or unit, either single or multi-sectional, which is built on a permanent chassis, ordinarily designed for human living quarters, owned or used as a residence by the owner or occupant, which is either attached to utility services (services purchased by the occupant from a utility company or rural electric co-op) or is twenty-seven feet or more in length. (NDCC 57.55.01)

What is a manufactured home?

A manufactured home is similar in structure to a mobile home but is also sold as real property and can qualify for Federal Home Loan Mortgage Corporation (FHLMC) financing and is placed on a permanent foundation. A “mobile home” does not qualify for this financing and is usually (but not always) placed in a mobile home park community.

MANUFACTURED HOMES

What is an Affidavit of Affixation?

An Affidavit of Affixation establishes an affixed manufactured home as real estate. The Affidavit of Affixation is recorded with the land office in the county where the real property is affixed.

Is the Affidavit of Affixation needed on both new and used manufactured homes?

Yes. The affidavit is required for both new and used homes. The affidavit is also required when converting a mobile home to real property.

Where do I get the Affidavit of Affixation?

If the home is financed it should be available from the creditor or one can be prepared by an attorney. The North Dakota Banker’s Association has prepared a form which is available to their banks. A sample of the form has been provided to the State Bar Association Real Estate Attorneys.

If the home is **not** financed the owner may prepare the form following the law as to what must be included in the affidavit. The owner may also choose to obtain legal assistance when preparing the affidavit, keeping in mind there may be a fee associated with that assistance.

How does the Affidavit of Affixation get to the recorder’s office and back to the owner to submit with their title application?

If the home is financed, the lender will likely assist with the completion of the affidavit and send the original to the county recorder’s office. The recorder’s office will process the form (allow 60 days) and return a stamped copy to the lienholder or the individual. The lender will submit the copy with the title application. If the owner is submitting the title application the lender will send the copy to the owner.

What if the home isn't financed, do I still need the Affidavit of Affixation?

Yes. The form is necessary whether the home is financed or not. If the home is **not** financed, it becomes the owner's responsibility to file the Affidavit of Affixation with the county recorder's office. The recorder's office will return a copy of the recorded affidavit (allow 60 days) to the individual.

Is another Affidavit of Affixation required when a change of ownership takes place?

No. Another affidavit is not required unless the legal description of the property changes.

Why don't I get a title for my manufactured home?

FHLMC requires that a certificate of title NOT be issued for a manufactured home sold as real property.

How does the Motor Vehicle Division ensure no title is issued for a manufactured home?

In addition to the title application and Affidavit of Affixation, the applicant must complete and submit [SFN 53658 Affidavit for Use of a Manufactured Home](#). This form will certify the manufactured home is real property.

If no title is issued how will I prove I own the manufactured home?

Ownership of a Manufactured Home is considered real property transferred through the deed process. A Manufactured Home Conversion Confirmation is mailed to the registered owner or lienholder if financed. Current law does not require titling companies or lienholders to submit documentation to NDDOT each time the manufactured home owner changes. The only time NDDOT will be required to complete these requests is when the owner has an MCO/Title and the manufactured home is being affixed to real property for the first time.

How is the ownership transferred on a private sale?

Ownership of a Manufactured Home is considered real property transferred through the deed process.

Does the Motor Vehicle Division collect sales tax on the purchase price?

No. Dealers will continue to collect sales tax and submit it directly to the State Tax Department.

What if I already have a title for my manufactured home?

In the event a title has already been issued, the owner must return the certificate of title, a copy of the Affidavit of Affixation, and a completed [SFN 53658 Affidavit of Use for a Manufactured Home](#). The record will be updated to prevent the issuance of a title in the future. The fee is \$5 (additional service fees may apply).

Is a mobile home tax equalization form required for a manufactured home?

No.

MOBILE HOMES

Are titles issued for mobile homes?

Yes. The Motor Vehicle Department issues certificates of title for mobile homes. The fee is \$5 (additional service fees may apply).

How is the ownership of a mobile home transferred?

The certificate of title must be completed by both the seller and the buyer. The seller will sign in Part 1 (Seller's Assignment and Warranty of Title) as the seller. The buyer will complete the buyer's information with their legal name(s) and mailing address. The buyer must also complete Part 3 (Purchaser's Certification and Application) on the back of the title, signing as the buyer and listing the lien holder information if applicable. The buyer must complete [SFN 3004 North Dakota State Board of Equalization Statement of Mobile Home Full Consideration](#). The title and equalization form must be submitted along with a \$5 title fee. The new title will be mailed to the registered owner or lien holder of record.

What is a North Dakota State Board of Equalization Statement of Mobile Home Full Consideration (mobile home tax equalization) form?

Any person who has purchased a mobile home and is applying for a title must present, with the application, a certified statement of the full consideration paid for the mobile home. The State Equalization Board uses the statement to generate a report used by the State Tax Commissioner to determine the proper assessment of mobile homes for tax purposes.

Does the Motor Vehicle Division collect excise tax on the purchase price?

No. The division only collects the \$5 fee (additional service fees may apply) required for the issuance of the title.

I've paid off the loan on my mobile home. What will I receive from the lender? The lien holder will release their lien on the front of the title and mail the title to you. When you receive the title from your lien holder you will need to sign the back of the title in Part 3 as buyer and submit the title to the Motor Vehicle Division along with \$5 (additional service fees may apply). The department will then issue a clear title.

I'm buying my mobile home as a "contract for deed". How do I proceed?

The buyer and seller will follow the same procedure listed for the transfer of ownership of a mobile home. The seller will then list their name as the lien holder on the back of the title in Part 3. In this instance, the buyer will be the registered owner of the home, but the seller will retain legal ownership of the home until the contract is fulfilled.

The seller did not give me a title when I bought my mobile home. How do I get one?

The seller must apply for a duplicate title if they are the last owner of record. The fee is

\$5 (additional service fees may apply). If they are not the last owner of record, you will need to contact the Motor Vehicle Division for further instruction.

I own a mobile home park. How do I obtain a title for a home left abandoned?

For a title to be obtained by the park owner the park owner shall post a signed and dated notice of landlord lien on the primary entrance to the mobile home. The notice of lien must contain the name and last-known address of the owner of the mobile home, the name and post-office address of the landlord lien claimant, the amount of the lien, a description of the location and type of mobile home, and a recitation of the penalty provisions of NDCC 35.20.17. A lien holder may sell a mobile home thirty (30) days after the lien holder mails notice of the lien to the owner of the home and secured parties of record. Landlord liens do not have priority over a prior perfected security interest in the property. After the sale, the lien holder shall forward to the former owner any money resulting from the sale of the home in excess of the amount owed for accrued rents, storage, and removal relating to the mobile home. If the location of the former mobile home owner is not known, any money from a sale in excess of the amount owed is presumed abandoned under NDCC 47.30.1. The park owner may also obtain a title through an order of the court.