

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:
TL-39	APPLICATION FOR RETIREMENT OF A MOBILE HOME CERTIFICATE OF TITLE OR REINSTATEMENT OF A RETIRED MOBILE HOME CERTIFICATE OF TITLE
DESCRIPTION AND USE:	
THIS PROCEDURE <u>PROVIDES INFORMATION AND INSTRUCTIONS</u> TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN ESTABLISHING REQUIREMENTS FOR RETIRING OR REINSTATING A MOBILE HOME CERTIFICATE OF TITLE.	
<p>I. PROVISIONS OF LAW:</p> <p>Section 319.261, Florida Statutes, provides a process by which the owner of a mobile home which is permanently affixed to real property owned by that same person may permanently retire the title to the mobile home.</p> <p>For purposes of this section, the term "real property owned by that same person" shall include any tenancy of a recorded leasehold interest in the real property for a term of 30 years or more.</p> <p>II. GENERAL INFORMATION:</p> <p>The certificate of title for the mobile home must be in the name of the owner of the real property before the certificate of title can be retired. This means that when a customer purchases a new or used mobile home (that is titled in Florida and permanently affixed to real property) with the intention of retiring the mobile home title, it IS necessary to obtain a title and registration in their name prior to retiring the title.</p> <p>An RP decal MUST be issued to the mobile home prior to retiring the title.</p> <p>The title of a mobile home may be retired by the department if the owner of the real property records the required documents in the official records of the clerk of court in the county in which the real property is located.</p> <p>A mobile home whose title has been retired pursuant to s. 319.261, Florida Statutes, and has not been re-instated, shall be conveyed by deed or real estate contract and shall be transferred together with the property to which it is affixed.</p> <p>If the title has been retired pursuant to s. 319.261, Florida Statutes, for purposes of perfecting, realizing, and foreclosure of security interests, a separate security interest in the mobile home shall not exist, and the mobile home shall only be secured as part of the real property through a mortgage or deed of trust.</p> <p>There is no fee or tax collector's service charge for retiring the certificate of title for a mobile home.</p>	
<i>Revision(s) to this Procedure: Updated page 4, I., to include residential manufactured building.</i>	
EFFECTIVE DATE	REVISION DATE
October 1, 2015	09/18/15

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TL-39	<p style="text-align:center">APPLICATION FOR RETIREMENT OF A MOBILE HOME CERTIFICATE OF TITLE OR REINSTATEMENT OF A RETIRED MOBILE HOME CERTIFICATE OF TITLE</p> <p>III. DOCUMENTATION AND SPECIAL INSTRUCTIONS:</p> <p>A. To retire a Florida Certificate of Title for a mobile home permanently affixed to real property, the following documentation should be submitted to the tax collector's office or license plate agency to be screened for completeness and accuracy:</p> <ol style="list-style-type: none">1. An original form HSMV 82109, Application for Retirement of a Mobile Home Certificate of Title, accurately completed by the owner(s). <p>NOTE: If the mobile home is a double or triple wide, the owner must complete a form HSMV 82109 for each unit.</p> <p>NOTE: If the mobile home is owned by more than one owner and the names are joined by "OR," only one signature is required on the form HSMV 82109.</p> <p style="padding-left: 40px;">If the mobile home is owned by more than one owner and the names are joined by "AND," a signature for each owner is required on the form HSMV 82109.</p> <p>A photocopy of the following documents that have been recorded with the clerk of the court's office:</p> <p>NOTE: The following documentation must be recorded with the clerk of the court prior to making application for the retirement of the certificate of title for a mobile home. The Clerk of Court will supply the owner of the mobile home a copy of all documents recorded. The copies must be stamped received by the clerk of court or certified or contain an "ERecord" stamp.</p> <ol style="list-style-type: none">2. A photocopy of the certificate of title(s) in the name of the owner(s) who is applying to retire the mobile home certificate of title. The original certificate of title(s) must be recorded with the Clerk of Court.3. A photocopy of a lien satisfaction for the lien on the face of the title, (if applicable), or a statement from the lienholder that such security interest will be released upon retirement of the certificate of title (if applicable). <p>NOTE: If the lien is satisfied on the face of the original title, a separate lien satisfaction is not required.</p> <p>NOTE: The lienholder may add additional wording to the statement (in #3) which declares that once the title has been retired pursuant to 319.261, Florida Statutes, the mobile home shall be conveyed by deed or real estate contract and shall be transferred together with the property to which it is affixed.</p> <ol style="list-style-type: none">4. A photocopy of the legal description of the real property AND, If the property is leased, a photocopy of the lease agreement (the lease agreement must be for a period of 30 years or more).
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NOTE: The legal description may be in the form of a simple statement, a copy of the Real Estate Tax Bill from the tax collector's office or the warranty deed conveying the property, etc.

5. A photocopy of the sworn statement by the owner of the real property, as shown on the real property deed or lease, that he/she is the owner of the mobile home and that the home is permanently affixed to the real property in accordance with state law.

NOTE: The system will generate a correspondence letter for the customer. This letter will serve as verification that the certificate of title has been retired.

- B. To re-instate the Florida Certificate of Title to a mobile home that has previously been retired and the mobile home has now been moved off of the real property, the following documentation should be submitted to the tax collector's office to be screened for completeness and accuracy:

NOTE: The transaction must be processed as an "original." The title clerk will reinstate the record within the transaction. The previous state must be shown as "FL."

1. A form HSMV 82040, Application for Certificate of Title with/without Registration, or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the owner(s).

NOTE: If the mobile home is a double or triple wide, the owner must complete an application for each unit. Title fees would apply for each application.

2. An affidavit signed by the owner(s) of the land and secured parties and other lienholders consenting to the removal of the home.
3. A certification from a title insurance company listing the owners and all secured parties and other lienholders, which is dated within 10 days of the date of application for a new title.
4. Decal fees.
5. Title fees.

IV. MISCELLANEOUS INFORMATION:

- A. To retire the mobile home, the title clerk must go to the "Cancellation of Title" transaction screen, enter the title number for the mobile home and select the reason code of "TM (Retirement of Mobile Home)."
- B. If the customer purchases a mobile home from a Florida licensed dealer who is no longer in business or has a suspended license and a title application was never previously submitted in their name, the customer must obtain a title in their name (operation of law), prior to retiring the title.

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EXHIBIT A

CHECK LIST FOR RETIRING THE CERTIFICATE OF TITLE FOR A MOBILE HOME

_____ Original form HSMV 82109

A photocopy of the following documents that have been recorded with the clerk of the court's office:

_____ A photocopy of the original Florida Certificate of Title in the name of the owner(s) who is applying to retire the mobile home certificate of title

NOTE: If the lien was satisfied on the face of the original title, a separate lien satisfaction would not be required.

_____ A photocopy of a lien satisfaction(s), if applicable

or,

A photocopy of a statement from the lienholder that such security interest will be released upon retirement of the certificate of title (if applicable).

_____ The photocopy of the legal description of the real property

and

If the property is leased, a photocopy of the lease agreement

_____ A photocopy of the sworn statement by the owner of the real property

CHECK LIST FOR RE-INSTATING THE CERTIFICATE OF TITLE FOR A MOBILE HOME

NOTE: The transaction must be processed as an "original." The title clerk will reinstate the record within the transaction. The previous state must be shown as "FL."

_____ Form HSMV 82040 or 82041

_____ An affidavit (from the owner(s) and secured parties) consenting to the removal of the home

_____ A certification from a title company listing the owner(s) and all secured parties, which is dated within 10 days of the date of application for a new title

_____ Decal fees

_____ Title fees