

NDMHA News

North Dakota Manufactured Housing Association

Sale of Abandoned Mobile Homes

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**SALE OF
ABANDONED
MOBILE HOMES**

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The abandonment of the home could occur in one of two ways. Either the party simply leaves the home, or the party is evicted from the home. Under North Dakota Century Code 35-20-17 the landlord of the mobile home lot has a lien for rent storage and removal relating to any home left on the property after either the tenant has vacated or after an eviction. That lien is junior to the prior perfected security interest, if any. The lien is dependent upon retaining possession of the home.

**MHI MEETS WITH
KEY U.S. SENATE
STAFF**

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In order to maintain the validity of the lien against any subsequent good faith purchaser the landlord must post a signed and dated notice of the lien on the primary entrance of the home. The notice must contain the name and last known address of the owner of the home, the name and post office address of the landlord claiming the lien, and amount of the lien, a description of the location and type of home and it must recite that if the notice is willfully removed from the premises, the person removing the notice from the premises is guilty of a Class B misdemeanor.

**HOMES SHIPPED IN
JULY**

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**2010 MEMBERSHIP
APPLICATION**

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The third section of the statute requires that the notice be mailed to the owner of the home and any third party lienholder of record. A diligent search should be made of all records, including the internet, to try and determine the address of the owner of the home. When the notice is mailed, an Affidavit of Mailing should be prepared and signed by the person doing the mailing to indicate that the notice was mailed in accordance with the statute. Thirty days following mailing of the notice, the home may be sold. The landlord is entitled to keep from the sale proceeds all accrued rents, storage charges, and removal charges for the mobile homes, after payment of any first lien of the home. The statute states that any surplus can be mailed to the former owner and if he cannot be located it should be sent to the State to be held in the abandoned property fund. Once the sale is completed, the posted notice, the Affidavit of Mailing, the notice to the former owner, and the Bill of Sale to the new owner can be submitted to the Motor Vehicle Department to obtain a new Certificate of Title for the mobile home.

**JANUARY 2010
NDMHA MEETING**

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Another way to proceed would be to foreclose the lien pursuant to North Dakota Century Code Chapter 32-20. This same procedure would also be used in the situation where the home had been sold on a contract for sale and the buyer has defaulted on the contract. This procedure would involve commencing a lawsuit against the homeowner by the issuance of a Summons and Complaint. The owner/debtor would then have an opportunity to answer the Complaint within 20 days of service of the Summons and Complaint upon him. If he fails to answer, judgment by default can be obtained which would direct the sheriff of the county to sell the property at a sheriff's sale. The judgment plaintiffs, the lienholder or the seller of the home on contract could then bid in the amount of their judgment. If no one else bids, the judgment plaintiff would receive a sheriff's certificate of sale which could then be presented to the Department of Motor Vehicles to acquire a new title to the property. If someone else bids over and above the amount of the judgment, they would be required to pay cash in the amount of the judgment, and any surplus would be paid to the judgment debtor.

MHI Meets with Key U.S. Senate Staff on the "Formaldehyde Standards for Composite Wood Products Act"

MHI staff held several meetings this week with key U.S. Senate staff regarding S. 1660, the "Formaldehyde Standards for Composite Wood Products Act." This legislation would require all finished wood products to comply with the California CARB standard regarding formaldehyde emissions. MHI has serious concerns with this legislation because among other things, it specifically singles out manufactured homes and RVs as being subject to the CARB formaldehyde standards. In addition, S.1660 would effectively transfer jurisdiction from HUD to EPA regarding formaldehyde regulation for manufactured homes. MHI will continue to meet and to work with key Senate offices during the legislative process.

MHI Week in Review—October 9, 2009

4,427 MANUFACTURED HOMES SHIPPED IN JULY 2009, DOWN 36.8 PERCENT FROM JULY 2008

Arlington, VA, October 2, 2009—The Manufactured Housing Institute's actual shipments report indicates that 4,427 new HUD-Code homes were shipped in July 2009, down 36.8 percent from July 2008. Shipments of single-section homes were down 35.9 percent, year over year, while shipments of multi-section homes were down 37.3 percent.

The seasonally adjusted annual rate (SAAR) of shipments was 60,200 in July, up a considerable 23.4 percent from the rate of 48,800 posted in June. The SAAR corrects for normal seasonal variations in shipments and projects an annual shipments pace based on the current monthly total.

Year to date, shipments are down 43.6 percent. Single-section shipments are down 41.3 percent, while multi-section shipments are down 44.9 percent.

Year-over-year shipments were down in all nine Divisions. Shipments were down in the Mountain (-48 percent), East North Central (-41.7 percent), East South Central (-38.4 percent), West South Central (-37 percent), South Atlantic (-35.4 percent), West North Central (-35.2 percent), Pacific (-33.6 percent), Middle Atlantic (-19.6 percent) and New England (-18.9 percent) Divisions.

In July 2009, shipments were down in 37 states, up in 2 states and flat in 10 states, compared to July 2008. Shipments were up in Alaska (1000 percent) and Kansas (70.4 percent). Shipments were flat in Rhode Island, Vermont, Iowa, New Jersey, Connecticut, Delaware, Massachusetts, Nebraska, Maine and South Dakota.

Shipments were down in Utah (-73.2 percent), Michigan (-63.5 percent), New Hampshire (-60.6 percent), Colorado (-60 percent), Arizona (-59.5 percent), Missouri (-57.7 percent), Maryland (-56.3 percent), Florida (-53.9 percent), Minnesota (-53.6 percent), Indiana (-52.2 percent), Mississippi (-50.5 percent), Nevada (-48.6 percent), Oklahoma (-48.2 percent), Alabama (-47.8 percent), Wisconsin (-47.5 percent), North Dakota (-44.4 percent), California (-42.2 percent), Louisiana (-41 percent), Wyoming (-39.5 percent), Arkansas (-38.5 percent), South Carolina (-37.1 percent), Idaho (-36.1 percent), Virginia (-33.5 percent), Washington (-33.1 percent), North Carolina (-33.1 percent), Tennessee (-32.2 percent), Texas (-29.7 percent), Ohio (-28.4 percent), New Mexico (-26.2 percent), Illinois (-25.6 percent), Pennsylvania (-24.7 percent), Oregon (-22.7 percent), Georgia (-22 percent), Kentucky (-18.8 percent), Montana (-16.7 percent), New York (-14.9 percent) and West Virginia (-12.4 percent).

Total floors shipped in July were 7,425, down 36.8 percent from July 2008. The number of reporting plants for July was 156, unchanged from June 2009.

2010 NDMHA MEMBERSHIP DUES

I WOULD LIKE TO HAVE THE 2010 NDMHA MEMBERSHIP DIRECTORY COMPLETED BEFORE THE JANUARY 2010 MEETING.

**I AM REQUESTING PAYMENT FOR 2010 MEMBERSHIP DUES BE PAID BEFORE DECEMBER 31, 2009.
I AM EXTREMELY SORRY IF THIS IS AN INCONVIENCE.**

**North Dakota Manufactured Housing Association
PO Box 2681
Bismarck ND 58502
Telephone: (701) 223-6671
Fax: (701) 223-8574**

2010 MEMBERSHIP APPLICATION

COMMUNITY OR FIRM NAME _____

OWNER OR MANAGER NAME _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE NUMBER _____ FAX NUMBER _____

E-MAIL ADDRESS _____

Check Classification below:

MANUFACTURED/MODULAR HOME DEALER \$165.00 _____

MANUFACTURED/MODULAR HOME DEALER & COMMUNITY OWNER \$330.00 _____

COMMUNITY OWNER

 0 – 50 spaces \$55.00 _____

 51 – 100 spaces \$110.00 _____

 101 – 200 spaces \$165.00 _____

 201 – spaces or more \$275.00 _____

MANUFACTURERS (plus \$125.00 per unit funding) \$330.00 _____

FINANCIAL INSTITUTIONS \$350.00 _____

TRANSPORTERS, SERVICE, INSURANCE, SUPPLIER
AND OTHERS \$200.00 _____

ASSOCIATE MEMBER – no voting privileges \$75.00 _____

VOTING PRIVILEGES – All member votes count equally.
One vote per membership.

Dues payments may be tax deductible by members as ordinary and necessary business expenses subject to restrictions imposed as a result of associations lobby activities. NDMHA estimates that the non-deductible portion of your 2010 dues – the portion which is allocable to lobbying – will be 7%.

Dues are payable upon receipt of statement.

NDMHA Membership Meeting

Mark your calendar for January 13 and 14, 2010. North Dakota Manufactured Housing Association will hold a membership meeting at the Kelly Inn in Bismarck, North Dakota.

Amy Nelson from the Fair Housing of the Dakotas will give a presentation which will cover the basics of the Federal Fair Housing Act as well as any state laws on housing discrimination. This presentation will be informative for tenants, users of housing services, non-profit organizations, real estate agents and housing providers to learn how to end housing discrimination and what happens when discrimination occurs.

Agenda:

The Federal Fair Housing Act

State Human Rights/Fair Housing Laws

Examples of Housing Discrimination and Updated Case Law

Exemptions

Advertising

Applications

Reasonable Accommodations and Modifications for People with Disabilities

New Design and Construction Requirements

Occupancy Standards

Penalties

Other Related Areas

Please contact the NDMHA office at ndmha@ndmha.com or (701) 223-6671, if you would like to see a subject added to the agenda.

We look forward to seeing you in January.