

CHAPTER 140

PROPERTY

HOUSE BILL 08-1260

BY REPRESENTATIVE(S) Hodge, Kerr J., Massey, Soper, and Stafford;
also SENATOR(S) Penry, Bacon, Tochtrop, and Wiens.

AN ACT**CONCERNING THE REGULATION OF MANUFACTURED HOMES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 38-29-101, Colorado Revised Statutes, is amended to read:

38-29-101. Short title. This ~~article~~ PART 1 shall be known and may be cited as the "Titles to Manufactured Homes Act".

SECTION 2. 38-29-102 (6) and (9), Colorado Revised Statutes, are amended, and the said 38-29-102 is further amended BY THE ADDITION OF THE FOLLOWING SUBSECTIONS, to read:

38-29-102. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "CLERK AND RECORDER" MEANS THE CLERK AND RECORDER OF ANY COUNTY OR CITY AND COUNTY IN THE STATE OF COLORADO.

(6) "Manufactured home" means a preconstructed building unit or combination of preconstructed building units ~~without motive power designed and commonly used for residential occupancy by persons in either temporary or permanent locations, which unit or units are manufactured in a factory or at a location other than the residential site of the completed home~~ THAT IS CONSTRUCTED IN COMPLIANCE WITH THE FEDERAL MANUFACTURED HOME CONSTRUCTION SAFETY STANDARD, AS DEFINED IN SECTION 24-32-3302 (13), C.R.S. "MANUFACTURED HOME" SHALL ALSO INCLUDE A MOBILE HOME, AS DEFINED IN SECTION 24-32-3302 (24), C.R.S.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(9) "Mortgages" or "mortgage" or "chattel mortgage" means chattel mortgages, conditional sales contracts, or any other like instrument intended to operate as a mortgage or to create a lien on a manufactured home as security for an undertaking of the owner thereof or some other person; EXCEPT THAT AS USED IN PART 2 OF THIS ARTICLE, "MORTGAGE" ALSO INCLUDES MORTGAGES, DEEDS OF TRUST, AND OTHER LIENS ON REAL PROPERTY.

(13) "VERIFICATION OF APPLICATION FORM" MEANS THE FORM GENERATED BY AN AUTHORIZED AGENT UPON RECEIPT OF A PROPERLY COMPLETED APPLICATION FOR TITLE SUBMITTED IN ACCORDANCE WITH SECTION 38-29-107.

SECTION 3. 38-29-104, Colorado Revised Statutes, is amended to read:

38-29-104. Administration. The director is charged with the duty of administering this ~~article~~ PART 1. For that purpose he OR SHE is vested with the power to make such reasonable rules, prepare, prescribe, and require the use of such forms, and provide such procedures as may be reasonably necessary or essential to the efficient administration of this ~~article~~ PART 1.

SECTION 4. 38-29-112 (1.5), Colorado Revised Statutes, is amended to read:

38-29-112. Certificate of title - transfer. (1.5) The purchaser or transferee of a manufactured home that becomes permanently affixed at an existing site or is transported to a site and is permanently affixed to the ground so that it is no longer capable of being drawn over the public highways shall present a certificate of transfer as required in subsection (1) of this section, together with his or her application for purging a manufactured home title AND A CERTIFICATE OF PERMANENT LOCATION, to the authorized agent of the county or city or city and county in which such manufactured home is located. ~~and said~~ THE manufactured home shall become real property UPON THE FILING AND RECORDING OF THE CERTIFICATE OF PERMANENT LOCATION IN ACCORDANCE WITH SECTION 38-29-202. The provisions of articles 30 to 44 of this title and of any other law of this state shall be applicable to manufactured homes that have become real property pursuant to this subsection (1.5) and to instruments creating, disposing of, or otherwise affecting such real property wherever such provisions would be applicable to estates, rights, and interests in land or to instruments creating, disposing of, or otherwise affecting estates, rights, and interest in land. The manufactured home for which a Colorado certificate of title has been issued shall continue to be valued and taxed separately from the land on which it sits until such time that the manufactured home becomes real property pursuant to this subsection (1.5).

SECTION 5. 38-29-114 (2), Colorado Revised Statutes, is amended to read:

38-29-114. New manufactured homes - bill of sale - certificate of title. (2) Any purchaser of a new manufactured home that is transported to a site and permanently affixed to the ground so that it is no longer capable of being drawn over the public highways shall not be required to procure a certificate of title thereto as is otherwise required by this article. ~~and said home shall become real property~~ THE PURCHASER SHALL FILE A CERTIFICATE OF PERMANENT LOCATION ALONG WITH THE MANUFACTURER'S CERTIFICATE OR STATEMENT OF ORIGIN OR ITS EQUIVALENT WITH THE CLERK AND RECORDER FOR THE COUNTY OR CITY AND COUNTY IN WHICH

THE NEW MANUFACTURED HOME IS PERMANENTLY AFFIXED TO THE GROUND. THE MANUFACTURED HOME SHALL BECOME REAL PROPERTY UPON THE FILING AND RECORDING OF SUCH DOCUMENTS IN ACCORDANCE WITH SECTION 38-29-202. The provisions of articles 30 to 44 of this title and of any other law of this state shall be applicable to manufactured homes ~~which~~ THAT have become real property pursuant to this subsection (2) and to instruments creating, disposing of, or otherwise affecting such real property wherever such provisions would be applicable to estates, rights, and interests in land or to instruments creating, disposing of, or otherwise affecting estates, rights, and interests in land.

SECTION 6. 38-29-117 (6), Colorado Revised Statutes, is amended to read:

38-29-117. Certificates for manufactured homes registered in other states.

(6) If any person acquires the ownership in a manufactured home for which a certificate of title has been issued under the laws of a state other than the state of Colorado and such home is transported to a site where it is permanently affixed to the ground so that it is no longer capable of being drawn over the public highways, such person shall not be required to procure a new certificate of title as is otherwise required by this article. ~~and said manufactured home shall become real property~~ THE OWNER SHALL FILE A CERTIFICATE OF PERMANENT LOCATION ALONG WITH THE CERTIFICATE OF TITLE OR THE MANUFACTURER'S CERTIFICATE OR STATEMENT OF ORIGIN OR ITS EQUIVALENT WITH THE CLERK AND RECORDER FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE MANUFACTURED HOME IS PERMANENTLY AFFIXED TO THE GROUND. THE MANUFACTURED HOME SHALL BECOME REAL PROPERTY UPON THE FILING AND RECORDING OF SUCH DOCUMENTS IN ACCORDANCE WITH SECTION 38-29-202. The provisions of articles 30 to 44 of this title and of any other law of this state shall be applicable to manufactured homes ~~which~~ THAT have become real property pursuant to this subsection (6) and to instruments creating, disposing of, or otherwise affecting such real property wherever such provisions would be applicable to estates, rights, and interests in land or to instruments creating, disposing of, or otherwise affecting estates, rights, and interests in land.

SECTION 7. 38-29-118, Colorado Revised Statutes, is amended to read:

38-29-118. Surrender and cancellation of certificate - purge of certificate - penalty for violation. (1) The owner of any manufactured home for which a Colorado certificate of title has been issued, upon the destruction or dismantling of said manufactured home or upon its being sold or otherwise disposed of as salvage, shall surrender his or her certificate of title thereto to the director with the request that such certificate of title be cancelled AND SHALL SUBMIT A CERTIFICATE OF DESTRUCTION AS SET FORTH IN SECTION 38-29-204, ~~and upon said owner's procuring the consent thereto of the holders of any mortgages noted on the certificate of title and shown to be unreleased in the office of the director,~~ such certificate OF TITLE may thereupon be cancelled. Any person who violates any of the provisions of this subsection (1) commits a class 1 petty offense and, upon conviction thereof, shall be punished as provided in section 18-1.3-503, C.R.S.

(2) The owner of any manufactured home for which a Colorado certificate of title has been issued, upon its being permanently affixed to the ground so that it is no longer capable of being drawn over the public highways, ~~may~~ SHALL surrender his OR HER certificate of title thereto and file with the authorized agent of the county or

city and county in which such manufactured home is located a request for purging of the manufactured home title AND A CERTIFICATE OF PERMANENT LOCATION. ~~and upon said owner's procuring the consent thereto of the holders of any mortgages noted on the certificate of title and shown to be unreleased, said manufactured home shall become real property.~~ THE MANUFACTURED HOME SHALL BECOME REAL PROPERTY UPON THE FILING AND RECORDING OF THE CERTIFICATE OF PERMANENT LOCATION IN ACCORDANCE WITH SECTION 38-29-202. The provisions of articles 30 to 44 of this title and of any other law of this state shall be applicable to manufactured homes ~~which~~ THAT have become real property pursuant to this subsection (2) and to instruments creating, disposing of, or otherwise affecting such real property wherever such provisions would be applicable to estates, rights, and interests in land or to instruments creating, disposing of, or otherwise affecting estates, rights, and interests in land. The manufactured home for which a Colorado certificate of title has been issued shall continue to be valued and taxed separately from the land on which it sits until such time that the manufactured home becomes real property pursuant to this subsection (2).

SECTION 8. 38-29-119 (2), Colorado Revised Statutes, is amended to read:

38-29-119. Furnishing bond for certificates. (2) If, from the affidavit of the applicant and such other evidence as may be submitted to him OR HER, the director finds that the applicant is the same person to whom a certificate of title for said home has previously been issued or that a certificate of title should be issued to the applicant, such certificate may be issued, in which event disposition thereof shall be made as in other cases. No certificate of title shall be issued as provided in this section unless and until the applicant furnishes evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety, to the people of the state of Colorado, in an amount ~~to be fixed by the director, determined~~ EQUAL TO TWICE THE ACTUAL VALUE OF THE MANUFACTURED HOME ACCORDING TO THE ASSESSOR'S RECORDS, as of the time application for the certificate is made, conditioned that the applicant and his OR HER surety shall hold harmless any person who suffers any loss or damage by reason of the issuance thereof. If any person suffers any loss or damage by reason of the issuance of the certificate of title as provided in this section, such person shall have a right of action against the applicant and the surety on his OR HER bond against either of whom the person damaged may proceed independently of the other.

SECTION 9. Article 29 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2
FILING AND RECORDING OF DOCUMENTS RELATED
TO A MANUFACTURED HOME

38-29-201. Verification of application form - supporting materials. (1) IN ALL INSTANCES UNDER PART 1 OF THIS ARTICLE IN WHICH AN APPLICATION FOR A CERTIFICATE OF TITLE IS FILED WITH AN AUTHORIZED AGENT PURSUANT TO SECTION 38-29-107, THE AUTHORIZED AGENT, IN HIS OR HER CAPACITY AS THE CLERK AND RECORDER, SHALL FILE AND RECORD THE DOCUMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION IN HIS OR HER OFFICE.

(2) (a) FOR AN APPLICATION FOR A CERTIFICATE OF TITLE FOR A NEW MANUFACTURED HOME, THE FOLLOWING DOCUMENTS SHALL BE FILED AND RECORDED:

(I) THE MANUFACTURER'S CERTIFICATE OR STATEMENT OF ORIGIN OR ITS EQUIVALENT;

(II) THE BILL OF SALE; AND

(III) THE VERIFICATION OF APPLICATION FORM.

(b) FOR AN APPLICATION FOR A CERTIFICATE OF TITLE FOR WHICH A BOND IS FURNISHED PURSUANT TO SECTION 38-29-119 (2), THE FOLLOWING DOCUMENTS SHALL BE FILED AND RECORDED:

(I) A COPY OF THE WRITTEN DECLARATION REQUIRED PURSUANT TO SECTION 38-29-119 (1);

(II) A COPY OF THE BOND THAT WAS FURNISHED; AND

(III) THE VERIFICATION OF APPLICATION FORM.

(c) FOR ALL OTHER APPLICATIONS FOR A CERTIFICATE OF TITLE, THE FOLLOWING DOCUMENTS SHALL BE FILED AND RECORDED:

(I) A COPY OF THE CERTIFICATE OF TITLE PRESENTED TO THE AUTHORIZED AGENT, IF ANY; AND

(II) THE VERIFICATION OF APPLICATION FORM.

38-29-202. Certificate of permanent location. (1) (a) IF A MANUFACTURED HOME IS PERMANENTLY AFFIXED TO THE GROUND SO THAT IT IS NO LONGER CAPABLE OF BEING DRAWN OVER THE PUBLIC HIGHWAYS ON OR AFTER JULY 1, 2008, THE OWNER OF THE MANUFACTURED HOME SHALL FILE A CERTIFICATE OF PERMANENT LOCATION.

(b) IF THE CERTIFICATE OF PERMANENT LOCATION ACCOMPANIES AN APPLICATION FOR PURGING A MANUFACTURED HOME TITLE PURSUANT TO SECTION 38-29-112 (1.5) OR 38-29-118 (2), THE CERTIFICATE SHALL BE FILED WITH THE AUTHORIZED AGENT FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED. THE AUTHORIZED AGENT, IN HIS OR HER CAPACITY AS THE CLERK AND RECORDER, SHALL FILE AND RECORD THE CERTIFICATE OF PERMANENT LOCATION IN HIS OR HER OFFICE.

(c) IF THE CERTIFICATE OF PERMANENT LOCATION IS RECEIVED IN ACCORDANCE WITH SECTION 38-29-114 (2) OR 38-29-117 (6), THE CERTIFICATE SHALL BE FILED WITH THE CLERK AND RECORDER FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED. THE CLERK AND RECORDER SHALL FILE AND RECORD THE CERTIFICATE OF PERMANENT LOCATION, A COPY OF THE BILL OF SALE, AND A COPY OF THE MANUFACTURER'S CERTIFICATE OR STATEMENT OF ORIGIN OR ITS EQUIVALENT IN HIS OR HER OFFICE AND DESTROY THE ORIGINAL

MANUFACTURER'S CERTIFICATE OR STATEMENT OF ORIGIN OR ITS EQUIVALENT.

(d) AT LEAST ONE OF THE OWNERS OF THE MANUFACTURED HOME, AS REFLECTED ON THE CERTIFICATE OF TITLE, THE BILL OF SALE, OR THE MANUFACTURER'S CERTIFICATE OR STATEMENT OF ORIGIN OR ITS EQUIVALENT, MUST BE AN OWNER OF RECORD OF THE REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS TO BE AFFIXED OR PERMANENTLY LOCATED; EXCEPT THAT THIS PARAGRAPH (d) SHALL NOT APPLY TO ANY MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS.

(2) THE PROPERTY TAX ADMINISTRATOR SHALL ESTABLISH THE FORM OF THE CERTIFICATE OF PERMANENT LOCATION. IN ADDITION TO ANY OTHER INFORMATION THAT THE ADMINISTRATOR MAY REQUIRE, THE CERTIFICATE SHALL INCLUDE THE FOLLOWING:

(a) THE NAME AND MAILING ADDRESS OF THE OWNER OF THE MANUFACTURED HOME;

(b) THE NAME AND MAILING ADDRESS OF ANY HOLDER OF A MORTGAGE ON THE MANUFACTURED HOME OR ON THE REAL PROPERTY TO WHICH THE HOME HAS BEEN AFFIXED;

(c) THE IDENTIFICATION NUMBER OF THE MANUFACTURED HOME AND THE CERTIFICATE OF TITLE NUMBER, IF APPLICABLE;

(d) THE MANUFACTURER OR MAKE AND YEAR OF THE MANUFACTURED HOME;

(e) ATTACHED TO THE CERTIFICATE OF PERMANENT LOCATION, A CERTIFICATE OF TAXES DUE, OR AN AUTHENTICATION OF PAID AD VALOREM TAXES, ISSUED BY THE COUNTY TREASURER OF THE COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED;

(f) THE LEGAL DESCRIPTION OF THE REAL PROPERTY TO WHICH THE MANUFACTURED HOME HAS BEEN PERMANENTLY AFFIXED;

(g) THE NAME OF THE LEGAL OWNER OR OWNERS OF THE LAND UPON WHICH THE HOME IS AFFIXED;

(h) THE COUNTY OR CITY AND COUNTY IN WHICH THE CERTIFICATE OF PERMANENT LOCATION IS FILED;

(i) VERIFICATION THAT THE MANUFACTURED HOME IS ON A PERMANENT FOUNDATION IN ACCORDANCE WITH ANY APPLICABLE COUNTY OR CITY AND COUNTY CODES OR REQUIREMENTS;

(j) CONSENT TO THE PERMANENT LOCATION OF THE MANUFACTURED HOME BY ALL HOLDERS OF A SECURITY INTEREST IN THE MANUFACTURED HOME;

(k) AN AFFIRMATIVE STATEMENT OF RELINQUISHMENT AND RELEASE OF ALL RIGHTS IN THE MANUFACTURED HOME BY ALL HOLDERS OF A SECURITY INTEREST IN THE MANUFACTURED HOME;

(l) AN AFFIRMATIVE STATEMENT OF RELINQUISHMENT OF ALL RIGHTS IN THE MANUFACTURED HOME BY ANY OWNER ON THE CERTIFICATE OF TITLE OF THE MANUFACTURED HOME WHO IS NOT ALSO AN OWNER OF THE REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS TO BE AFFIXED OR PERMANENTLY LOCATED; AND

(m) AN AFFIRMATIVE STATEMENT THAT ALL OWNERS OF THE REAL PROPERTY AND THE MANUFACTURED HOME CONSENT TO THE AFFIXATION OF THE MANUFACTURED HOME TO THE REAL PROPERTY AND AN ACKNOWLEDGMENT THAT UPON SUCH AFFIXATION AND UPON THE FILING AND RECORDING OF THE CERTIFICATE OF PERMANENT LOCATION THE MANUFACTURED HOME WILL BECOME A PART OF THE REAL PROPERTY AND OWNERSHIP SHALL BE VESTED ONLY IN THE TITLE OWNERS OF THE REAL PROPERTY. OWNERSHIP IN THE MANUFACTURED HOME SHALL VEST IN THE SAME PARTIES AND SUBJECT TO THE SAME TENANCIES, ENCUMBRANCES, LIENS, LIMITATIONS, RESTRICTIONS, AND ESTATES AS THE REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS AFFIXED OR PERMANENTLY LOCATED. THE PROVISIONS OF THIS PARAGRAPH (m) SHALL NOT APPLY TO ANY MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS.

(3) THE CERTIFICATE OF PERMANENT LOCATION SHALL BE ACKNOWLEDGED AND SHALL CONTAIN OR BE ACCOMPANIED BY A WRITTEN DECLARATION THAT THE STATEMENTS MADE THEREIN ARE MADE UNDER THE PENALTIES OF PERJURY IN THE SECOND DEGREE, AS DEFINED IN SECTION 18-8-503, C.R.S.

38-29-203. Certificate of removal. (1) (a) ON OR AFTER JULY 1, 2008, A MANUFACTURED HOME SHALL NOT BE REMOVED FROM ITS PERMANENT LOCATION UNLESS THE OWNER OF THE MANUFACTURED HOME FILES A CERTIFICATE OF REMOVAL. IF A CERTIFICATE OF PERMANENT LOCATION HAS NOT BEEN PREVIOUSLY FILED AND RECORDED FOR THE MANUFACTURED HOME, THE OWNER SHALL ALSO FILE AN AFFIDAVIT OF REAL PROPERTY, DESCRIBED IN SECTION 38-29-208, ALONG WITH THE CERTIFICATE OF REMOVAL.

(b) THE CERTIFICATE OF REMOVAL AND THE AFFIDAVIT OF REAL PROPERTY, IF ANY, ALONG WITH THE APPLICATION FOR A NEW CERTIFICATE OF TITLE REQUIRED IN PART 1 OF THIS ARTICLE, SHALL BE FILED WITH THE AUTHORIZED AGENT FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED. THE AUTHORIZED AGENT, IN HIS OR HER CAPACITY AS THE CLERK AND RECORDER, SHALL FILE AND RECORD THE CERTIFICATE OF REMOVAL AND THE AFFIDAVIT OF REAL PROPERTY IN HIS OR HER OFFICE.

(2) THE PROPERTY TAX ADMINISTRATOR SHALL ESTABLISH THE FORM OF THE CERTIFICATE OF REMOVAL. IN ADDITION TO ANY OTHER INFORMATION THAT THE ADMINISTRATOR MAY REQUIRE, THE CERTIFICATE SHALL INCLUDE THE FOLLOWING:

(a) THE NAME AND MAILING ADDRESS OF THE OWNER OF THE MANUFACTURED HOME;

(b) THE NAME AND MAILING ADDRESS OF ANY HOLDER OF A MORTGAGE OR LIEN AGAINST THE REAL PROPERTY ON WHICH THE MANUFACTURED HOME WAS AFFIXED OR PERMANENTLY LOCATED;

(c) THE IDENTIFICATION NUMBER OF THE MANUFACTURED HOME;

(d) THE MANUFACTURER OR MAKE AND YEAR OF THE MANUFACTURED HOME;

(e) ATTACHED TO THE CERTIFICATE OF REMOVAL, A CERTIFICATE OF TAXES DUE, OR AN AUTHENTICATION OF PAID AD VALOREM TAXES, ISSUED BY THE COUNTY TREASURER OF THE COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED;

(f) THE LEGAL DESCRIPTION OF THE REAL PROPERTY FROM WHICH THE MANUFACTURED HOME WAS REMOVED; AND

(g) CONSENT OF ALL LIENHOLDERS AND A RELEASE BY ALL HOLDERS OF A MORTGAGE, ONLY TO THE EXTENT THAT THE MORTGAGE OR LIEN APPLIES TO THE MANUFACTURED HOME, TO ALLOW THE REMOVAL OF THE MANUFACTURED HOME FROM ITS PERMANENT LOCATION.

(3) THE CONSENT OF A MORTGAGE OR OTHER LIEN HOLDER ON THE CERTIFICATE OF REMOVAL SHALL SERVE AS A FULL RELEASE OF ANY INTEREST AGAINST THE MANUFACTURED HOME ONCE THE MANUFACTURED HOME IS REMOVED FROM THE REAL PROPERTY. THE CONSENT ON THE CERTIFICATE OF REMOVAL SHALL NOT RELEASE ANY INTEREST OF THE MORTGAGE OR LIEN HOLDER AGAINST THE REMAINING REAL PROPERTY.

(4) IF CONSENT OF ANY MORTGAGEE OR LIEN HOLDER IS NOT GIVEN, THE OWNER MAY FILE A CORPORATE SURETY BOND OR ANY OTHER UNDERTAKING WITH THE CLERK OF THE DISTRICT COURT OF THE COUNTY IN WHICH THE REAL PROPERTY TO WHICH THE MANUFACTURED HOME WAS AFFIXED IS SITUATED. THE BOND OR UNDERTAKING SHALL BE IN AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE MORTGAGE OR LIEN AND SHALL BE APPROVED BY A JUDGE OF THE DISTRICT COURT WITH WHICH THE BOND OR UNDERTAKING IS FILED. THE BOND OR UNDERTAKING SHALL BE CONDITIONED THAT, IF THE MORTGAGEE OR LIEN HOLDER SHALL BE FINALLY ADJUDGED TO BE ENTITLED TO RECOVER UPON THE MORTGAGE OR LIEN, THE PRINCIPAL OR HIS SURETIES SHALL PAY TO THE MORTGAGEE OR LIEN HOLDER THE AMOUNT OF THE INDEBTEDNESS TOGETHER WITH ANY INTEREST, COSTS, AND OTHER SUMS WHICH THE MORTGAGEE OR LIEN HOLDER WOULD BE ENTITLED TO RECOVER UPON FORECLOSURE OF THE MORTGAGE OR LIEN. UPON THE FILING OF A BOND OR UNDERTAKING, THE MORTGAGE OR LIEN AGAINST THE PROPERTY SHALL BE FORTHWITH DISCHARGED AND RELEASED IN FULL, AND THE REAL PROPERTY DESCRIBED IN THE BOND OR UNDERTAKING SHALL BE RELEASED FROM THE MORTGAGE OR LIEN AND FROM ANY ACTION BROUGHT TO FORECLOSE THE MORTGAGE OR LIEN, AND THE BOND OR UNDERTAKING SHALL BE SUBSTITUTED. THE CLERK OF THE DISTRICT COURT WITH WHICH THE BOND OR UNDERTAKING HAS BEEN FILED SHALL ISSUE A CERTIFICATE OF RELEASE THAT SHALL BE RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE REAL PROPERTY TO WHICH THE MANUFACTURED HOME WAS AFFIXED IS SITUATED, AND THE CERTIFICATE OF RELEASE SHALL SHOW THAT THE PROPERTY HAS BEEN RELEASED FROM THE MORTGAGE OR LIEN AND FROM ANY ACTION BROUGHT TO FORECLOSE THE MORTGAGE OR LIEN.

(5) THE CERTIFICATE OF REMOVAL SHALL BE ACKNOWLEDGED AND SHALL CONTAIN OR BE ACCOMPANIED BY A WRITTEN DECLARATION THAT THE STATEMENTS

MADE THEREIN ARE MADE UNDER THE PENALTIES OF PERJURY IN THE SECOND DEGREE, AS DEFINED IN SECTION 18-8-503, C.R.S.

38-29-204. Certificate of destruction. (1) (a) IF A MANUFACTURED HOME IS DESTROYED, DISMANTLED, OR SOLD OR OTHERWISE DISPOSED OF AS SALVAGE ON OR AFTER JULY 1, 2008, THE OWNER OF THE MANUFACTURED HOME SHALL FILE A CERTIFICATE OF DESTRUCTION.

(b) IF THE CERTIFICATE OF DESTRUCTION ACCOMPANIES AN APPLICATION TO CANCEL A CERTIFICATE OF TITLE PURSUANT TO SECTION 38-29-118 (1), THE CERTIFICATE SHALL BE FILED WITH THE AUTHORIZED AGENT FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE MANUFACTURED HOME IS OR WAS LOCATED. THE AUTHORIZED AGENT, IN HIS OR HER CAPACITY AS THE CLERK AND RECORDER, SHALL FILE AND RECORD THE CERTIFICATE OF DESTRUCTION IN HIS OR HER OFFICE.

(c) IF AN APPLICATION TO CANCEL A CERTIFICATE OF TITLE IS NOT REQUIRED PURSUANT TO SECTION 38-29-118 (1) BECAUSE NO CERTIFICATE OF TITLE WAS EVER ISSUED OR BECAUSE THE TITLE HAS BEEN PURGED, THE CERTIFICATE OF DESTRUCTION SHALL BE FILED WITH THE COUNTY CLERK AND RECORDER FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE MANUFACTURED HOME IS OR WAS LOCATED. THE CLERK AND RECORDER SHALL FILE AND RECORD THE CERTIFICATE OF DESTRUCTION IN HIS OR HER OFFICE.

(2) THE PROPERTY TAX ADMINISTRATOR SHALL ESTABLISH THE FORM OF THE CERTIFICATE OF DESTRUCTION. IN ADDITION TO ANY OTHER INFORMATION THAT THE ADMINISTRATOR MAY REQUIRE, THE CERTIFICATE SHALL INCLUDE THE FOLLOWING:

(a) THE NAME AND MAILING ADDRESS OF THE OWNER OF THE MANUFACTURED HOME;

(b) THE NAME AND MAILING ADDRESS OF EACH HOLDER OF A SECURITY INTEREST IN THE MANUFACTURED HOME AND ALL HOLDERS OF A LIEN AGAINST THE REAL PROPERTY ON WHICH THE MANUFACTURED HOME WAS AFFIXED OR PERMANENTLY LOCATED;

(c) THE IDENTIFICATION NUMBER OF THE MANUFACTURED HOME;

(d) THE MANUFACTURER OR MAKE AND YEAR OF THE MANUFACTURED HOME;

(e) ATTACHED TO THE CERTIFICATE OF DESTRUCTION, A CERTIFICATE OF TAXES DUE, OR AN AUTHENTICATION OF PAID AD VALOREM TAXES, ISSUED BY THE COUNTY TREASURER OF THE COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED;

(f) THE LEGAL DESCRIPTION OF THE REAL PROPERTY ON WHICH THE MANUFACTURED HOME WAS AFFIXED OR PERMANENTLY LOCATED PRIOR TO DESTRUCTION;

(g) A BOOK AND PAGE OR RECEPTION NUMBER REFERENCE FOR A CERTIFICATE OF PERMANENT LOCATION THAT WAS PREVIOUSLY FILED RELATED TO THE MANUFACTURED HOME, IF ANY;

(h) CONSENT OF ALL LIENHOLDERS TO THE DESTRUCTION OF THE MANUFACTURED HOME, OR PROOF THAT A REQUEST FOR SUCH CONSENT WAS SENT BY CERTIFIED MAIL TO SUCH LIENHOLDERS AT THEIR LAST-KNOWN ADDRESS AND A NOTARIZED DECLARATION, SIGNED UNDER PENALTY OF PERJURY, THAT NO RESPONSE WAS RECEIVED WITHIN THIRTY DAYS OF THE DATE OF THE MAILING OF THE NOTICE;

(i) RELEASE OF ALL HOLDERS OF A MORTGAGE TO THE EXTENT THAT THE MORTGAGE APPLIES TO THE MANUFACTURED HOME, OR PROOF THAT A REQUEST FOR SUCH CONSENT WAS SENT BY CERTIFIED MAIL TO SUCH MORTGAGE HOLDERS AT THEIR LAST-KNOWN ADDRESS AND A NOTARIZED DECLARATION, SIGNED UNDER PENALTY OF PERJURY, THAT NO RESPONSE WAS RECEIVED WITHIN THIRTY DAYS OF THE DATE OF THE MAILING OF THE NOTICE; AND

(j) VERIFICATION THAT THE MANUFACTURED HOME HAS BEEN DESTROYED, DISMANTLED, OR SOLD OR OTHERWISE DISPOSED OF AS SALVAGE.

(3) THE CERTIFICATE OF DESTRUCTION SHALL BE ACKNOWLEDGED AND SHALL CONTAIN OR BE ACCOMPANIED BY A WRITTEN DECLARATION THAT THE STATEMENTS MADE THEREIN ARE MADE UNDER THE PENALTIES OF PERJURY IN THE SECOND DEGREE, AS DEFINED IN SECTION 18-8-503, C.R.S.

(4) ANY OWNER WHO FAILS TO FILE A PROPERLY COMPLETED CERTIFICATE OF DESTRUCTION WHEN REQUIRED PURSUANT TO THIS SECTION SHALL BE RESPONSIBLE FOR ALL ACTUAL DAMAGES SUSTAINED BY ANY AFFECTED PARTY RELATED TO THE MANUFACTURED HOME BEING DESTROYED, DISMANTLED, OR SOLD OR OTHERWISE DISPOSED OF AS SALVAGE.

38-29-205. Authorized agent - forward to the clerk and recorder. IF AN AUTHORIZED AGENT WHO RECEIVES A DOCUMENT FOR FILING AND RECORDING PURSUANT TO THIS PART 2 IS NOT THE CLERK AND RECORDER FOR THE COUNTY OR CITY AND COUNTY, THE AUTHORIZED AGENT SHALL FORWARD SUCH DOCUMENT TO THE CLERK AND RECORDER, FOR THE CLERK AND RECORDER TO FILE AND RECORD THE DOCUMENT IN HIS OR HER OFFICE.

38-29-206. Recorded documents - index. ANY DOCUMENT FILED AND RECORDED BY A CLERK AND RECORDER PURSUANT TO THIS PART 2 SHALL BE INDEXED IN BOTH THE GRANTOR AND GRANTEE INDEXES UNDER THE NAME OF THE OWNER OR OWNERS OF THE MANUFACTURED HOME AND THE OWNERS OF THE LAND TO WHICH THE MANUFACTURED HOME WAS AFFIXED OR PERMANENTLY LOCATED AT THE TIME THE DOCUMENT IS REQUIRED TO BE FILED AND RECORDED.

38-29-207. Copy of certificates to assessor. THE CLERK AND RECORDER SHALL FORWARD A COPY OF A CERTIFICATE OF PERMANENT LOCATION, CERTIFICATE OF REMOVAL, AND CERTIFICATE OF DESTRUCTION TO THE ASSESSOR FOR THE COUNTY OR CITY AND COUNTY.

38-29-208. Affidavit of real property. (1) ANY PERSON CAN PROVE THAT A MANUFACTURED HOME AND THE LAND UPON WHICH IT HAS BEEN PERMANENTLY AFFIXED IS REAL PROPERTY BY PROVIDING AN AFFIDAVIT OF REAL PROPERTY, WHICH SHALL INCLUDE THE FOLLOWING:

(a) AN ACKNOWLEDGED STATEMENT BY ALL OWNERS THAT THE MANUFACTURED HOME AND REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS PERMANENTLY AFFIXED BECAME REAL PROPERTY PURSUANT TO THIS ARTICLE;

(b) A STATEMENT FROM THE COUNTY ASSESSOR THAT THE MANUFACTURED HOME HAS BEEN VALUED TOGETHER WITH THE LAND UPON WHICH IT IS AFFIXED;

(c) A STATEMENT FROM THE COUNTY TREASURER THAT TAXES HAVE BEEN PAID ON THE MANUFACTURED HOME AND THE LAND UPON WHICH IT IS AFFIXED IN THE SAME MANNER AS OTHER REAL PROPERTY, AS THAT TERM IS DEFINED IN SECTION 39-1-102 (14), C.R.S.;

(d) PROOF THAT A SEARCH OF THE DIRECTOR'S RECORDS PURSUANT TO SECTION 42-1-206, C.R.S., WAS CONDUCTED AND THAT NO CERTIFICATE OF TITLE WAS FOUND FOR THE MANUFACTURED HOME; AND

(e) VERIFICATION THAT THE MANUFACTURED HOME IS ON A PERMANENT FOUNDATION IN ACCORDANCE WITH ANY APPLICABLE COUNTY OR CITY AND COUNTY CODES OR REQUIREMENTS.

38-29-209. Fees - disposition. (1) IN ALL INSTANCES IN WHICH A DOCUMENT IS TO BE FILED AND RECORDED PURSUANT TO THIS PART 2, THE AUTHORIZED AGENT OR CLERK AND RECORDER, AS THE CASE MAY BE, SHALL BE PAID SUCH FEES FOR EACH DOCUMENT SO FILED AND RECORDED AS ARE PRESCRIBED BY LAW FOR THE FILING OF LIKE INSTRUMENTS IN THE OFFICE OF THE COUNTY CLERK AND RECORDER.

(2) THE RECORDING FEES AUTHORIZED BY THIS SECTION ARE IN ADDITION TO ANY FEES THAT ARE REQUIRED PURSUANT TO SECTION 38-29-138.

(3) ALL FEES PAID PURSUANT TO THIS SECTION SHALL BE KEPT AND RETAINED BY THE AUTHORIZED AGENT OR THE CLERK AND RECORDER TO DEFRAY THE COST THEREOF AND SHALL BE DISPOSED OF BY HIM OR HER AS PROVIDED BY LAW.

SECTION 10. 39-2-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-2-109. Duties, powers, and authority. (1) It is the duty of the property tax administrator, and the administrator shall have and exercise authority:

(m) TO ESTABLISH THE FORMS REQUIRED PURSUANT TO PART 2 OF ARTICLE 29 OF TITLE 38, C.R.S.

SECTION 11. 39-14-101 (1) and (3), Colorado Revised Statutes, are amended, and the said 39-14-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

39-14-101. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Conveyance" means any transfer of a real property interest for some consideration in money or money's worth.~~ "AUTHORIZED AGENT" SHALL HAVE THE

SAME MEANING AS SET FORTH IN SECTION 38-29-102 (1), C.R.S.

(1.5) "CONVEYANCE" MEANS ANY TRANSFER OF A REAL PROPERTY INTEREST FOR SOME CONSIDERATION IN MONEY OR MONEY'S WORTH.

(3) "Declaration" means a form prescribed by the property tax administrator, and approved by the state board of equalization after review by the advisory committee to the property tax administrator as provided in section 39-9-103 (10), that contains information to assist the assessor in determining the value of real property AND MANUFACTURED HOMES required to be furnished under this article pursuant to section 39-14-102 OR 39-14-103.

(4) "MANUFACTURED HOME" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 38-29-102 (6), C.R.S.

(5) "MANUFACTURED HOME TITLE APPLICATION" MEANS AN APPLICATION FOR A NEW CERTIFICATE OF TITLE IN ACCORDANCE WITH THE PROVISIONS OF PART 1 OF ARTICLE 29 OF TITLE 38, C.R.S., THAT IS MADE AFTER A SALE OR TRANSFER DESCRIBED IN SECTION 38-29-112 (1) OR 38-29-114 (1), C.R.S.

(6) "VERIFICATION OF APPLICATION FORM" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 38-29-102 (13), C.R.S.

SECTION 12. Article 14 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-14-103. Filing of declaration - information available to county assessor.

(1) (a) ON OR AFTER JULY 1, 2008, ANY MANUFACTURED HOME TITLE APPLICATION THAT IS SUBMITTED TO AN AUTHORIZED AGENT SHALL BE ACCOMPANIED BY A DECLARATION PRESCRIBED BY THE PROPERTY TAX ADMINISTRATOR. THE DECLARATION SHALL BE COMPLETED AND SIGNED BY THE PURCHASER OR TRANSFEREE.

(b) (I) IF THE DECLARATION REQUIRED IN THIS SUBSECTION (1) DOES NOT ACCOMPANY A MANUFACTURED HOME TITLE APPLICATION AT THE TIME SUCH APPLICATION IS PRESENTED TO THE AUTHORIZED AGENT, THE AUTHORIZED AGENT SHALL NOTIFY THE COUNTY ASSESSOR THAT SUCH APPLICATION WAS NOT ACCOMPANIED BY SUCH DECLARATION.

(II) UPON RECEIVING THE NOTICE FROM THE AUTHORIZED AGENT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE COUNTY ASSESSOR SHALL SEND WRITTEN NOTICE TO THE PURCHASER OR TRANSFEREE SPECIFIED IN THE MANUFACTURED HOME TITLE APPLICATION THAT THE PURCHASER OR TRANSFEREE SHALL PROVIDE THE DECLARATION TO THE COUNTY ASSESSOR WITHIN THIRTY DAYS AFTER THE DATE THE NOTICE WAS MAILED. IF THE PURCHASER OR TRANSFEREE FAILS TO PROVIDE SUCH DECLARATION WITHIN THIRTY DAYS AFTER THE DATE THE NOTICE WAS MAILED, THE COUNTY ASSESSOR MAY IMPOSE UPON SUCH PURCHASER OR TRANSFEREE A PENALTY OF TWENTY-FIVE DOLLARS OR A PENALTY EQUAL TO TWENTY-FIVE ONE-THOUSANDTHS OF ONE PERCENT OF THE SALE PRICE OF THE MANUFACTURED HOME, WHICHEVER AMOUNT IS GREATER. IN EACH SUBSEQUENT YEAR IN WHICH THE PURCHASER OR TRANSFEREE FAILS TO FILE THE DECLARATION,

THE ASSESSOR MAY IMPOSE SAID SPECIFIED PENALTY UNLESS THE MANUFACTURED HOME HAS BEEN SUBSEQUENTLY CONVEYED. ANY PENALTY IMPOSED PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE A FEE OF THE OFFICE OF THE COUNTY ASSESSOR.

(III) ANY UNPAID PENALTIES THAT WERE IMPOSED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) SHALL BE CERTIFIED TO THE COUNTY TREASURER BY JANUARY 1 OF EACH YEAR AND SHALL BE INCLUDED IN THE STATEMENT SENT TO THE PURCHASER OR TRANSFEREE PURSUANT TO SECTION 39-10-103 FOR PROPERTY TAXES LEVIED AGAINST THE MANUFACTURED HOME.

(c) THE AUTHORIZED AGENT SHALL NOT RECORD OR FILE ANY DECLARATION MADE PURSUANT TO THE PROVISIONS OF THIS SECTION; HOWEVER, THE AUTHORIZED AGENT SHALL ENTER UPON SUCH DECLARATION THE DATE OF RECORDATION AND RECEPTION NUMBER OF THE VERIFICATION OF APPLICATION FORM RELATED TO THE MANUFACTURED HOME TITLE APPLICATION. THE COUNTY CLERK AND RECORDER SHALL TRANSMIT ANY DECLARATION MADE PURSUANT TO THE PROVISIONS OF THIS SECTION TO THE COUNTY ASSESSOR. THE COUNTY ASSESSOR SHALL MAKE ANY DECLARATION MADE PURSUANT TO THE PROVISIONS OF THIS SECTION AVAILABLE FOR INSPECTION BY ANY TAXPAYER WHO WAS SPECIFIED IN THE MANUFACTURED HOME TITLE APPLICATION OR WHO FILED SUCH DECLARATION, THE PERSON CONDUCTING ANY VALUATION FOR ASSESSMENT STUDY PURSUANT TO SECTION 39-1-104 (16) AND HIS OR HER EMPLOYEES, AND THE PROPERTY TAX ADMINISTRATOR AND HIS OR HER EMPLOYEES.

(2) NO DECLARATION MADE PURSUANT TO THIS SECTION THAT ACCOMPANIES A MANUFACTURED HOME TITLE APPLICATION OR IS FILED SEPARATELY SHALL BE DEEMED TO PROVIDE CONSTRUCTIVE NOTICE OF INFORMATION CONTAINED THEREIN FOR PURPOSES OF ARTICLE 35 OF TITLE 38, C.R.S.

(3) EACH COUNTY ASSESSOR SHALL MAINTAIN A DATA BANK CONSISTING OF INFORMATION THAT HAS BEEN DERIVED FROM THE DECLARATIONS FILED PURSUANT TO THIS SECTION. SUCH INFORMATION SHALL BE USED TO PROPERLY ADJUST SALES FOR SALES RATIO ANALYSIS AND FOR DETERMINING THE ACTUAL VALUE OF THE MANUFACTURED HOME TRANSFERRED AND THE ACTUAL VALUE OF OTHER MANUFACTURED HOMES, AS WELL AS OTHER PURPOSES DEEMED APPROPRIATE BY THE COUNTY ASSESSOR.

(4) A MANUFACTURED HOME THAT HAS BECOME REAL PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF PART 1 OF ARTICLE 29 OF TITLE 38, C.R.S., SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 39-14-102.

SECTION 13. Effective date. This act shall take effect July 1, 2008.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 14, 2008