

FLORIDA BULLETIN 03-05

TO: ALL AGENTS AND TITLE PLANT OPERATIONS
FROM: UNDERWRITING DEPARTMENT
DATE: DECEMBER 2, 2003
RE: MOBILE HOME CERTIFICATE OF TITLE RETIREMENT

Recently, the Florida Legislature passed *Florida Statute 319.261*, which provides the requirements and procedures necessary to retire a mobile home certificate of title. The effect of such a retirement is that the mobile home can then be conveyed—as is any other permanent improvement—with the land.

REQUIREMENT (1): The mobile home must be permanently affixed to real property. What does that mean? Generally, it means that you must be furnished proof in any of the ways listed below that the mobile home is or will be taxed as “real property” (RP)

- a. RP Tag: This is the best proof because its issuance indicates that the owner has already proven to the Tax Assessor (by any or all of the alternative forms of proof listed below) that the mobile home is permanently affixed to the land.
- b. Survey: A survey should indicate that the mobile home has been placed on a concrete foundation and that the wheels and the axle have been removed.
- c. Affidavit: An Affidavit from the owner and buyer, if applicable, that the mobile home is set on a foundation, has no wheels or axle and that it will remain that way is often used to bolster the proof.

REQUIREMENT (2): The same person(s) as described on the mobile home certificate of title must hold fee title to the land or hold a leasehold interest in the land for a term of 30 years or more.

PROCEDURE (1): The owner or lienholder (with a power of attorney for the owner) must record the following documents with the Clerk of the Court in the county where the land is located:

**This Bulletin is to become a permanent part of your Bulletin Manual,
and you are to comply with the requirements contained herein.**

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- a. The original title to the mobile home or manufacturers' certificate of origin for a new home, which shall include a description of the mobile home, including model year, make, width, length and vehicle identification number, and a statement by any recorded lienholder that the security interest has been released or will be released upon retirement of the title;
- b. The legal description of the real property, or in the case of a leasehold interest, a copy of the lease; and
- c. A sworn statement by the owner of the real property (or lessee) that he is the owner of the mobile home and that the home is permanently affixed to the real property.

PROCEDURE (2): After recording, the owner (or lienholder with power of attorney from the owner) files an application for retirement of the mobile home which includes copies of the items listed above with the Florida Department of Highways and Motor Vehicles who will notify the applicant of the retirement

For title insurance purposes, once the Department has issued its retirement notification, we should be able to issue title insurance policies with no further reference to the certificate of title and with no further requirements regarding it. If you are handling the closing where the certificate is going to be retired, we can insure the land (as improved) before the Department has issued its notification but only if you undertake the responsibility to record the documents listed above and file the application with the Department pursuant to a power of attorney from the owner. Of course, if the mobile home certificate has not been retired, you would continue to follow current requirements and procedures.

A copy of the Department's power of attorney form is attached and can be obtained from their web site at: <http://www3.hsmv.state.fl.us/Intranet/dmv/Forms/BTR/82053.pdf>

The Department's retirement application form is attached, and can be obtained from their web site at: <http://www3.hsmv.state.fl.us/Intranet/dmv/Forms/BTR/82109.pdf>

Should you have any questions, please contact your Old Republic Title Underwriting Department.

**STATE OF FLORIDA
DIVISION OF MOTOR VEHICLES**

**POWER OF ATTORNEY FOR A MOTOR VEHICLE, MOBILE HOME
OR VESSEL**

I hereby name and appoint, _____, to be my lawful attorney-in-fact, to act for me, in applying for an original or duplicate certificate of title, to register, transfer title, or record a lien to the motor vehicle, mobile home or vessel described below, and to print my name and sign their name, in my behalf. My attorney-in-fact can also do all things necessary to the application or any other related instrument and to bind me in as sufficient a manner as I myself could do, were I personally present and signing the same.

With full power of substitution and revocation, I hereby ratify and confirm whatever my said attorney-in-fact may lawfully do or cause to be done in the virtue hereof.

CHECK ONE: **Motor Vehicle** **Mobile Home** **Vessel**

Year	Make/Manufacturer	Body Type	Title Number
Vehicle/Vessel Identification Number			

NOTICE TO OWNER: COMPLETE THIS FORM IN ITS ENTIRETY PRIOR TO SIGNING.

(Signature of Owner / Co-owner "Grantor")

(Street Address of Owner / Co-owner "Grantor")

(City)

(State)

(Zip)

(Driver License Number or FEID Number)

(Date of Birth, if applicable)

(To be Completed by Notary):

Sworn to (or affirmed) and subscribed before me this _____ day of _____,

20 _____, by _____.

(Print or Type Name of the Person Making the above Statement)

(Print, Type or Stamp Commissioned Name of Notary)

(Signature of Notary)

Personally Known _____

or, Produced Identification _____

Type of Identification Produced: _____

This non-secure power of attorney form may be used when an individual or entity appointed as the attorney in fact will be completing the odometer disclosure statement as the **buyer only** or the **seller only**. However, this form cannot be used to allow an individual or entity (such as a dealership) to sign as both buyer and seller for the purpose of disclosing the odometer reading. This may be accomplished only with the secure power of attorney (HSMV 82995) when:

- (a) the title is physically being held by the lienholder; **or**
- (b) the title is lost

NOTE: A licensed dealer and his employees are considered a single entity.