

Abandoned Manufactured Homes

How to obtain legal title of abandoned manufactured homes

The following description of how to obtain title to an apparently abandoned manufactured home is the procedure followed by the Virden Village Mobile Home Park. It is a step-by-step description of an actual case where an abandoned manufactured home was removed from private property. This presentation is not to be considered a legal opinion. It is simply a case history. If legal advice is desired, it is suggested that the reader contact a competent attorney.

After a title has been obtained for an abandoned manufactured home, the new title holders have the option to dispose of the home in any way desired by the new title holder. Options include the outright sale, rehabilitation, renting, moving the home to another location or anything else the legal title holder may do with any other manufactured home to which he or she holds title. Thus, the owners of Virden Village elected to obtain a merchantable title from the Illinois Secretary of State for a manufactured home that had been abandoned in the park.

Based on an actual experience, here are the steps Virden Village would recommend for disposing of an abandoned manufactured home that is situated on private property:

1. To determine or verify the identity of the legal owner(s) of an abandoned manufactured home, and lien holders(s), if any, a title search must be conducted by the Secretary of State, Vehicle Ownership Division, Record Inquiry Section, Room 408, Howlett Building, Springfield, IL 62756. This search will provide the exact name of the individual or individuals currently holding title, and also will reveal any lien holders recorded on the title. The request for the title search should be in writing using "Secretary of State Information Request Form" (form number VSD-375.2). The vehicle identification number of the manufactured home must be provided on the form. The Secretary of State charges \$4 for this search.
2. An invoice should be prepared detailing any unpaid site rent, storage and other charges that have accrued against the manufactured home. The charges invoice should be as set forth in most recent land lease agreement signed by the home owners and the community owners. **[Note: The procedures described in this paper are accrued charges which total \$2,000 or less. If these charges total more than \$2,000, additional notification/advertising requirements must be met.]**
3. Send the original invoice to the owner(s) of the manufactured home, with a copy to the lien holder(s), if any. Both the original invoice and the copy should be sent by certified mail, return receipt requested. Include a cover letter stating that the manufactured home appears to be abandoned and that a mechanics lien will be enforced by either selling or personally acquiring the manufactured home if the invoiced charges are not paid within 60 days. The cover letter also should identify the manufactured home by manufacturer, vehicle identification number and physical description. If the letter is returned unopened for any reason, keep the letter in the envelope **unopened** as proof that a certified letter/invoice was sent to the last known owners of the home.
4. If the lien against the manufactured home has not been satisfied, the lien holder has the option to take possession of the home and pay the invoiced charges. Of course, in such a

case, the lien holder must follow whatever land lease provisions that were in effect with the owner of the home who financed the home through the lien holder. Alternatively, if the lien has not been satisfied and the lien holder does not intend to repossess the manufactured home, a letter stating that course of action should be obtained from the lien holder; however, such a letter is not mandatory.

5. If payment for the accrued charges is not received after 60 days have lapsed since mailing the invoice, an advertisement must be placed for one day in the legal notice section of a newspaper of general circulation in the area where the manufactured home is situated. The advertisement must state that the manufactured home will be sold or otherwise disposed of in 30 days. The advertisement also must include the name(s) of the last owner(s), the year, make and vehicle identification number, and must state the lien amount, if any. Be sure to obtain a "Certificate of Publication" from newspaper in which the advertisement is published.
6. A copy of the advertisement must be sent by certified mail-return receipt requested to both the owner(s) at his/her/their last known address, and to the lien holder if the lien has not been satisfied. The letter transmitting the copy of the advertisement should state clearly that you intend to enforce a mechanics lien.
7. Thirty days after the advertisement appears in the newspaper and copies of the advertisement have been sent to the owner and lien holder, the manufactured home can be either sold or you can take title yourself. In either case, application for title can be made to the Secretary of State for a new title. A regular application for title (form VSD-330.7) and application fee together with copies of all the supporting documentation discussed above must be submitted to the Secretary of State. In addition, a completed "Mechanics Lien Affirmation" form (form VSD-526.1) must be submitted with the title application. If you take the title to the home yourself, write "not yet sold" in the space labeled "Purchaser's Printed Name" on form VSD-526.1. It probably would be wise to submit a copy of the land lease to confirm that you have a contractual right to charge the fees you invoiced in item 2 above. As with all title applications for manufactured homes, documentation that all local taxes have been paid also must be submitted with the title application form.

Within the normal processing time for vehicle title applications, a new title as applied for by Virden Village was issued.

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Virden Village Mobile Home Park
John P. Anderson
P.O. Box 11086
Springfield, IL 62791-1086
Telephone 217-529-8756
e-mail smw9trc@aol.com