

FIRST REGULAR SESSION

# HOUSE BILL NO. 924

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SUTHERLAND.

2233L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 700.100, 700.350, 700.370, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, and 700.539, RSMo, and to enact in lieu thereof nine new sections relating to manufactured housing.

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

Section A. Sections 700.100, 700.350, 700.370, 700.385, 700.525, 700.527, 700.529, 2 700.530, 700.531, 700.533, 700.535, 700.537, and 700.539, RSMo, are repealed and nine new 3 sections enacted in lieu thereof, to be known as sections 700.100, 700.330, 700.350, 700.370, 4 700.385, 700.526, 700.527, 700.528, and 700.529, to read as follows:

700.100. 1. The commission may refuse to register or refuse to renew the registration 2 of any person who fails to comply with the provisions of sections 700.010 to 700.115. 3 Notification of unfavorable action by the commission on any application for registration or 4 renewal of registration must be delivered to the applicant within thirty days from date it is 5 received by the commission. Notification of unfavorable action by the commission on any 6 application for registration or renewal of registration must be accompanied by a notice informing 7 the recipient that the decision of the commission may be appealed as provided in chapter 386, 8 RSMo.

9 2. The commission may consider a complaint filed with it charging a registered 10 manufacturer or dealer with a violation of the provisions of this section, which charges, if 11 proven, shall constitute grounds for revocation or suspension of his **or her** registration, or the 12 placing of the registered manufacturer or dealer on probation.

13 3. The following specifications shall constitute grounds for the suspension, revocation 14 or placing on probation of a manufacturer's or dealer's registration:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 (1) If required, failure to comply with the provisions of section 301.280, RSMo;
- 16 (2) Failing to be in compliance with the provisions of section 700.090;
- 17 (3) If a corporation, failing to file all franchise or sales tax forms required by Missouri
- 18 law;
- 19 (4) Engaging in any conduct which constitutes a violation of the provisions of section
- 20 407.020, RSMo;
- 21 (5) Failing to comply with the provisions of Sections 2301-2312 of Title 15 of the United
- 22 States Code (Magnuson-Moss Warranty Act);
- 23 (6) As a dealer, failing to arrange for the proper initial setup of any new manufactured
- 24 home or modular unit sold from or in the state of Missouri, except as allowed under subsection
- 25 5 of section 700.656; the dealer shall receive a written waiver of that service from the purchaser
- 26 or his or her authorized agent;
- 27 (7) **As a dealer, failing to obtain for each used manufactured home or used modular**
- 28 **unit sold a written notice, signed, and dated by the purchaser or the purchaser's agent that**
- 29 **states: "The Missouri Public Service Commission does not regulate setup of used**
- 30 **manufactured homes and used modular units sold by the dealer.";**
- 31 (8) Requiring any person to purchase any type of insurance from that manufacturer or
- 32 dealer as a condition to his **or her** being sold any manufactured home or modular unit;
- 33 [(8)] (9) Requiring any person to arrange financing or utilize the services of any
- 34 particular financing service as a condition to his **or her** being sold any manufactured home or
- 35 modular unit; provided, however, the registered manufacturer or dealer may reserve the right to
- 36 establish reasonable conditions for the approval of any financing source;
- 37 [(9)] (10) Engaging in conduct in violation of section 700.045;
- 38 [(10)] (11) Failing to comply with the provisions of section 301.210, RSMo;
- 39 [(11)] (12) Failing to pay all necessary fees and assessments authorized pursuant to
- 40 sections 700.010 to 700.115.

41 4. The commission may order that any suspension, revocation, or probation ordered

42 under subsection 3 of this section shall apply to all manufacturer's or dealer's registrations that

43 are held by the same manufacturer or dealer or that are owned or controlled by the same person

44 or persons if a continued and consistent pattern of the violations have been identified by the

45 commission to be present with each licensee under the same control or ownership.

2 **700.330. 1. A sole owner of a manufactured home, and multiple owners of a**

3 **manufactured home who hold their interest as joint tenants with right of survivorship or**

4 **as tenants by the entirety, on application and payment of the fee required for an original**

5 **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

6 the director of revenue to transfer the certificate of ownership on death of the sole owner  
7 or on death of all multiple owners to one beneficiary or to two or more beneficiaries as  
8 joint tenants with right of survivorship or as tenants by the entirety named on the face of  
9 the certificate.

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

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

15       4. (1) During the lifetime of a sole owner and during the lifetime of all multiple  
16 owners, the signature or consent of the beneficiary or beneficiaries shall not be required  
17 for any transaction relating to the manufactured home for which a certificate of ownership  
18 in beneficiary form has been issued.

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

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

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

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

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

36       5. (1) On proof of death of one of the owners of two or more multiple owners, or  
37 of a sole owner, surrender of the outstanding certificate of ownership, and on application  
38 and payment of the fee for an original certificate of ownership, the director of revenue shall  
39 issue a new certificate of ownership for the manufactured home to the surviving owner or  
40 owners or, if none, to the surviving beneficiary or beneficiaries, subject to any outstanding  
41 security interest; and the current valid certificate of number shall be so transferred.

42           **(2) The director of revenue may rely on a death certificate or record or report that**  
43 **constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section**  
44 **472.290, RSMo.**

45           **(3) The transfer of a manufactured home at death under this section is effective by**  
46 **reason of sections 301.675 to 301.682, RSMo, and sections 306.455 to 306.465, RSMo, and**  
47 **is not to be considered as testamentary, or to be subject to the requirements of section**  
48 **473.087 or section 474.320, RSMo.**

700.350. 1. As used in sections 700.350 to 700.390, the term "manufactured home" shall  
2 have the same meanings given it in section 700.010 or section 400.9-102(a)(53), RSMo.

3           2. Unless excepted by section 700.375, a lien or encumbrance on a manufactured home  
4 shall not be valid against subsequent transferees or lienholders of the manufactured home who  
5 took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected  
6 as provided in sections 700.350 to 700.380.

7           3. A lien or encumbrance on a manufactured home is perfected by the delivery to the  
8 director of revenue of a notice of lien in a format as prescribed by the director of revenue. Such  
9 lien or encumbrance shall be perfected as of the time of its creation if the delivery of the notice  
10 of lien required in this subsection to the director of revenue is completed within thirty days  
11 thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery.  
12 A notice of lien shall contain the name and address of the owner of the manufactured home and  
13 the secured party, a description of the manufactured home **and the secured party, a description**  
14 **of the manufactured home**, including any identification number and such other information as  
15 the department of revenue shall prescribe. A notice of lien substantially complying with the  
16 requirements of this section is effective even though it contains minor errors which are not  
17 seriously misleading. Liens may secure future advances. The future advances may be evidenced  
18 by one or more notes or other documents evidencing indebtedness and shall not be required to  
19 be executed or delivered prior to the date of the future advance lien securing them. The fact that  
20 a lien may secure future advances shall be clearly stated on the security agreement and noted as  
21 "subject to future advances" in the notice of lien and noted on the certificate of ownership if the  
22 motor vehicle or trailer is subject to only one lien. To secure future advances when an existing  
23 lien on a manufactured home does not secure future advances, the lienholder shall file a notice  
24 of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected  
25 in the same time and manner as any other lien, except as follows: proof of the lien for future  
26 advances is maintained by the department of revenue; however, there shall be additional proof  
27 of such lien when the notice of lien reflects such lien for future advances, is received by the  
28 department of revenue, and returned to the lienholder.

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

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

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

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

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

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

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

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

62           6. All transactions involving liens or encumbrances on manufactured homes perfected  
63 pursuant to sections 700.350 to 700.390 after June 30, 2001, and before August 28, 2002, and  
64 the rights, duties, and interests flowing from them are and shall remain valid thereafter and may

65 be terminated, completed, consummated, or enforced as required or permitted by section  
66 400.9-303, RSMo, or this section. Section 400.9-303, RSMo, and this section are remedial in  
67 nature and shall be given that construction.

68 7. The repeal and reenactment of subsections 3 and 4 of this section shall become  
69 effective July 1, 2003.

700.370. 1. Upon the satisfaction of a lien or encumbrance on a manufactured home,  
2 the lienholder shall, within ten days after demand, release the lien or encumbrance on the  
3 certificate or a separate document, and mail or deliver the certificate or separate document to the  
4 owner or any person who delivers to the lienholder an authorization from the owner to receive  
5 the certificate or separate document. Each perfected subordinate lienholder, if any, shall release  
6 such lien or encumbrance as provided in this section for the first lienholder. The release on the  
7 certificate or separate document shall be notarized. The owner may cause the certificate of title,  
8 the release, and the required fee to be mailed or delivered to the director of revenue, who shall  
9 release the lienholder's rights on the certificate and issue a new certificate of title.

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

700.385. 1. When the holder of any indebtedness secured by a security agreement or  
2 other contract for security covering a manufactured home, who has a notice of lien on file with  
3 the director of revenue, repossesses the manufactured home either by legal process or in  
4 accordance with the terms of a contract authorizing the repossession of the manufactured home  
5 without legal process, the holder may obtain a certificate of ownership from the director of  
6 revenue upon presentation of:

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

9 (2) A notice of lien receipt or the original certificate of ownership reflecting the holder's  
10 lien; and

11 (3) An affidavit of the holder, certified under penalties of perjury for making a false  
12 statement to a public official, that the debtor defaulted in payment of the debt, and that the holder  
13 repossessed the manufactured home either by legal process or in accordance with the terms of  
14 the contract, **and the name and address of the owner of the real estate, other than the**  
15 **debtor, from whom the home was repossessed, and that the holder has paid to the real**  
16 **property owner all rent that has accrued in the real property owner's favor that the holder**  
17 **is obligated to pay under the provisions of section 700.529, and the specific address where**

18 the manufactured home is held. Such affidavit shall also state that the lienholder has the written  
19 consent from all owners or lienholders of record to repossess the manufactured home or has  
20 provided all the owners or lienholders with written notice of the repossession.

21 2. On a manufactured home, the lienholder shall first give:

22 (1) Ten days' written notice by first class United States mail, postage prepaid, to each of  
23 the owners and other lienholders, if any, of the manufactured home at each of their last mailing  
24 addresses as shown by the last prior certificate of ownership, if any issued, or the most recent  
25 address on the lienholder's records, that an application for a repossessed title will be made; or

26 (2) The lienholder may, ten days prior to applying for a repossession title, include the  
27 information in the above notice in the appropriate uniform commercial code notice under  
28 sections 400.9-613 or 400.9-614, RSMo. Such alternative notice to all owners and lienholders  
29 shall be valid and enforceable under both the uniform commercial code and this section,  
30 provided it otherwise complies with the provisions of the uniform commercial code.

31 3. Upon the holder's presentation of the papers required by subsection 1 of this section  
32 and the payment of a fee of ten dollars, the director of revenue, if he **or she** is satisfied with the  
33 genuineness of the papers, shall issue and deliver to the holder a certificate of ownership which  
34 shall be in its usual form except it shall be clearly captioned "Repossessed Title". Each  
35 repossessed title so issued shall, for all purposes, be treated as an original certificate of  
36 ownership and shall supersede the outstanding certificate of ownership, if any, and duplicates  
37 thereof, if any, on the manufactured home, all of which shall become null and void.

38 4. In any case where there is no certificate of ownership, or duplicate thereof, outstanding  
39 in the name of the debtor on the repossessed manufactured home, the director of revenue shall  
40 issue a repossessed title to the holder and shall proceed to collect all unpaid fees, taxes, charges  
41 and penalties owed by the debtor, in addition to the fee specified in subsection 3 of this section.

42 5. The director of revenue may prescribe rules and regulations for the effective  
43 administration of this section. Any rule or portion of a rule, as that term is defined in section  
44 536.010, RSMo, that is created under the authority delegated in this section shall become  
45 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,  
46 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
47 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,  
48 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
49 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
50 after August 28, 2006, shall be invalid and void.

**700.526. A manufactured home as defined in section 700.010 which is placed on the  
2 real estate of another under a valid written rental agreement signed by the homeowner  
3 shall be deemed abandoned if:**

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

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

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

          700.527. 1. If a person abandons a manufactured home on any real property owned by  
2 another who is renting such real property to the owner of the manufactured home, and such  
3 abandonment is without the consent of the owner of the real property, **and the abandoned**  
4 **manufactured home is not subject to any lien perfected according to sections 700.350 to**  
5 **700.380**, the owner of the real property [may seek possession of and title to the manufactured  
6 home in accordance with the provisions of sections 700.525 to 700.541 subject to the interest of  
7 any party with a security interest in the manufactured home] **shall have a lien for unpaid rent**  
8 **against the manufactured home. The lien for unpaid rent shall be enforced as provided**  
9 **in this section and may be contested as provided in section 700.528.**

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

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

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

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

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

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

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



30           (3) That the manufactured home is abandoned as provided in section 700.526 and  
31 applicable rule of the director of revenue;

32           (4) The duration of such abandonment;

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

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

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

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

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

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

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

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

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

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

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

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

66 circuit division of the circuit court in the county in which the abandoned manufactured  
67 home is located to contest the lien or if filed has been dismissed or judgment has been  
68 entered on the petition establishing the real property owner's lien, the real property owner  
69 may apply to the director of revenue for a certificate of title in order to enforce the lien.

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

72 (1) The make, year, and serial number of the manufactured home;

73 (2) An affidavit of the owner of real property seeking possession of the  
74 manufactured home that states:

75 (a) The manufactured home is abandoned as provided in section 700.526 and by  
76 applicable rule of the director of revenue;

77 (b) The duration of such abandonment;

78 (c) The manufactured home is located upon real property owned by the real  
79 property owner;

80 (d) The manufactured home is located on the real estate by reason of a valid rental  
81 agreement signed by the homeowner;

82 (e) The homeowner is in default of the rental agreement;

83 (f) The amount of past-due rent and the monthly rate at which future rent will  
84 accrue under the rental agreement;

85 (g) The homeowner has not paid or made arrangements for the payment of the  
86 rent;

87 (h) The owner of real property claims a lien for all such rent;

88 (i) The real property owner mailed the notice required by subsection 3 of this  
89 section to the owner of the manufactured home by certified mail, return receipt requested;

90 (j) The manufactured homeowner has not filed a petition in the associate circuit  
91 division of circuit court contesting the real property owner's lien, or if a petition was filed,  
92 that either the homeowner's petition was dismissed or that a judgment in the real property  
93 owner's favor establishing the lien was entered;

94 (3) A copy of the thirty-day notice given by certified mail to the owner of the  
95 manufactured home;

96 (4) A copy of the certified mail receipt indicating that the owner was sent the notice  
97 as required in subsection 3 of this section;

98 (5) A copy of the envelope or mailing container showing the address and postal  
99 marking that indicate the notice was not forwardable or address unknown;

100 (6) An original, photostatic or conformed copy of the original contract for the  
101 rental of the real property;

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

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

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

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

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

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

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

120           (3) By publishing the notice not less than twice in a newspaper of general  
121 circulation in the county in which the manufactured home is to be sold, the last publication  
122 to be not less than twenty days prior to the date of sale; or

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

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

129 "NOTICE

130 Notice is hereby given that on (insert date), sale will be held at (insert place), to sell the  
131 following manufactured home to enforce a lien existing under the laws of the state of  
132 Missouri for real estate rental, unless the manufactured home is redeemed prior to the date  
133 of sale:

134 Name of Owner: Description of Manufacturer's Amount of Lien:

135 Manufactured Serial Number:

136 Home:

137 Name of Lienor:".

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

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

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

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

152

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

159           **14. Such treasurer shall credit such excess to the general revenue fund of the county**  
160 **or a city not within a county, subject to the right of the owner to reclaim the same at any**  
161 **time within three years of the date of such deposit with the treasurer, after presentation**  
162 **of proper evidence of ownership and obtaining an order of the county commission, or**  
163 **comptroller of a city not within a county, directed to said treasurer for the return of such**  
164 **excess deposit.**

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

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

173           **17. The real property owner may be a purchaser at the public sale conducted under**  
174 **this section.**

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

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

18           **3. If the court determines the homeowner owes unpaid rent under the rent**  
19 **agreement, the court shall give judgment to the real property owner in the sum of the**  
20 **unpaid rent, declare a lien in the real property owner's favor against the manufactured**  
21 **home, or if bond has been posted, order that so much of the bond proceeds as are necessary**  
22 **to satisfy the judgment to be immediately paid to the real property owner. The real**  
23 **property owner shall enforce the lien for the unpaid rent by submitting an application for**  
24 **lien title in the form and containing the information required by section 700.527. The real**  
25 **property owner shall attach to the application for lien title a copy of the judgment rendered**  
26 **by the associate circuit court. The homeowner may satisfy the lien by paying the amount**  
27 **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**  
2 **upon compliance with the provisions of sections 700.525 to 700.541, the director of revenue**  
3 **shall, if requested, issue a new certificate of title to the landlord.] 1. If a person abandons a**  
4 **manufactured home on any real property owned by another who is renting such real**  
5 **property to the owner of the manufactured home, and such abandonment is without the**  
6 **consent of the owner of the real property, and there exists a lien perfected according to**  
7 **sections 700.350 to 700.380 on the manufactured home which is in default, the owner of the**

8 real property shall have a lien for unpaid rental against the manufactured home upon  
9 compliance with the provisions of this section by giving notice to the manufactured  
10 homeowner and any party with a perfected lien in the abandoned home by certified mail,  
11 postage prepaid and return receipt requested. The notice shall contain the following:

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

13 (2) The name and last known address of the owner of the manufactured home;

14 (3) The make, year, and serial number of the manufactured home;

15 (4) That the manufactured home is abandoned as provided in section 700.526 and  
16 by applicable rule of the director;

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

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

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

22 (8) The amount of past-due rent and the monthly rate at which future rent will  
23 accrue under the rental agreement;

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

26 (10) That the real property owner claims a lien for such rental;

27 (11) That the owner of the manufactured home may redeem the home at any time  
28 during business hours by paying all unpaid rent accrued under the terms of the rental  
29 agreement through the date of removal of the home from the real property owner's  
30 premises and the perfected lienholder may redeem the abandoned manufactured home at  
31 any time during business hours by paying all rent specified in the rental agreement which  
32 accrues during the period beginning thirty days after this notice has been mailed to the  
33 perfected lienholder and continuing to the date the home is removed from real property  
34 owner's premises;

35 (12) That the manufactured homeowner and the perfected lienholder shall each  
36 have the right to contest the real property owner's lien by filing, within ten days of the date  
37 of mailing the notice required by this section, a petition in the associate circuit division of  
38 the circuit court of the county in which the manufactured home is located;

39 (13) That if the rent due remains unpaid thirty days from the date mailing of the  
40 notice and within ten days of mailing of the notice the petition referred to in subdivision  
41 (12) of this subsection is not filed to contest the lien, the real property owner shall have a  
42 lien against the manufactured home which shall be superior to the perfected lienholder's

43 **lien and the amount of the lien shall continue to accrue monthly until the home is removed**  
44 **from real property owner's premises.**

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

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

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

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

2 [700.525. As used in sections 700.525 to 700.541, the following terms  
3 mean:  
4 (1) "Abandoned", a physical absence from the property, and either:  
5 (a) Failure by a renter of real property to pay any required rent for fifteen  
6 consecutive days, along with the discontinuation of utility service to the rented  
property for such period; or

7 (b) Indication of or notice of abandonment of real property rented from  
8 a landlord;  
9 (2) "Manufactured home", a factory-built structure as defined in  
10 subdivision (6) or (8) of section 700.010.]  
11

2 [700.530. The provisions of sections 700.525 to 700.539 shall not affect  
3 the right of a secured party to take possession of, and title to, a manufactured  
4 home pursuant to section 400.9-503, RSMo, section 700.386 or otherwise as  
5 allowed by contract or law.]

2 [700.531. The director of revenue shall notify the owner of record of the  
3 manufactured home and any holder of a security interest in the manufactured  
4 home of its status of abandonment, the name and business address of the landlord  
5 seeking possession of the manufactured home, and the right of the landlord to  
6 seek title to the manufactured home pursuant to sections 700.525 to 700.541 if  
7 such manufactured home remains abandoned or if the owner of record of the  
8 manufactured home and any holder of a security interest in the manufactured  
9 home does not respond to the notice. The notice shall be given within fifteen  
10 working days of the receipt of the application of the landlord pursuant to  
11 subsection 2 of section 700.527.]

2 [700.533. The owner of such manufactured home or the holder of a valid  
3 security interest therein which is in default may claim title to it from the landlord  
4 seeking possession of the manufactured home upon proof of ownership or valid  
5 security interest which is in default and payment of all reasonable rents due and  
6 owing to the landlord.]

2 [700.535. If the manufactured home is titled in Missouri, the valid owner  
3 of the manufactured home or the holder of a valid security interest therein may  
4 voluntarily relinquish any claim to the manufactured home by affirmatively  
5 declaring such relinquishment or by failing to respond to the notice required by  
6 section 700.531 within thirty days of the mailing or delivery of such notice by the  
7 director of revenue.]

2 [700.537. The lienholder of an abandoned manufactured home may  
3 repossess an abandoned manufactured home by notifying by registered mail,  
4 postage prepaid, the owner if known, and any lienholders of record, at their last  
5 known addresses, that application for a certificate of title will be made unless the  
6 owner or lienholder of record makes satisfactory arrangements with the owner of  
7 real property upon which such abandoned manufactured home is situated within  
8 thirty days of the mailing of the notice. This notice shall be supplied by the use  
9 of a form designed and provided by the director of revenue.]



2 [700.539. 1. Within thirty days after the notification form required by  
3 section 700.537 has been mailed, and the owner or lienholder has made  
4 satisfactory arrangements with the owner of real property, the lienholder who sent  
5 notification pursuant to sections 700.525 to 700.541 may apply to the director of  
6 revenue for a certificate of title. The application shall be accompanied by:

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

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

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

12 2. Upon proof of the foregoing by proper affidavit and upon compliance  
13 with all requirements of sections 700.525 to 700.541, the director of revenue  
14 shall, if requested, issue a new certificate of title to the lienholder in possession  
within fifteen working days after request.]

✓