

Title 9: Commerce And Trade

Contents

Title 9: Commerce And Trade	1
Chapter 72: Mobile Homes.....	1
§ 2601. Definitions	1
§ 2602. Sale or transfer; price disclosure; mobile home uniform bill of sale	1
§ 2603. Financing of mobile homes; creditors' remedies; retail installment contract disclosure	8
§ 2604. Real estate deeds for mobile homes.....	9
§ 2605. Mobile home bill of sale conversion process.....	11
§ 2606. Relocating mobile homes to another municipality or state	11
§ 2607. Penalty.....	13
§ 2608. Municipal action for sale of abandoned mobile home	14

Chapter 72: Mobile Homes

§ 2601. Definitions

- (a) As used in this chapter, unless the context requires otherwise, “mobile home” means:
- (1) A mobile home as defined in 10 V.S.A. § 6201.
 - (2) An unmotorized vehicle, other than a travel or recreational trailer, designed to be towed and designed or equipped for use as sleeping, eating, or living quarters.
- (b) A mobile home remains a mobile home for purposes of this chapter even though it may be used for advertising, sales, display, or promotion of merchandise or services, or for any other commercial purposes except the transportation of property.
- (c) A mobile home that was financed as residential real estate shall be defined as residential real estate.
- (d) “Permanently sited” means the mobile home has become affixed to the land. Factors that tend to show a mobile home is permanently sited include:
- (1) The mobile home has been set up on blocks or otherwise stabilized so that the wheels do not form a major part of the structural support.
 - (2) The mobile home has been connected to utilities such as electricity, sewage, water, gas, or oil.
 - (3) Skirting has been installed around the base of the mobile home.
 - (4) The wheels or axles have been removed.
 - (5) The mobile home has been situated in a place that makes removal unlikely. (Added 1971, No. 103; amended 1983, No. 237 (Adj. Sess.), § 1; 1989, No. 229 (Adj. Sess.), § 1; 2003, No. 104 (Adj. Sess.), § 3; 2007, No. 176 (Adj. Sess.), § 38.)

§ 2602. Sale or transfer; price disclosure; mobile home uniform bill of sale

- (a) Appraisal; disclosure. When a mobile home is sold or offered for sale:
- (1) If a mobile home is appraised, the appraisal shall include a cover sheet that itemizes the value of the unsited mobile home, the value of any adjacent or attached structures located on the site and the value of the sited location, if applicable, and valuations of sales of comparable properties.
 - (2) In the case of a new mobile home, the seller shall provide to a prospective buyer a written disclosure that states the retail price of the unsited mobile home, any applicable taxes, the set-up and transportation costs, and the value of the sited location, if applicable.
 - (3) [Repealed.]
 - (4) A legible copy of the disclosure required in subdivision (2) of this subsection shall be prominently displayed on a new mobile home in a location that is clearly visible to a prospective buyer from the exterior.

(b) Sale or transfer of all mobile homes.

- (1) Prior to the sale or transfer of ownership of a mobile home, the seller or transferor shall provide a copy of a completed, unexecuted, mobile home bill of sale:
 - (A) to the town clerk in which the mobile home is located for his or her endorsement; and
 - (B) in the case of a mobile home being sold or transferred separately from the real property on which it is located, to the record owner of the real property on which the mobile home is located by certified mail, return receipt requested, at least 21 days prior to the transfer or sale.
- (2) A clerk shall not endorse a mobile home uniform bill of sale unless:
 - (A) all property taxes due and payable on the mobile home, but not the real property on which the mobile home is located if separately owned, have been paid in full as of the most recent assessment, or if the town collects taxes in installments pursuant to 32 V.S.A. § 4872, as of the most recent installment; or
 - (B) in the case of removal of a mobile home from the municipality, or of a sale, trade, or transfer that will result in the removal of the mobile home from the municipality, all property taxes assessed with regard to the mobile home, but not the mobile home site, have been paid.
- (3) The seller or transferor shall execute and provide the endorsed bill of sale to the buyer or transferee at the time of sale or transfer.
- (4) The buyer or transferee shall execute and then file the executed bill of sale with the clerk of the town in which the mobile home will be located within 10 days of executing the bill of sale. A clerk shall not accept a mobile home uniform bill of sale for filing that is not completed, executed, and endorsed as required by this subsection. Upon filing, the clerk shall note the transfer on the mobile home uniform bill of sale whereby the seller acquired ownership of the mobile home, if available.
- (5) If the mobile home will be relocated to real property that is not owned by the buyer or transferee, the buyer or transferee shall provide a copy of the mobile home uniform bill of sale to the record owner of the real property on which the mobile home will be located at least 21 days prior to the sale or transfer of the mobile home.
- (6) Within 14 days of the filing of the bill of sale, the town clerk shall mail a copy of the bill of sale to each buyer, seller, and owner of real property for whom a mailing address is provided in the bill of sale pursuant to subdivision (c)(1) of this section.

(7) The requirements of this subsection shall apply to a mobile home that is physically relocated by its owner to another town.

(8) This subsection shall not apply to:

- (A) the valid transfer of a mobile home by deed when financed as residential real estate pursuant to this chapter;
- (B) the valid transfer of a mobile home by a mobile home uniform bill of sale issued by the court pursuant to the abandonment process set forth in 10 V.S.A. § 6249;
- (C) the physical relocation of a mobile home that is held as inventory by a manufacturer, distributor, or dealer, is stored or displayed on a sales lot, and is not connected to utilities.

(c) Mobile home uniform bill of sale.

(1) A mobile home uniform bill of sale shall contain the following information regarding each mobile home being transferred:

- (A) the name and address of each seller or transferor;
- (B) the name and address of each buyer or transferee, and if more than one buyer or transferee, the estate under which the buyers or transferees will hold title to the mobile home;
- (C) the make, model, serial number, size, and year manufactured;
- (D) the current address or location of the mobile home;
- (E) whether the mobile home will be moved following the sale or transfer, and if so, the future address of the mobile home;
- (F) the name and address of the owner of the real property on which the mobile home is located;
- (G) the name and address of the owner of the real property on which the mobile home will be located following the sale or transfer;
- (H) the sale constitutes a “retail installment transaction” as defined in subdivision 2351(4) of this title and is subject to chapter 59 of this title (motor vehicle and mobile home retail installment sales financing);
- (I) an itemized list of the mobile home’s deficiencies known to the seller at the time of the sale, if the mobile home is sold “as is”; and
- (J) an itemized list of known liens on the mobile home.

(2) A mobile home uniform bill of sale shall be substantially in the following form:

VERMONT MOBILE HOME UNIFORM BILL OF SALE

NOTICE

Vermont statute requires that this Mobile Home Uniform Bill of Sale be signed by each Buyer and Seller, endorsed by the Town Clerk of the Town where the Mobile Home is located at the time of sale, and filed by Buyer with the Town Clerk of the Town where the Mobile Home will be located after the sale. A financing statement evidencing a security interest in the Mobile Home must be filed with the Secretary of State.

Seller or Transferor ("Seller"):

Name:

Street:

Town/State/ZIP:

County:

Mailing Address (if different):

Street:

Town/State/ZIP:

Buyer or Transferee ("Buyer"):

Name:

Street:

Town/State/ZIP:

County:

Mailing Address (if different):

Street:

Town/State/ZIP:

If more than one Buyer, Buyers take title as:

- Joint tenants (co-owners with right of survivorship).
- Tenants by the entirety (joint tenancy of persons who are married).
- Tenants in common (individual interests without right of survivorship).
-

Mobile Home Being Sold or Transferred ("Mobile Home")

Specifications:

Make:

Model:

Year:

Serial Number:

Size:

Color:

Current Location:

Street:

Town/State/ZIP:

County:

Owner of Real Property on which Mobile Home is Located:

Name:

Street:

Town/State/ZIP:

Mailing Address (if different):

Street:

Town/State/ZIP:

Location of Mobile Home Following Sale

[] Mobile Home will remain at current location.

[] Mobile Home will be relocated to the following address:

Street:

Town/State/ZIP:

County:

Owner of Real Property on which Mobile Home will be Located:

Name:

Street:

Town/State/ZIP:

Mailing Address (if different):

Street:

Town/State/ZIP:

Retail Installment Transaction

This sale constitutes a "retail installment transaction" as defined in 9 V.S.A. § 2351(4) and is subject to 9 V.S.A. chapter 59 (motor vehicle and mobile home retail installment sales financing).

KNOWN DEFICIENCIES IN "AS IS" SALES

In the case of an "as is" sale, the Seller is aware of the following deficiencies and defects of the Mobile Home:

KNOWN LIENS

The Seller is aware of the following liens on the Mobile Home:

For good and valuable consideration, the receipt and sufficiency of which is acknowledged, Seller hereby transfers to the Buyer the Mobile Home identified in this Bill of Sale, and Seller covenants with Buyer that Seller is the lawful owner of the Mobile Home, that it is free from all encumbrances, that Seller has good right to sell the Mobile Home, and that Seller will warrant and defend the same against the lawful claims and demands of all persons.

Seller Signature Date.....

Witness Signature Date.....

Buyer Signature Date.....

Witness Signature Date.....

TOWN CLERK ENDORSEMENT

TO BE COMPLETED BY TOWN CLERK WHERE MOBILE HOME IS CURRENTLY LOCATED PRIOR TO EXECUTION BY THE BUYER AND SELLER.

I hereby acknowledge that:

[] all property taxes due and payable on the mobile home, but not the real property on which the mobile home is located if separately owned, have been paid in full as of the most recent assessment, or if the town collects taxes in installments pursuant to 32 V.S.A. § 4872, as of the most recent installment; or

[] in the case of removal of a mobile home from the municipality, or of a sale, trade, or transfer that will result in the removal of the mobile home from the municipality, all property taxes assessed with regard to the mobile home, but not the mobile home site, have been paid.

Town Clerk Signature: Date.....

(d) Relocation of mobile home. Unless excluded under subdivision (b)(8) of this section, a mobile home shall not be moved over the highways of this State unless the operator of the vehicle hauling the mobile home has in his or her possession a copy of the mobile home uniform bill of sale endorsed pursuant to subsection (b) of this section. In addition to any penalty or remedy imposed under section 2607 of this title, a violation of this

subsection shall be subject to the collection and enforcement provisions set forth in 32 V.S.A. § 5079.

(e) Mobile home rent-to-own agreements.

- (1) Definition of rent-to-own agreements for mobile homes. For purposes of this subsection, “an agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis” means any agreement, other than an agreement to purchase a mobile home, that will be financed as residential real estate, under which:
 - (A) a buyer or lessee, however named, agrees to pay consideration in one or more installments to the owner of a mobile home, or to a third party designated by the owner of the mobile home to receive payment on behalf of the owner, for the right to use or occupy the mobile home; and
 - (B) upon full compliance with the terms of the agreement, the buyer or lessee, however named, is bound to become, or for no further or a merely nominal additional consideration, has the option of becoming, the owner of the mobile home.
- (2) Requirements to consummate sale under rent-to-own agreements. An agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis shall not transfer ownership of the mobile home, or the rights, duties, and liabilities arising from ownership of the mobile home, unless and until:
 - (A) the buyer and seller execute a written retail installment contract complying with the requirements set forth in chapter 59 of this title; and
 - (B) a mobile home uniform bill of sale transferring the mobile home from the seller to the buyer is completed, endorsed, executed, and filed pursuant to subsection (b) of this section.
- (3) Compliance; sale. Notwithstanding any provision of 9A V.S.A. Article 2 (Uniform Commercial Code; sale of goods) to the contrary, an agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis that meets the requirements of subdivision (2) of this subsection shall constitute a “retail installment transaction” as defined in subdivision 2351(4) of this title, is subject to chapter 59 of this title, and shall not be subject to chapter 137 of this title relating to residential rental agreements.
- (4) Failure to comply; lease. Notwithstanding any provision of 9A V.S.A. Article 2A (Uniform Commercial Code; leases) to the contrary, an agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis that does not meet the requirements of subdivision (2) of this subsection shall constitute a residential rental agreement as defined in subdivision 4451(8) of this title, and

shall be governed by chapter 137 of this title relating to residential rental agreements.

(f) Sale of mobile homes in non-rent-to-own transactions. Except for a mobile home that is financed or conveyed as real property:

(1) The sale of a mobile home under subsection (b) of this section, is a sale of goods under 9A V.S.A. Article 2 (Uniform Commercial Code; sale of goods), except to the extent of a direct conflict with this section.

(2) The sale of a mobile home under this section is subject to the provisions governing express and implied warranties on the sale of goods set forth in 9A V.S.A. Article 2, Part 3, with the following modifications:

(A) the warranty of title in a contract of sale under 9A V.S.A. § 2-312 may be excluded or modified only by a written agreement that is executed by the buyer and seller prior to sale and clearly states any deficiency or limitation on the seller's title, as well as any security interest, lien, or encumbrance on the mobile home that excludes or modifies the warranty of title;

(B) in the case of a new mobile home, the implied warranty of merchantability under 9A V.S.A. § 2-314 and the implied warranty of fitness for a particular purpose under 9A V.S.A. § 2-315 may not be waived if the seller has notice that the mobile home will be used by the buyer as his or her primary residence; and

(C) in the case of a used mobile home, the implied warranty of merchantability under 9A V.S.A. § 2-314 and the implied warranty of fitness for a particular purpose under 9A V.S.A. § 2-315 may be waived only if the seller notifies the buyer in writing that the mobile home is being offered for sale "as is." (Added 1971, No. 103; amended 1983, No. 237 (Adj. Sess.), § 2; 1989, No. 229 (Adj. Sess.), §§ 2, 2a; 1997, No. 103 (Adj. Sess.), § 7, eff. April 23, 1998; 1999, No. 159 (Adj. Sess.), § 23, eff. May 29, 2000; 2009, No. 140 (Adj. Sess.), § 1, eff. Sept. 1, 2010; 2021, No. 20, § 27.)

§ 2603. Financing of mobile homes; creditors' remedies; retail installment contract disclosure

(a) Except as provided in subsection (b) of this section, a mobile home may be financed under chapter 59 of this title, or under subdivision 41a(b)(4) of this title.

(b) A mobile home that is or is intended to be permanently sited for continuous residential occupancy by the owner on land that is:

(1) Owned by the owner of the mobile home shall be financed as residential real estate.

(2) Leased by the owner of the mobile home may be financed as residential real estate.

- (c) The holder of a retail installment contract, promissory note, or other evidence of indebtedness, secured by collateral consisting of a mobile home, shall not have the prejudgment remedies provided in 9A V.S.A. § 9—609, 12 V.S.A. § 5331, V.R.C.P. 64 or V.R.C.P. 4.1, except where V.R.C.P. 64(b)(3) or V.R.C.P. 4.1(b)(3) applies, with respect to the mobile home. The holder of the retail installment contract may proceed in Superior Court by action to take possession of the mobile home under 9A V.S.A. § 9—609. An action to take possession of a mobile home shall be heard by the Superior Court within 90 days of filing of the action.
- (d) A mobile home that is permanently sited in a manner intended for continuous residential occupancy by the owner, on land owned or leased by its owner, shall be considered a homestead under 27 V.S.A. chapter 3.
- (e) At the time a motor vehicle retail installment sales contract for purchase of a mobile home is taken, a retail seller shall provide to the potential buyer written disclosure in a form approved by the Commissioner of Financial Regulation. The disclosure shall clearly state that other financing options may be available for the purchase of the mobile home, including financing offered by the Vermont Housing Finance Agency, lenders licensed pursuant to 8 V.S.A. chapter 73, a financial institution as described in 8 V.S.A. § 11101(32), or a credit union. Any person who fails to comply with this subsection may be fined by the Commissioner no more than \$1,000.00 for each occurrence. (Added 1971, No. 103; amended 1975, No. 215 (Adj. Sess.), § 1, eff. April 1, 1976; 1979, No. 173 (Adj. Sess.), § 24, eff. April 30, 1980; 2003, No. 104 (Adj. Sess.), § 6; 2007, No. 176 (Adj. Sess.), § 39.)

§ 2604. Real estate deeds for mobile homes

- (a) Any mobile home purchased from a mobile home dealer on or after July 1, 2008 that is financed as residential real estate pursuant to subsection 2603(b) of this title shall be conveyed by a warranty deed drafted in substantially the form provided in subsection (c) of this section.
- (b) An owner of a mobile home shall, upon financing or refinancing a mobile home as residential real estate or selling a mobile home that has been financed as residential real estate, issue to the grantee either a warranty deed or a quitclaim deed that is drafted in substantially the form provided in subsection (c) or (d) of this section.
- (c) A deed that is substantially in the form provided in this subsection shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, the heirs, successors, and assigns, to their own use, with covenants on the part of the grantor, for the grantor, the grantor's heirs, executors, and administrators that, at the time of the delivery of the deed, the grantor was lawfully seized in fee simple of the mobile home; that the mobile home was free from all encumbrances, except as stated; that the grantor had good right to sell and convey the same to the grantee, the grantee's heirs, successors, and assigns; and that the grantor and the grantor's heirs, executors, and administrators shall warrant and defend the same to the grantee and the grantee's heirs, successors, and assigns, against the lawful claims and demands of all

persons. No owner of land on which a mobile home is sited shall unreasonably withhold the consent required by this statutory form.

Form for Mobile Home Warranty Deed

_____, of _____, _____ County, State of _____, ("Grantor"), for consideration paid, grants to _____ of Street, Town (City) of _____, _____ County, State of _____ ("Grantee"), with warranty covenants, the _____ (description of mobile home being conveyed: name of manufacturer, model and serial number and encumbrances, exceptions, reservations, if any) which mobile home is situated, or is to be situated, at _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of Vermont.

The tract or parcel of land upon which the mobile home is situated, or is to be situated, is owned by _____ by deed dated and recorded at Book _____, Page _____ in the land records of the Town (City) of _____.

_____ (wife) (husband) of said Grantor, releases to said Grantee all rights and other interests therein.

Signed this _____ day of _____, ____.

(Here add acknowledgment)

_____, owner of the tract or parcel of land upon which the aforesaid mobile home is situated, or is to be situated, hereby consents to the conveyance of the mobile home.

Signed this _____ day of _____, ____.

(Here add acknowledgment)

[] Check box if the mobile home has been relocated from one site to another within Vermont, and attach a Relocation Statement in the form provided in 9 V.S.A. § 2606.

(d) A deed that is substantially in the form provided in this subsection shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, the heirs, successors, and assigns, to their own use. No owner of land on which the mobile home is sited shall unreasonably withhold consent required by this statutory form.

Form for Mobile Home Quitclaim Deed

_____, of _____, _____ County, State of _____ ("Grantor"), for consideration paid, grants to _____ of _____ Street, Town (City) of _____, _____ County, State of _____ ("Grantee"), with quitclaim covenants, the _____ (description of mobile home being conveyed: name of manufacturer, model and serial number and encumbrances, exceptions, reservations, if any) which mobile home is situated, or is to be situated, at _____ (state name of park, if any, and street address), Town (City) of _____ County, State of Vermont.

The tract or parcel of land upon which the mobile home is situated, or is to be situated, is owned by _____ by deed dated _____ and recorded at Book _____, Page _____, in the land records of the Town (City) of _____.

_____ (wife) (husband) of said Grantor releases to said Grantee all rights and other interest therein.

Signed this _____ day of _____, ____ .

(Here add acknowledgment)

_____, owner of the parcel of land upon which the aforesaid mobile home is situated, or is to be situated, hereby consents to the conveyance of the mobile home.

Signed this _____ day of _____, ____ .

(Here add acknowledgment)

[] Check box if the mobile home has been relocated from one site to another within Vermont, and attach a relocation statement in the form provided in 9 V.S.A. § 2606. (Added 1975, No. 215 (Adj. Sess.), § 3, eff. April 1, 1976; amended 2003, No. 104 (Adj. Sess.), § 7; 2007, No. 176 (Adj. Sess.), § 40.)

§ 2605. Mobile home bill of sale conversion process

The owner of any mobile home that was initially financed pursuant to a motor vehicle loan, motor vehicle retail installment contract, or another form of chattel mortgage shall, if the mobile home is subsequently financed as residential real estate pursuant to subsection 2603(b) of this title, file a request for purging of the security interest with the clerk of the municipality where the chattel mortgage for the mobile home was last recorded.

- (1) A request to purge the security interest of a mobile home shall include the most recent Vermont uniform bill of sale or certificate of origin, the terminated UCC financing statement or statements, and an executed warranty or quitclaim deed, which shall be drafted substantially in the form provided in section 2604 of this title.
- (2) Upon the filing of a request to purge the security interest of a mobile home with the clerk of the municipality where the chattel mortgage for the mobile home was last recorded, and upon the owner's procuring the consent of the holders of any security interest in the mobile home shown to be unreleased, the mobile home shall become residential real estate.
- (3) Upon receiving a request to purge the security interest of a mobile home, the municipal clerk shall mark or stamp the originally filed Vermont uniform bill of sale or certificate of origin with the word "converted."
- (4) A mobile home that has been converted to residential real estate shall not be converted or redefined as personal property. (Added 2007, No. 176 (Adj. Sess.), § 41.)

§ 2606. Relocating mobile homes to another municipality or state

- (a) If a deed for any mobile home is recorded by the clerk of the municipality in which the mobile home is sited, and if that mobile home is relocated to another site within the State of Vermont, the owner of the mobile home shall, within 10 days of the relocation, do all the following:

- (1) File with the clerk of the municipality where the deed was last recorded a relocation statement substantially in the form provided in this subsection.
- (2) File with the clerk of the municipality where the mobile home is relocated a copy of the relocation statement as required by subdivision (1) of this subsection, together with the deed filed with the clerk of the municipality where the mobile home was previously sited. If the records of a municipality in which the deed or conveyance is recorded are destroyed, an attested copy of the deed or other conveyance from the county clerk shall have the same validity as a copy from the municipal clerk's office.
- (3) Provide a copy of the relocation statement filed pursuant to subdivision (1) of this subsection to the holders of any unreleased, recorded security interests in the mobile home.

Form for Relocation Statement

_____, of _____, _____ County, State of _____, is the owner of (description of mobile home: name of manufacturer, model and serial number and encumbrances, exceptions, reservations, if any), which mobile home has been relocated.

The mobile home was previously located at _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of Vermont and title, if any, to the same was recorded at Book _____, Page _____, in the records of the Town (City) of _____.

The mobile home is/has been relocated to _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of Vermont and title, if any, to the same was recorded at Book _____, Page _____, in the records of the Town (City) of _____.

The tract or parcel of land upon which the mobile home is situated is owned by _____ by deed dated _____ and recorded at Book _____, Page _____ in the land records of the Town (City) of _____.

The mobile home is subject to an existing mortgage by _____ in favor of _____, recorded at Book _____, Page _____, in the land records of the Town (City) of _____.

If the relocation is to a municipality in Vermont other than the municipality in which the deed to the Grantor was recorded, a duplicate original of the deed to the Grantor shall be recorded in the land records of the municipality of the relocation at the same time this statement is recorded.

Signed this _____ day of _____, ____.

- (b) An out-of-state transfer statement substantially in the form provided in this subsection shall, when duly executed and recorded by the clerk of the municipality in which the mobile home was previously located, have the force and effect of transferring title of the mobile home to the grantee, the grantee's heirs, successors, and assigns and terminating the record title or deed of the mobile home in the municipal records under circumstances by which the mobile home is relocated outside this State. No owner of

land on which a mobile home is sited shall unreasonably withhold the consent required by this statutory form. No mobile home may be relocated to a site outside this State unless all holders of liens, attachments, or encumbrances, if any, consent in writing on the transfer statement.

Form for Out-of-State Transfer Statement

_____, of _____, County, State of _____ ("Grantor"), for consideration paid, grants to _____, (complete mailing address) _____, of _____ Street, Town (City) of _____, _____ County, State of _____ ("Grantee"), the _____ (Description of mobile home being conveyed: name of manufacturer, model and serial number and encumbrances, exceptions, reservations, if any) which mobile home was situated at _____ (state name of park, if any, and street address), Town (City) _____ of _____ County, State of Vermont.

The tract or parcel of land upon which the mobile home was situated is owned by _____ by deed _____ dated _____ and recorded at Book _____, Page _____ in the _____ County Registry of Deeds.

_____ (wife) (husband) of said Grantor, releases to said Grantee all rights and other interest therein.

The mobile home is transferred subject to an existing mortgage by _____ in favor of _____, recorded at Book _____, Page _____, in the land records of the Town (City) of _____, State of Vermont.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

_____, owner of the tract or parcel of land upon which the aforesaid mobile home was situated, hereby consents to the conveyance of the mobile home.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

_____, holder of (lien, attachment or encumbrance) hereby consent to the conveyance of the aforesaid mobile home, subject to condition that the aforesaid (lien, attachment or encumbrance) shall remain in force and effect thereon.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

(c) An attachment, mortgage, security interest, lien, or other encumbrance on a mobile home, when properly perfected, shall be enforceable until released or discharged notwithstanding the relocation of the mobile home within or outside this State. (Added 2007, No. 176 (Adj. Sess.), § 42.)

§ 2607. Penalty

A person who violates a provision of this chapter:

(1) except for violations of subsection 2603(e) of this title, shall be fined not more than \$5,000.00 for each occurrence; and

(2) shall be subject to all the remedies and penalties available to a consumer and the Attorney General under chapter 63 of this title. (Added 2007, No. 176 (Adj. Sess.), § 43.)

§ 2608. Municipal action for sale of abandoned mobile home

(a) In the alternative to the process for foreclosure of a tax lien on a mobile home pursuant to 32 V.S.A. chapter 133, a municipality shall have the authority to commence an action to sell at public auction an abandoned mobile home located within the municipality pursuant to this section.

(b) A municipality shall file a verified complaint in the Civil Division of the Superior Court for the county in which the municipality is located, which shall be entitled "In re: Abandoned Mobile Home of [name of owner]," and shall include the following information:

(1) The physical location and address of the mobile home.

(2) The name and last known mailing address of the owner of the mobile home.

(3) A description of the mobile home, including make, model, and serial number, if available.

(4) The names and addresses of creditors, holders of housing subsidy covenants, or others having an interest in the mobile home based on liens or notices of record in the municipality offices or the Office of the Secretary of State.

(5) The facts supporting the claim that the mobile home has been abandoned.

(6) The name of a person disinterested in the mobile home or of a municipality employee who will be responsible for the sale of the mobile home at a public auction.

(7) A statement of the amount of taxes, fees, and other charges due or that will become due to the municipality.

(8) If the mobile home is located on leased land, the name and address of the landowner.

(c) A municipality may request an order approving transfer of a mobile home that is unfit for human habitation to the municipality without a public sale by filing a verified complaint containing the information required in subsection (a) of this section and the facts supporting the claim that the mobile home is unfit for human habitation.

(d) When a verified complaint is filed under this section, the clerk of the Civil Division of the Superior Court shall set a hearing to be held at least 15 days but no later than 30 days after the filing of the complaint.

(e) Within five days after filing the verified complaint, the municipality shall post a copy of the verified complaint and order for hearing on the mobile home and send a copy of the verified complaint and order for hearing by certified mail, return receipt requested, to the mobile home owner's last known mailing address, to the landowner if the mobile home is located on leased land, and to all lien holders of record.

- (f) The municipality shall publish the verified complaint and order for hearing in a newspaper of general circulation in the municipality where the mobile home is located. The notice shall be published no later than five calendar days before the date of hearing.
- (g) If prior to or at the hearing any lien holder certifies to the court that the lien holder has paid to the municipality all taxes, charges, and fees due the municipality and will commence or has commenced proceedings to enforce the lien and will continue to pay municipal taxes, charges, and fees during the proceedings under this section, the court shall, upon confirmation of the representations of the lien holder, stay the action under this section pending completion of the lien holder's action.
- (h) At the hearing, the municipality shall prove ownership of the mobile home; abandonment of the mobile home; the amount of taxes, fees, and other charges due the municipality; and the amount of attorney's fees claimed. The municipality shall also prove compliance with the notice requirements of subsections (e) and (f) of this section. Whether a mobile home is abandoned shall be a question of fact determined by the court.
- (i) If the court finds that the municipality has complied with subsection (h) of this section, the court shall enter an order approving the sale of the mobile home at a public auction to be held within 15 days of the date of the order. The municipality shall send the order by first-class mail to the mobile home owner, to the landowner if the mobile home is located on leased land, and to all lien holders of record. The order shall require all the following:
- (1) That the sale shall be conducted by the person identified in the verified complaint or some other person approved by the court.
 - (2) That notice of the sale shall be published in a newspaper of general circulation in the municipality where the mobile home is located and sent by first-class mail to the mobile home owner, to the landowner if the mobile home is located on leased land, and to all lien holders of record. The notice of sale shall be published no later than three calendar days before the date of sale.
 - (3) That the terms of sale provide for conveyance of the mobile home by real estate deed or by uniform mobile home bill of sale, as appropriate under this chapter, executed on behalf of the mobile home owner pursuant to the order of the court by the person authorized by the court, in "as is" condition, and free and clear of all liens and other encumbrances of record.
 - (4) A minimum bid established by the court sufficient to cover the total costs listed in subdivisions (7)(A)-(D) of this subsection. The mobile home shall be sold to the highest bidder over the minimum bid set by the court; provided, however, that if no bid meets or exceeds the minimum bid set by the court, the court shall order transfer of the mobile home to the municipality upon payment of costs due to the person who conducted the sale.
 - (5) The successful bidder, if other than the municipality:

(A) shall make full payment at the auction if the bid does not exceed \$2,000.00;
or

(B) if the bid exceeds \$2,000.00, shall provide a nonrefundable deposit at the time of the auction of at least \$2,000.00 or 25 percent of the bid, whichever is greater, and shall make full payment within three working days after the auction.

(6) A successful bidder, if other than the municipality, shall remove the mobile home from its current location within five working days after the auction unless the municipality permits the mobile home to remain on the site or permits removal of the mobile home at a later date. If the mobile home is located on leased land, the mobile home shall be removed within five days unless the landowner grants permission to the successful bidder, including the municipality, for the mobile home to remain on the leased land.

(7) The person who conducted the public sale shall report to the court the results of the sale, the proposed distribution of the proceeds of the sale, and the bank in which any excess proceeds are deposited and shall send a copy of the report to the mobile home owner, the municipality, the landowner if the mobile home is located on leased land, and all lien holders of record by certified mail, return receipt requested, within three working days after the sale. Anyone claiming impropriety in the conduct of the sale may file an objection with the court within seven days after the sale. The filing of an objection shall not invalidate the sale or delay transfer of ownership of the abandoned mobile home. If an objection is filed and if the court finds impropriety in the conduct of the sale, the court may order distribution of the proceeds of the sale as is fair, taking into account the impropriety. If no objection is filed with the court, on the eighth day after the sale, the proceeds shall be distributed as follows:

(A) to the person conducting the sale for costs of the sale;

(B) to the municipality for court costs, publication and mailing costs, and attorney's fees incurred in connection with the action in an amount approved by the court;

(C) to the municipality for taxes, penalties, and interest owed in an amount approved by the court;

(D) to the landowner for unpaid lot rent if the mobile home is located on leased land; and

(E) the balance to a bank account in the name of the mobile home municipality as trustee, for the benefit of the mobile home owner and lien holders of record, to be distributed pursuant to further order of the court.

(j) Notwithstanding provisions of this section and 10 V.S.A. § 6249 (sale of abandoned mobile home by park owner) to the contrary, if an action is commenced by a municipality

pursuant to this section and by a mobile home park owner pursuant to 10 V.S.A. § 6249 for the sale of the same abandoned mobile home within 30 days of one another, the court shall consolidate the cases and shall distribute the proceeds of a sale as follows:

(1) to the person conducting the sale for costs of the sale;

(2) to the municipality and the park owner equitably in the discretion of the court:

(A) for court costs, publication and mailing costs, and attorney's fees incurred in connection with the action in an amount approved by the court;

(B) for taxes, penalties, and interest owed the municipality in an amount approved by the court; and

(C) for rent and other charges owed to the park owner in an amount approved by the court; and

(3) the balance to a bank account in the name of the mobile home municipality as trustee for the benefit of the mobile home owner and lien holders of record, to be distributed pursuant to further order of the court.

(k) If a municipality requests an order approving transfer of a mobile home to the municipality without a public sale, the court shall approve that order if it finds that the municipality has complied with subsection (h) of this section and has proved that the mobile home is unfit for human habitation. In determining whether a mobile home is unfit for human habitation, the court shall consider whether the mobile home:

(1) contains functioning appliances and plumbing fixtures;

(2) contains safe and functioning electrical fixtures and wiring;

(3) contains a safe and functioning heating system;

(4) contains a weather-tight exterior closure;

(5) is structurally sound; and

(6) is reasonably free of trash, debris, filth, and pests. (Added 2011, No. 137 (Adj. Sess.), § 10, eff. May 14, 2012.)