

# MOBILE HOMES, ALTA 7 AND THE NEW FANNIEMAE GUIDELINES

(REVISED 10-04-2004)

## PROCEDURES FOR AFFIXING MOBILE HOMES TO THE LAND NOW REQUIRED

Almost simultaneously, the State of Georgia made it possible to permanently affix manufactured housing<sup>1</sup> to land for title purposes, and FannieMae issued new regulations requiring that the new procedures be followed in manufactured home loans they purchase. Our response to these developments is to completely revise our policy toward mobile homes. This bulletin will discuss the procedures that should be used by agents to secure property with manufactured housing and the issuance of title insurance with the ALTA 7 Endorsement.

The new law<sup>2</sup> creates a process for permanently locating a mobile home on land and transforming it to "...a part of the real property on which it is located."<sup>3</sup> Three new documents are created in the total process of locating, moving and destroying the mobile home: the Certificate of Permanent Location (Form T-234)<sup>4</sup>, 2) the Certificate of Removal and 3) the Certificate of Destruction. Of the three, only the Certificate of Permanent Location has been designed and distributed. Only the procedure for transforming the manufactured housing to real property is discussed here. The statute should be consulted carefully regarding the relocation or destruction of a mobile home, as there are criminal penalties for violations. Because important new documents will be appearing in the deed records, this bulletin should be forwarded to title examiners.

The procedure for permanently affixing a mobile home to real estate is laid out fairly clearly in the statutes<sup>5</sup>. Simple in concept, it is cumbersome in practice.

### There are four contexts in which mobile home transactions arise:

- I. A purchase of a new mobile home with new real property on which the mobile home will be located where title insurance is requested;
- II. A re-finance or re-sale of a mobile home already located on real property where title insurance is requested and title has not been previously cancelled; or
- III. Either a new purchase, re-finance or re-sale where title insurance is requested but the lender and owner will accept an exception to the title regarding the Certificate of Title for the mobile home.
- IV. A re-finance or re-sale of a mobile home where the title has been cancelled.

<sup>1</sup> In this bulletin the words "manufactured housing" and "mobile homes" are used interchangeably. None of the procedures within apply to modular homes which is considered as conventional housing.

<sup>2</sup> OCGA §8-2-180 et. seq. signed by Governor Purdum May 31, 2003 attached as Exhibit "A"

<sup>3</sup> OCGA §8-2-183(a)

<sup>4</sup> Attached as Exhibit "B" with instructions

<sup>5</sup> OCGA §8-2-182

## PROCEDURES

### D) A purchase of a new mobile home with new property on which the mobile home will be located where title insurance is requested;

#### 1) Pre-closing

a) Use the suggested requirements for Schedule B-1 commitment form as they relate to the mobile home. Of course, use the usual and customary requirements as they relate to other aspects of the transaction.<sup>6</sup>

b) Get executed power of attorney forms (form T-8)<sup>7</sup> from the seller, buyer and lender. These will be required later. The lender's may be signed by the loan officer. Incidentally, this form can be completed online and printed from the DMVS website shown on page 7.

c) Obtain an affidavit<sup>8</sup> of the lender's intention that the manufactured housing become part of the land. This too can be signed by the loan officer.

d) Obtain verification that the manufactured housing is permanently affixed with the tongue, wheels and axles removed, etc. This can be accomplished with an appraisal with photos.

#### 2) Closing

a) Obtain the executed Manufacturer's Statement of Origin ("MSO") from the dealer. Be sure to place the Dealer's Customer Number or Master Dealer Tag number on the form.

b) Complete the MV-1<sup>9</sup> and have it signed. (Remember to put dealer's 12 digit customer ID number in the form)

c) Complete the T-234 and have it signed. Some information will have to be left blank until later.

d) Add to the security deed the additional language: "TOGETHER WITH an improvement and immovable fixture permanently attached thereto, a [MAKE], [MODEL] manufactured home, Serial No. \_\_\_\_\_, Vehicle Identification No. \_\_\_\_\_." and have it executed.

e) Add the same language to the warranty deed. Have the usual and customary land conveyance documents executed.

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<sup>6</sup> Attached as Exhibit "H-1"

<sup>7</sup> Attached as Exhibit "C"

<sup>8</sup> See sample attached as Exhibit "D"

<sup>9</sup> Attached as Exhibit "E"

3) Post Closing

a) Submit the MSO and the MV-1 to the county tag office along with a check for the required fees. Include instructions<sup>10</sup> to the county tag office to return the Title Certificate to your office. This can be accomplished this by either: a) using the "One Time Address" field on their computer screens. (You may need an additional power of attorney to accomplish this<sup>11</sup>); or b) putting your address as the lender's c/o address.

b) When the executed and recorded conveyance deed returns and the new Title Certificate arrive, you are ready to complete the T-234.

c) Finalize the T-234 by completing the Deed Book and Page where the vesting deed is recorded and file with Clerk's office. The charge should be the same as filing a deed. Be sure to put your name and address in Block No. 1, so that the Clerk will send a certified copy of the T-234 to you.

d) When the certified copy of the T-234 arrives from the Clerk's office, attach a copy of the T-234 and the original Title Certificate and your check for \$18. Send instructions to the county tag office to stamp confirmation on your copy, date it and return it to you. A self addressed stamped envelope would be helpful. Retain this copy in your file and send copies to the lender and the borrower.

e) Obtain a verification from the DMVS that the title has been surrendered<sup>12</sup>, attached to the Surrender of title affidavit and record it referencing the deed book and page of the original recording of the T-234.<sup>13</sup>

II) A re-finance or re-sale of a mobile home located on property where title insurance is requested.

1) Pre-closing

a) Use the suggested requirements for Schedule B-1 commitment form as they relate to the mobile home. Of course, use the usual requirements as they relate to other aspects of the transaction.<sup>14</sup>

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<sup>10</sup> See sample attached as Exhibit "F"

<sup>11</sup> See Letter from DMVS attached as Exhibit "I"

<sup>12</sup> See sample attached as Exhibit "J"

<sup>13</sup> See sample attached as Exhibit "K"

<sup>14</sup> Attached as Exhibit "H-2,3"

b) Obtain the Seller's/Borrower's agreement to cooperate and request to the current lender to forward the certificate of title to the closing agent.<sup>15</sup>

c) Obtain the confirmation of the current lender that they actually have the certificate of title and their agreement that they will forward it to the closing agent upon payoff. Unfortunately, some lenders will send it to the Seller/Borrower with the lien cancelled. (This is a problem because an unencumbered Certificate of Title not in the closing agent's possession is easily negotiable.)

d) Get an executed power of attorney form (form T-8)<sup>16</sup> from the seller, buyer and lender. These will be required later. The lender's may be signed by the loan officer. Incidentally, this form can be completed online and printed from the DMVS website shown on page 7.

e) Obtain an affidavit<sup>17</sup> of the lender's intention that the manufactured housing becomes part of the land. This too can be signed by the loan officer.

f) Obtain verification that the manufactured housing is permanently affixed with the tongue, wheels and axles removed, etc. This can be accomplished with an appraisal with photos.

## 2) Closing

a) Obtain the original certificate of title for the mobile home.

b) All liens shown on the certificate must be paid or released.

c) In the case of a sale, complete the MV-1<sup>18</sup> and have it signed.

d) Complete the T-234 and have it signed. Some information will have to be left blank until later.

e) Add to the security deed the additional language: "TOGETHER WITH an improvement and immovable fixture permanently attached thereto, a [MAKE], [MODEL] manufactured home, Serial No. \_\_\_\_\_, Vehicle Identification No. \_\_\_\_\_." and have it executed.

f) In the case of a sale, add the same language to the warranty deed. Have the usual and customary land conveyance documents executed.

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<sup>15</sup> See sample attached as Exhibit "L"

<sup>16</sup> Attached as Exhibit "C"

<sup>17</sup> See sample attached as Exhibit "D"

<sup>18</sup> Attached as Exhibit "E"

3) Post Closing

a) In case of a sale, when the certificate of title arrives, uses the Seller's power of attorney to execute it in favor of the Buyer.

b) Submit the MV-1 to the county tag office along with a check for the required fees to register the title in the Buyer's name. Include instructions<sup>19</sup> to the county tag office to return the Title Certificate to your office. They can be accomplished this by either: a) using the "One Time Address" field on their computer screens. (You may need an additional power of attorney to accomplish this.<sup>20</sup>); or b) putting your address as the lender's c/o address.

c) When the new Title Certificate arrives, you are ready to complete the T-234.

d) Finalize the T-234 by completing the Deed Book and Page where the vesting deed is recorded and file with Clerk's office. The charge should be the same as filing a deed. Be sure to put your name and address in Block No. 1, so that the Clerk will send a certified copy of the T-234 to you.

e) When the certified copy of the T-234 arrives from the Clerk's office, attach a copy of the T-234 and the original Title Certificate and your check for \$18. Send instructions to the county tag office to stamp confirmation on your copy, date it and return it to you. A self addressed stamped envelope would be helpful. Retain this copy in your file and send copies to the lender and the borrower.

f) Obtain a verification from the DMVS that the title has been surrendered<sup>21</sup>, attached to the Surrender of title affidavit<sup>22</sup> and record it referencing the deed book and page of the original recording of the T-234.

III) A purchase, re-finance or re-sale where title insurance is requested but the lender and owner will accept an exception to the Certificate of Title in the policy.

In cases such as these, simply use the exception below:

The insured Land as shown on Schedule A does not include any fixtures or personalty, including, but limited to any manufactured housing located thereon. This policy does not insure against loss or damage as a result of the failure of the insured to perfect a marketable title or security interest in any manufactured home located on the land.

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<sup>19</sup> See sample attached as Exhibit "F"

<sup>20</sup> See Letter from DMVS attached as Exhibit "I"

<sup>21</sup> See sample attached as Exhibit "J"

<sup>22</sup> See sample attached as Exhibit "K"

IV) A re-finance or re-sale of a mobile home where the title has been cancelled.

Verify that the T-234 has been filed and that the Certificate of Title has been cancelled. If there is not an affidavit attached with the letter of cancellation, kindly put on record. This affidavit provides an easy method to confirm the actual cancellation of the Certificate of Title. Simply convey and insure as conventional property.

The ALTA 7

Effective immediately, all land with mobile homes must have titles that are surrendered to the DMVS under the new procedure in order that the land be insured. The insurance will be issued with the ALTA 7 endorsement. The endorsement simply says that the mobile home is considered "land" within the definition of the policy. This means that we are insuring against any prior liens holding over from its existence as chattel.

The underwriting requirements are:

- 1) The insured landowner must also own the mobile home.
- 2) The manufactured home must be attached to a permanent foundation. There must be evidence of the following:
  - a) the towing hitch, wheels and axles must be removed
  - b) the home must be permanently connected to water, utility and sanitary facilities
  - c) the home must be attached to a foundation meeting local building codes.
- 3) A security deed that describes the land and the mobile home must be recorded in the Clerk's office. The Security Deed should describe the real property and contain the following language "TOGETHER WITH an improvement and immovable fixture permanently attached thereto, a [MAKE], [MODEL] manufactured home, Serial No. \_\_\_\_\_, Vehicle Identification No. \_\_\_\_\_."
- 4) An affidavit by the lender and the borrower of the intent to affix the mobile home permanently to the land, if it isn't already affixed.(See also Exhibit "G")
- 5) The title to the manufactured home must be surrendered under the new state law.

## NEW FANNIEMAE PROCEDURES FOR MANUFACTURED HOUSING

In an announcement issued in June, 2003<sup>23</sup>, FannieMae restated its requirements for loans secured by “manufactured home properties” eligible for purchase. Those requirements are identical to our requirements for insurance shown above. In addition, it requires the ALTA 7 endorsement. Rental manufactured home property is not eligible. The lender must retain evidence in the loan file that the title has been surrendered. For additional information

Department of Motor Vehicles website (including forms):

<http://www.dmv.ga.gov/>

FannieMae

<http://www.efanniemae.com>

For additional information call Charlie Harrison or Tim Minors at 770-475-6199

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<sup>23</sup> A complete copy of the announcement is located at <http://www.efanniemae.com/singlefamily/pdf/03-06.pdf>

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House Bill 506 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 85<sup>th</sup>, Post 2, Boggs of the 145<sup>th</sup>, Sims of the 130<sup>th</sup>, Keen of the 146<sup>th</sup>, Skipper of the 116<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to factory built structures, so as to provide for record ownership of manufactured homes and mobile homes and their status as personal or real property; to provide how such homes may be converted from personal property to real property and vice versa; to provide for filings with the commissioner of motor vehicle safety and the clerk of superior court and the practice and procedure in connection with such filings; to provide for the crime of unauthorized removal of a home which has been converted to real property and prescribe a penalty; to provide for the destruction of homes; to provide for related matters; to repeal Code Section 40-3-31.1 of the Official Code of Georgia Annotated, relating to replacement certificates of title for mobile homes; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to factory built structures, is amended by adding a new Part 4 to read as follows:

"Part 4  
Subpart 1

8-2-180.

As used in this part, the term:

- (1) 'Clerk of superior court' means the clerk of the superior court of the county in which the property to which the home is or is to be affixed is located.
- (2) 'Commissioner of motor vehicle safety' includes any county tax commissioner when so authorized by the commissioner of motor vehicle safety to act on his or her behalf in carrying out the responsibilities of this part.
- (3) 'Home' means a manufactured home or mobile home.
- (4) 'Manufactured home' has the meaning specified in paragraph (4) of Code Section 8-2-160.
- (5) 'Mobile home' has the meaning specified in paragraph (6) of Code Section 8-2-160.

8-2-181.

(a) A manufactured home or mobile home shall constitute personal property and shall be subject to the 'Motor Vehicle Certificate of Title Act,' Chapter 3 of Title 40, until such time as the home is converted to real property as provided for in this part.

(b) A manufactured home or mobile home shall become real property if:

- (1) The home is or is to be permanently affixed on real property and one or more persons with an ownership interest in the home also has an ownership interest in such real property; and
- (2) The owner of the home and the holders of all security interests therein execute and file a Certificate of Permanent Location:



- (A) In the real estate records of the county where the real property is located; and
- (B) With the commissioner of motor vehicle safety.
- (c) The Certificate of Permanent Location shall be in a form prescribed by the commissioner of motor vehicle safety and shall include:
  - (1) The name and address of the owner of the home;
  - (2) The names and addresses of the holders of any security interest in and of any lien upon the home;
  - (3) The title number assigned to the home;
  - (4) A description of the real estate on which the home is or is to be located, including the name of the owner and a reference by deed book and page number to the chain of title of such real property; and
  - (5) Any other data the commissioner of motor vehicle safety prescribes.

8-2-182.

- (a) When a Certificate of Permanent Location is properly filed with the clerk of superior court, the clerk shall record such certificate in the same manner as other instruments affecting the real property described in the certificate and shall charge and collect the fees usually charged for recording deeds and other instruments relating to real estate. Such certificate shall be indexed under the name of the current owner of the real property in both the grantor and grantee indexes. The clerk shall provide the owner with a certified copy of the certificate, reflecting its filing, and shall charge and collect the fees usually charged for the provision of certified copies of documents relating to real estate.
- (b) Upon receipt of a certified copy of a properly executed Certificate of Permanent Location, along with the certificate of title, the commissioner of motor vehicle safety shall file and retain a copy of such certificate together with all other prior title records related to the home. When a properly executed certificate has once been filed, the commissioner of motor vehicle safety shall accept no further title filings with respect to that home, except as may be necessary to correct any errors in the department's records and except as provided in Subparts 2 and 3 of this part.
- (c) When a Certificate of Permanent Location is so filed, the commissioner of motor vehicle safety shall issue to the clerk of the superior court with whom the original Certificate of Permanent Location was filed confirmation by the commissioner of motor vehicle safety that the certificate has been so filed and the certificate of title has been surrendered.
- (d) Upon receipt of confirmation of the filing of the Certificate of Permanent Location from the commissioner of motor vehicle safety, the clerk of superior court shall provide a copy of the Certificate of Permanent Location to the appropriate board of tax assessors or such other local official as is responsible for the valuation of real property.

8-2-183.

- (a) When a Certificate of Permanent Location has been properly filed with the clerk of superior court, a certified copy thereof properly filed with the commissioner of motor vehicle safety, and the certificate of title is surrendered, the home shall become for all legal purposes a part of the real property on which it is located. Without limiting the generality of the foregoing, the home shall be subject to transfer by the owner of the real property, subject to any security interest in the real property and subject to foreclosure of any such interest, in the same manner as and together with the underlying real property.
- (b) When a home has become a part of the real property as provided in this part, it shall be unlawful for any person to remove such home from the real property except with the written consent of the owner of the real property and the holders of all security interests in the real property and in strict compliance with the requirements of Subpart 2 of this part. Any person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature.

## Subpart 2

8-2-184.

(a) A home which has previously become real property shall become personal property if:

(1) The manufactured home or mobile home is or is to be removed from the real property with the written consent of the owner of the real property and the holders of all security interests therein; and

(2) The owner of the real property and the holders of all security interests therein execute and file a Certificate of Removal from Permanent Location:

(A) With the commissioner of motor vehicle safety; and

(B) In the real estate records of the county where the real property is located.

(b) The Certificate of Removal from Permanent Location shall be in a form prescribed by the commissioner of motor vehicle safety and shall include:

(1) The name and address of the owner;

(2) The names and addresses of the holders of any security interest and of any lien;

(3) The title number formerly assigned to the home;

(4) A description of the real estate on which the home was previously located, including the name of the owner and a reference by deed book and page number to the recording of the former certificate of permanent location; and

(5) Any other data the commissioner of motor vehicle safety prescribes.

8-2-185.

(a) Upon receipt of a properly executed Certificate of Removal from Permanent Location, the commissioner of motor vehicle safety shall file and retain a copy of such certificate together with all other prior title records related to the home and may thereafter issue a new certificate of title for the home. The commissioner of motor vehicle safety shall charge and collect the fee otherwise prescribed by law for the issuance of a certificate of title.

(b) When a Certificate of Removal from Permanent Location is so filed, the commissioner of motor vehicle safety shall return to the filing party the original of the certificate containing thereon confirmation by the commissioner of motor vehicle safety that the certificate has been so filed.

8-2-186.

(a) The clerk of superior court shall not accept a Certificate of Removal from Permanent Location for filing unless the certificate contains thereon the confirmation by the commissioner of motor vehicle safety that the certificate has been filed with the commissioner of motor vehicle safety.

(b) When a Certificate of Removal from Permanent Location is properly filed with the clerk of superior court, the clerk shall record such certificate in the same manner as other instruments affecting the real property described in the certificate and shall charge and collect the fees usually charged for recording deeds and other instruments relating to real estate. Such certificate shall be indexed under the name of the current owner of the real property in both the grantor and grantee indexes.

## Subpart 3

8-2-187.

(a) When a home which has previously become real property has been or is to be destroyed, the owner of the real property and the holders of all security interests therein shall execute and file a Certificate of Destruction:

(1) With the commissioner of motor vehicle safety; and

(2) In the real estate records of the county where the real property is located.

(b) The Certificate of Destruction shall be in a form prescribed by the commissioner of motor vehicle safety and shall include:

- (1) The name and address of the owner;
- (2) The names and addresses of the holders of any security interest and of any lien;
- (3) The title number formerly assigned to the home;
- (4) A description of the real estate on which the home was previously located, including the name of the owner and a reference by deed book and page number to the recording of the former certificate of permanent location;
- (5) Verification of the destruction by a law enforcement officer; and
- (6) Any other data the commissioner of motor vehicle safety prescribes.

8-2-188.

(a) Upon receipt of a properly executed Certificate of Destruction, the commissioner of motor vehicle safety shall file and retain a copy of such certificate together with all other prior title records related to the home.

(b) When a Certificate of Destruction is so filed, the commissioner of motor vehicle safety shall issue to the filing party the original of the certificate containing thereon confirmation by the commissioner of motor vehicle safety that the certificate has been so filed.

8-2-189.

(a) The clerk of superior court shall not accept a Certificate of Destruction for filing unless the certificate contains thereon the confirmation by the commissioner of motor vehicle safety that the certificate has been filed with the commissioner of motor vehicle safety.

(b) When a certificate of destruction is properly filed with the clerk of superior court, the clerk shall record such certificate in the same manner as other instruments affecting the real property described in the certificate and shall charge and collect the fees usually charged for recording deeds and other instruments relating to real estate. Such certificate shall be indexed under the name of the current owner of the real property in both the grantor and grantee indexes.

#### Subpart 4

8-2-190.

A manufactured or mobile home which constitutes real property shall not be subject to Article 10 of Chapter 5 of Title 48 but shall instead be taxed as real property and a part of the underlying real estate.

8-2-191.

The commissioner of motor vehicle safety shall charge a fee of \$18.00 for any filing under this part."

#### SECTION 2.

Code Section 40-3-31.1, relating to replacement certificates of title for mobile homes, is repealed in its entirety.

#### SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

#### SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

□

Instructions for Completing the Mobile/Manufactured  
Home Certificate of Permanent Location (T-234)

Before a mobile/manufactured home can be declared as real property a valid Georgia certificate of title is required. The owner(s) and the security interest holder(s) must complete the Certificate of Permanent Location Form T-234 once the mobile/manufactured home is classified as real property. The current certificate of title and a filing fee of \$18 must accompany this form.

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**Section 1:** Insert the name and address of the person to whom a certified copy of the Certificate of Permanent Location should be sent by the Clerk of Superior Court once the document has been filed in said office.

**Sections 2-3:** Insert the full legal name(s) and mailing address(es) of the owner(s) of the mobile home. Said owner(s) must also be the debtor(s) on any lien or security interest perfected against the certificate of title. Each owner must be listed separately, and, if individuals, their last names should be listed first. If the home has more than two (2) owners, attach additional sheets.

**Sections 4-5:** Insert the full legal names and mailing addresses of the holders of any unsatisfied security interests or liens against the home. Each lienholder/secured party must be listed separately, and if individuals, their last names should be listed first. If the home has more than two (2) lienholders/secured parties, attach additional sheets.

**Section 6:** Insert the vehicle identification number listed on the certificate of title and the certificate of title number.

**Section 7:** Insert the legal description of the land upon which the home is affixed, including the deed book number, page number, and the county in which said document is recorded.

**Section 8:** Insert the full legal names of the owner(s) of the land upon which the home is affixed. At least one owner of the home must be listed.

**Section 9:** Insert the names of all counties in which a Certificate of Permanent Location is filed for the vehicle. Only one county should be listed unless the land upon which the home is affixed lies in more than one (1) county.

**Section 10:** Each debtor must sign and date the Certificate of Permanent Location. Each lienholder/secured party must sign and date the Certificate of Permanent Location. Following the signatures of the parties, the Clerk of Superior Court in which the Certificate of Permanent Location is filed may number the pages submitted and certify a copy of the document for submission to the county tag office. The certified copy should be given or mailed to the person/company listed in Section 1 (one) by the Clerk of Superior Court.

Upon receipt of the certified copy, the party designated in Section 1 (one) must forward the Certificate of Permanent Location to the county tag office(s) in which the Certificate of Permanent Location has been filed.

Upon receipt of a properly executed certified copy of Form T-234, the county tag office will forward a copy of the Form T-234 and the original certificate of title to the DMVS' Motor Vehicle Services Section for cancellation of the certificate of title for the home. No further title records will be updated as long as the mobile/manufactured home remains classified as real property.

The certified copy of the Form T-234 will be stamped in the area designated for "State Use Only" by the county tag office and forwarded to the Clerk of Superior Court. The Clerk's Office will provide a stamped copy of Form T-234 to the appropriate board of tax assessor's office that has the responsibility of the valuation of real property.



T-234 (5/03)

**Mobile/Manufactured Home Certificate of Permanent Location**

This certificate is presented for filing and recording in the Real Estate Records pursuant to O.C.G.A. §8-2-181(c).

Seal the Only

1. Mail certified copy to: (Name and mailing address)

THIS SPACE FOR RECORDING INFORMATION ONLY

2. Debtor's Name and Mailing Address: (Last name first if an Individual)

3. Debtor's Name and Mailing Address: (Last name first if an Individual)

4. Lienholder/Secured Party's Name and Mailing Address: (Last name first if an Individual)

5. Lienholder/Secured Party's Name and Mailing Address: (Last name first if an Individual)

6. This Certificate of Permanent Location covers the following collateral:

VIN: \_\_\_\_\_ Title No. \_\_\_\_\_

7. Description of Real Estate to which this vehicle has been permanently affixed:

The deed to said Real Estate is located on page number \_\_\_\_\_ in deed book number \_\_\_\_\_ in the real estate records maintained by the Clerk of the Superior Court of \_\_\_\_\_ County.

8. Name of the Record Owner(s) of said Real Estate: (must include at least one Debtor listed above)

9. County(ies) in which this Certificate of Permanent Location filed:

10. Signature(s)

Debtor \_\_\_\_\_ Date \_\_\_\_\_ Debtor \_\_\_\_\_ Date \_\_\_\_\_

Lienholder/Secured Party \_\_\_\_\_ Date \_\_\_\_\_ Lienholder/Secured Party \_\_\_\_\_ Date \_\_\_\_\_

I hereby certify that this is a true and accurate copy of this Certificate of Permanent Location as recorded in the records of the Clerk of Superior Court of \_\_\_\_\_ County. This \_\_\_\_ day of \_\_\_\_\_.

Page \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_  
(Deputy)Clerk of Superior Court

**Limited Power of Attorney/Motor Vehicle Transactions\***  
**Any alteration or correction voids this form.**

(I/We) \_\_\_\_\_  
(Owner's name)  
\_\_\_\_\_  
(Address) \_\_\_\_\_ appoint  
\_\_\_\_\_  
(Name & address of attorney-in-fact - Only one attorney-in-fact may be appointed)

as attorney-in-fact, to represent (me/us) before the Department of Motor Vehicle Safety with respect to the following described vehicle:

\_\_\_\_\_  
(Year model, Make of vehicle, and Vehicle identification number)

Said attorney-in-fact is authorized to apply for original or replacement certificates of title, to transfer title to said motor vehicle and to perform on (my/our) behalf any act or thing whatsoever concerning such motor vehicle in every respect as (I/we) could do, were (I/we) personally present.

This power-of-attorney revokes all earlier powers-of-attorney and shall be in full force and effect until written revocation is received by the commissioner but in no event shall this power-of-attorney be valid beyond six (6) months from the date of its execution.

The undersigned owner further certifies that this power-of-attorney was completely filled in at the time of its execution.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Printed/typed name of owner)

\_\_\_\_\_  
(Street address of owner)

\_\_\_\_\_  
(Signature of owner)

\_\_\_\_\_  
(City, state, zip code & telephone # of owner)

**Acknowledgement of Notary Public**

The undersigned notary public does hereby certify that the above named owner of the vehicle identified in this appointment of an attorney-in-fact, executed this form in my presence and that said owner was proven to be the person named by the use of the following form of positive, picture identification:

\_\_\_\_\_  
(Driver's license number of owner and state of issue)

Sworn to and subscribed before me:

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(Month) (Year)

\_\_\_\_\_  
(Printed/typed name of notary public)

\_\_\_\_\_  
(Signature and seal or stamp of notary public)

\_\_\_\_\_  
(Notary public's telephone # or e-mail address)

\_\_\_\_\_  
(Date commission expires)

\_\_\_\_\_  
(Notary public's address)

\*This form is on the DMVS website, [www.dmv.ga.gov](http://www.dmv.ga.gov). Except for signatures, complete form in its entirety and legibly handprint, type or electronically complete and print.

\* It is a felony for any person to willfully enter false information on a power-of-attorney form. The Department of Motor Vehicle Safety reserves the right to verify all information contained in this document before it is accepted. You cannot use a "limited" power of attorney when the seller/transferee and the buyer/transferee on the assignment of the title are the same persons or agents of the same company or corporation if there is a requirement to disclose the motor vehicle's odometer reading.

Affidavit

Comes Now the undersigned owner(s) and the authorized representative of [Lender] ("the Lender") and under oath doth state as follows:

1. The undersigned own(s) real property described on Exhibit "A" ("the Property")
2. The undersigned also own(s) a [MAKE}, [MODEL] manufactured home, Serial No. \_\_\_\_\_, Vehicle Identification No. \_\_\_\_\_ ("the Manufactured Home").
3. The Lender is making a loan of even date to the owner(s) and is taking a security interest in the Manufactured Home and the Property.
4. It is the intention of the owner(s) and the Lender that the Manufactured Home be permanently affixed to the land and that Certificate of Title to the Manufactured Home be surrendered.
5. It is further the intention of the owner(s) and the Lender that Mobile/Manufactured Home Certificate of Permanent Location be completed and filed with the Clerk of the Superior Court and the Tag office of the county where the Property is located in accordance with the provisions of OCGA §8-2-180 et. seq..

This the \_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

[Lender]

\_\_\_\_\_  
Authorized Representative

Sworn to and subscribed before  
me the day and year above written

\_\_\_\_\_  
Notary Public  
(Seal)

Exhibit "D"



# DMVS Title/Tag Application

- Original Title Fee \$18.00
- Replacement Title Fee 8.00
- Title Penalty Fee 10.00
- Expedited Title Fee 10.00

- County Ad Valorem Tax \$ \_\_\_\_\_ .00
- License Tag Fee \$ \_\_\_\_\_ .00
- Mfg. Fee Special Tag \$ \_\_\_\_\_ .00
- Special Tag Annual Fee \$ \_\_\_\_\_ .00
- Tag Transfer Fee \$ \_\_\_\_\_ .00
- 10% Tax Penalty (\$5 Min.) \$ \_\_\_\_\_ .00
- 25% Tag Penalty \$ \_\_\_\_\_ .00
- Tag/Decal Mail Fee \$ \_\_\_\_\_ .00

License Plate to Transfer \_\_\_\_\_  
(Attach copy of current registration.)

Current License Plate \_\_\_\_\_

<b>Vehicle Section: Applications (except signatures) must be typed, printed legibly in black or blue ink or electronically completed and printed.</b>							
Vehicle Identification Number	Year	Make	Body Style	Model	Color	Cylinders	New or Used
Date Purchased	Emission Certificate Number	Current Title Number		State of Issue of Current Title	Georgia County of Residence	District #	
Odometer Reading	Odometer Reading is Actual Miles Unless One of the Following is Checked <input type="checkbox"/> EXEMPT					Fuel	
<input type="checkbox"/> Exceeds Mechanical Limits of Odometer <input type="checkbox"/> Not the Actual Mileage, Warning Odometer Discrepancy							
<b>Complete For All Trucks over 14,000 Gross Vehicle Weight</b>							
Gross Vehicle Weight & Load		Straight Truck?		Used For Hire?		Type of Trailer Pulled?    Product Hauled?    Is This A Farm Vehicle?	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Number of Owners _____		Owner Section    Leased Vehicle <input type="checkbox"/> No <input type="checkbox"/> Yes (Complete Lessee Section.)					
Owner # 1		Full Legal Name of Owner #1				Date of Birth	
GA. Driver's License No. (If Individual)		First, Middle, Last					
Driver's License #		Name of Business/Leasing Company Name					
State/Country of Issue*							
Owner # 2		Full Legal Name of Owner #2				Date of Birth	
GA. Driver's License No. (If Individual)		First, Middle, Last					
Driver's License #		Name of Business/Leasing Company Name					
State/Country of Issue*							
Address (Street Address Including City, State, & Zip)				Mailing Address (If Different from Street Address Including City, State & Zip)			
<b>Seller Section</b>				<b>Lessee Section</b>			
Georgia Dealer or Bank's 12 Digit Customer ID #				GA DL Number of Lessee (if individual)			
Name and Address:				Driver's License # & State/Country of Issue*			
				Lessee's Legal Name and Address or Business Lessee Name and Address:			
Seller's County Location, if GA Seller				Lessee's County Location			
Number of Security Interests or Liens: _____				<b>Security Interests or Liens Section</b>			
Security Interest/Lienholder 12 Digit Customer Identification #				Security Interest/Lienholder 12 digit Customer Identification #			
Name and Address of 1 <sup>st</sup> Security Interest/Lienholder:				Name and Address of 2 <sup>nd</sup> Security Interest/Lienholder:			
Security Interest/Lienholder 12 digit Customer Identification #				Name & Mailing Address of Power of Attorney (POA). Attach original POA if Title to be mailed to POA.			
Name and Address of 3 <sup>rd</sup> Security Interest/Lienholder:							

I do solemnly swear under criminal penalty of a felony for fraudulent use of a false or fictitious name or address or for making a material false statement punishable by fine up to \$5000 or by imprisonment of up to 5 years, or both, that the statements contained herein are true and accurate.

Owner #1 Signature \_\_\_\_\_

Owner #2 Signature \_\_\_\_\_

**\*Attach copy of out of state driver's license or driver's license from another country and proof of Georgia residency, e.g. copy of voter registration card, lease agreement, utility bill, etc.**

## SPECIAL INSTRUCTIONS

To County Tag office

Both the Owner and the Lienholder intend that the manufactured housing described in the attached MV-1 be permanently affixed to real property and that a Certificate of Permanent Location (T-234) be filed with the Clerk of the Superior Court.

For this purpose the Lienholder has appointed the following to complete and file the T-234:

Mary Roe, Attorney  
123 Smith Street  
LaGrange, Georgia 30240

Please put the above address in the "One Time Address" when processing the MV-1. This will enable the above to complete the process for the Certificate of Permanent Location.

If you have any questions please call 706-993-0912

Thank you for your kind attention to this request.

Exhibit "F"

Exhibit "G"

AFFIXATION AFFIDAVIT REGARDING MANUFACTURED HOME

Description of Manufactured Home

Manufacturer's Name: \_\_\_\_\_  
Manufacturer's Serial No: \_\_\_\_\_  
Model Name: \_\_\_\_\_  
Model No: \_\_\_\_\_  
Year: \_\_\_\_\_  
Length: \_\_\_\_\_ Width: \_\_\_\_\_

Location of Manufactured Home:

BEFORE ME, the undersigned authority, on this day appeared

Known to me to be the person(s) whose name(s) is/are subscribed below, and who, being by me duly sworn, did each on his or her oath state as follows:

1. The manufactured home described above is located at the above-referenced address and is permanently affixed to a foundation and will assume the characteristics of site-built housing.
2. The wheels, axles, towbar or hitch were removed when the manufactured home was placed on the permanent site.
3. All foundations, both perimeter and piers for the manufactured home have footings that are located below the frost line.
4. If piers are used for the manufactured home, they will have been placed where the home manufacturer recommends.
5. If state law so requires, anchors for the manufactured home have been provided.
6. The manufactured home is permanently connected to a septic tank or sewage system and other utilities such as electricity, water and natural gas.
7. No other lien or financing affects the manufactured home, other than those disclosed in writing to Lender.
8. The manufactured home had been built in compliance with Federal Manufactured Home Construction and Safety Standards that were established in June 15, 1976, commonly referred to as HUD Code.
9. The foundation system of the manufactured home has been designed by an engineer to meet the soil conditions of the site.
10. Borrower(s) acknowledge his or her intent that the manufactured home will become immovable property and part of the real property secured by the security instrument.
11. This Affidavit is executed by Borrower(s) pursuant to applicable state law.

Continued Next Page

12. The manufactured home will be assessed and taxed as an improvement to the real property. I/We understand that if Lender does not escrow for these taxes that I/we will be responsible for the payment of such taxes.
13. If the land is being purchased, such purchase and the manufactured home represent a single real estate transaction, under applicable state law.
14. All permits required by governmental authorities have been obtained.

Borrower(s) certifies that Borrower(s) is/are in receipt of manufacturers recommended maintenance program regarding the carpets and manufactured warranties covering the heating/cooling systems, hot water heater, range, etc., and the formaldehyde health notice.

IN WITNESS WHEREOF, Borrower(s) has executed this affidavit in my presence and in the presence of the undersigned witnesses on this 14<sup>th</sup> day of July, 2003.

\_\_\_\_\_  
Borrower

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Borrower

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Borrower

\_\_\_\_\_  
Borrower

\_\_\_\_\_  
Notary Public

Commitment requirements for policies where the insured land will have on it manufactured housing and the Lender requires an ALTA 7 endorsement.

Requirements for new home sale transactions

- 1) Receipt of a properly endorsed MSO from dealer in favor of the Buyer
- 2) Receipt of a properly completed and executed MV-1 form placing the Buyer's name as owner on the Certificate of Title
- 3) Receipt of a properly completed original Certificate of Title for the mobile home indicating the buyer as the owner.
- 4) Receipt of two (2) properly executed DMVS Power of Attorney forms enabling Agent to execute all necessary documents to sign the Certificate of Permanent Location.
- 5) Receipt of evidence that manufactured housing is permanently affixed to the Land.
- 6) Properly executed and recorded Certificate of Permanent Location (Form T-234) properly indexed in the county deed records.
- 7) Receipt of letter from the DMVS indicating that the Certificate of Title was cancelled.
- 8) Recordation of an affidavit in the deed records attaching a copy of the letter referenced in number 7, above and cross referencing the recorded T-234 form.

Commitment requirements for policies where the insured land has on it manufactured housing

Requirements for re-finance transactions:

- 1) Confirmation that a Certificate of Title has been issued by State of Georgia Department of Motor Vehicle Safety for the home.
- 2) Receipt of properly executed letter addressed to current Lender signed by the Borrower instructing Lender to forward the Certificate of Title to the manufactured housing to Agent when borrower's loan is satisfied.
- 3) Receipt of Borrower's agreement to provide Certificate of Title and or any necessary documents, affidavits or requests in the event the Certificate of Title is misdirected by current Lender.
- 4) Receipt of letter from current Lender giving Agent assurance that Lender will forward the Certificate of Title to manufactured housing directly to Agent when loan is satisfied. Letter from Lender must be accompanied by a copy of the Certificate of Title in Lender's possession.
- 5) Receipt of two (2) properly executed DMVS Power of Attorney forms enabling Agent to execute all necessary documents to sign the Certificate of Permanent Location.
- 6) Receipt of evidence that manufactured housing is permanently affixed to the Land.
- 7) Properly executed and recorded Certificate of Permanent Location (Form T-234) properly indexed in the county deed records.
- 8) Receipt of copy of Certificate for permanent Location bearing original stamp.
- 9) Receipt of letter from the DMVS indicating that the Certificate of Title was cancelled.
- 10) Recordation of an affidavit in the deed records attaching a copy of the letter referenced in number 8 above and cross referencing the recorded T-234 form.

Commitment requirements for policies where the insured land has on it manufactured housing

Requirements for re-sale transactions:

- 1) Confirmation that a Certificate of Title has been issued by State of Georgia Department of Motor Vehicle Safety for the home.
- 2) Receipt of properly executed letter addressed to current Lender signed by the Borrower instructing Lender to forward the Certificate of Title to the manufactured housing to Agent when borrower's loan is satisfied.
- 3) Receipt of Borrower's agreement to provide Certificate of Title and or any necessary documents, affidavits or requests in the event the Certificate of Title is misdirected by current Lender.
- 4) Receipt of letter from current Lender giving Agent assurance that a) it currently holds the Certificate of Title; and, b) it will forward the Certificate of Title to the manufactured housing directly to Agent when loan is satisfied. Letter from Lender must be accompanied by a copy of the Certificate of Title in Lender's possession.
- 5) Receipt of a properly completed and executed MV-1 form transferring the title of Certificate to the Buyer's name.
- 6) Receipt of a properly completed original Certificate of Title for the mobile home indicating the buyer as the owner.
- 7) Receipt of two (2) properly executed DMVS Power of Attorney forms enabling Agent to execute all necessary documents to sign the Certificate of Permanent Location.
- 8) Receipt of evidence that manufactured housing is permanently affixed to the Land.
- 9) Properly executed and recorded Certificate of Permanent Location (Form T-234) properly indexed in the county deed records.
- 10) Receipt of letter from the DMVS indicating that the Certificate of Title was cancelled.
- 11) Recordation of an affidavit in the deed records attaching a copy of the letter referenced in number 9 above and cross referencing the recorded T-234 form.



## Georgia Department of Motor Vehicle Safety

2206 East View Parkway, P.O. Box 80447, Conyers Georgia 30013  
Phone: (678) 413-8650 FAX: (678) 413-8773

Sonny Perdue  
Governor

Neal B. Childers  
Commissioner

August 18, 2003

Mr. Timothy S. Minors  
Old Republic National Title Insurance Co.  
1105 Sanctuary Parkway, Suite 450  
Alpharetta, Georgia 30004

RE: Implementation of House Bill 506

Dear Mr. Minors: /

This letter is in response to your correspondence dated and received via facsimile on June 23, 2003, regarding questions pertaining to the procedures to be followed when filing a Certificate of Permanent Location to convert a manufactured or mobile home from a motor vehicle to real property as contemplated in House Bill 506, which was passed during the 2003 legislative session.

The Department of Motor Vehicle Safety (hereinafter referred to as the "Department") anticipates that a power of attorney will be required to direct that a certificate of title be returned to the closing attorney following the submission of an application for a vehicle certificate of title. The Department recommends that you utilize the space at the bottom of the application designated as the fourth lienholder and include a notation that this is a one-time mailing address.

The procedure for submitting a Certificate of Permanent Location, Form T-234, requires that a file stamped copy of the Form T-234 and the existing certificate of title be delivered to the county tag office in which the vehicle is affixed so that the certificate of title can be cancelled.

The Department has no information regarding any fees imposed by the clerk of superior court when processing a Certificate of Permanent Location. I suggest that you contact the Superior Court Clerks' Cooperative Authority at (404) 327-9058 regarding this issue.

Please feel free to contact me at (678) 413-8769 if any further information is needed.

Very truly yours,

Jennifer Ammons  
Deputy Director of Legal Services

Exhibit "I"



*Cathy Freeman Settle*  
*Baldwin County Tax Commissioner*

121 N. Wilkinson Street, Suite 112  
Courthouse  
Milledgeville, Georgia 31061-3308  
Phone: (912) 445-4813 Fax: (912) 445-0712

May 05, 2004

RE: Year : 2004  
Make : ADRI  
Model : H3763  
BS : MOBILE HOME  
VIN : GAHAE01186A

This is to certify that the above vehicle was registered with the Georgia Motor Vehicle Services Section in the name of [REDACTED] under title number 771037040795024.

As requested, title number 771037040795024 was cancelled on 05/05/2004 because the vehicle was declared real estate. The vehicle should now be registered as real property with the County Register of Deeds.

Exhibit "J"

Return to

## Surrender of Title Affidavit

Clerk please cross reference

Re Property of \_\_\_\_\_

RE : the T-234 recorded in Deed  
Book \_\_\_\_, Page \_\_\_\_, \_\_\_\_\_  
County Records.

Comes now \_\_\_\_\_, who upon oath doth state as follows:

- 1) The law firm of \_\_\_\_\_ processed the T-234 filing above referenced.
- 2) When the Certificate of Title referenced on the said T-234 was surrendered to \_\_\_\_\_ Tax Commissioner of \_\_\_\_\_, County the attached cancellation letter was issued for the manufactured housing.

This \_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_