

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 272 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-13-2-103.2 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 103.2. "Mobile home", for**
- 6 **purposes of IC 9-22-1.5, has the meaning set forth in IC 6-6-5-1."**
- 7 Page 2, between lines 40 and 41, begin a new paragraph and insert:
- 8 "SECTION 4. IC 9-22-1.5 IS ADDED TO THE INDIANA CODE
- 9 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 10 UPON PASSAGE]:
- 11 **Chapter 1.5. Abandoned Mobile Homes**
- 12 **Sec. 1. As used in this chapter, "mobile home" has the meaning**
- 13 **set forth in IC 6-6-5-1.**
- 14 **Sec. 2. A private property owner who finds a mobile home that**
- 15 **the person believes to be abandoned on property the person owns**
- 16 **or controls, including rental property, may sell or salvage the**
- 17 **mobile home if it has been left without permission on the owner's**
- 18 **property for at least thirty (30) days.**
- 19 **Sec. 3. (a) The thirty (30) day period described in section 2 of**
- 20 **this chapter begins the day written notice is sent by the property**
- 21 **owner to the last known address of the owner of the mobile home**
- 22 **as shown by the records in the bureau of motor vehicles or**
- 23 **personally delivered to the owner of the mobile home. If the**
- 24 **property owner is unable to determine the address of the mobile**

1 home owner, the property owner may serve the mobile home  
2 owner by posting the notice on the mobile home. If the notice is  
3 mailed, the property owner shall send notice by certified mail,  
4 return receipt requested. Notice, by mail or personally delivered,  
5 must include a description of the mobile home and a conspicuous  
6 statement that the mobile home is on the owner's property without  
7 the owner's permission. If the owner of a mobile home changes the  
8 owner's address from that maintained in the records of the bureau,  
9 the owner shall immediately notify the property owner of the new  
10 address.

11 (b) If, before the thirty (30) day period described in section 2 of  
12 this chapter expires, the mobile home owner requests by certified  
13 mail, return receipt requested, additional time to remove the  
14 mobile home, the period described in section 2 of this chapter shall  
15 be extended by an additional thirty (30) days. The mobile home  
16 owner may only request one (1) thirty (30) day extension of time.

17 **Sec. 4. The property owner shall:**

18 (1) request that a search be performed in the records of the  
19 bureau for the name and address of the owner of the mobile  
20 home and the name and address of any person holding a lien  
21 or security interest on the mobile home;

22 (2) after receiving the results of the search required by  
23 subdivision (1), give notice by certified mail, return receipt  
24 requested, or in person, to the last known address of the  
25 owner of the mobile home, to any lien holder with a perfected  
26 security interest in the mobile home and to all other persons  
27 known to claim an interest in the mobile home. The notice  
28 must include a description of the mobile home, a demand that  
29 the mobile home be removed within a specified time not less  
30 than ten (10) days after receipt of the notice, and a  
31 conspicuous statement that unless the mobile home is removed  
32 within that time, the mobile home will be advertised for sale  
33 and offered for sale by auction at a specified time and place;

34 (3) advertise that the mobile home will be offered for sale at  
35 public auction in conformity with IC 26-1-7-210 and  
36 IC 26-1-2-328. The advertisement of sale must be published  
37 once a week for two (2) consecutive weeks in a newspaper of  
38 general circulation in the county where the mobile home has  
39 been left without permission. The advertisement must include  
40 a description of the mobile home, the name of the owner of the  
41 mobile home, if ascertainable, and the time and place of the  
42 sale. The sale must take place at least fifteen (15) days after  
43 the first publication. If there is no newspaper of general  
44 circulation where the sale is to be held, the advertisement  
45 must be posted at least ten (10) days before the sale in not less  
46 than six (6) conspicuous places in the neighborhood of the  
47 proposed sale;

1 (4) conduct an auction, not less than thirty (30) days after the  
 2 return receipt is received by the property owner, on the  
 3 property where the mobile home was left without permission;  
 4 (5) provide a reasonable time before the sale for prospective  
 5 purchasers to examine the mobile home;  
 6 (6) sell the mobile home to the highest bidder, if any; and  
 7 (7) immediately after the auction, execute an affidavit of sale  
 8 or disposal in triplicate on a form prescribed by the bureau  
 9 stating:

- 10 (A) that the requirements of this section have been met;  
 11 (B) the length of time that the mobile home was left on the  
 12 property without permission;  
 13 (C) any expenses incurred by the property owner,  
 14 including the expenses of the sale;  
 15 (D) the name and address of the purchaser of the mobile  
 16 home at the auction, if any; and  
 17 (E) the amount of the winning bid, if any.

18 If the auction produces no purchaser, the property owner  
 19 shall note that fact on the affidavit. The property owner shall  
 20 list the property owner, or any donee, as the purchaser on the  
 21 affidavit of sale or disposal.

22 **Sec. 5. (a) Upon payment of the bid price by the purchaser, the**  
 23 **property owner shall provide the purchaser with the affidavit of**  
 24 **sale or disposal described in this chapter.**

25 (b) If the auction produces no purchaser, the mobile home  
 26 becomes the property of the property owner, and the property  
 27 owner shall note that fact on the affidavit of sale or disposal.

28 (c) If the property owner wishes to donate the mobile home to  
 29 any willing donee, a property owner who has obtained ownership  
 30 of a mobile home under this section may transfer ownership to a  
 31 willing donee by listing the donee as the purchaser on the affidavit  
 32 of sale or disposal.

33 (d) If the auction produces no purchaser and the property  
 34 owner does not intend to sell or transfer the mobile home to  
 35 another person, the property owner may, without further  
 36 administrative application, dismantle the unit for salvage or  
 37 disposal.

38 (e) A property owner or willing donee who obtains ownership  
 39 of a mobile home under this section has the same right of  
 40 ownership as a purchaser who was the highest bidder at auction.

41 **Sec. 6. The affidavit of sale or disposal under this chapter**  
 42 **constitutes proof of ownership and right to have the mobile home**  
 43 **titled in the purchaser's, property owner's, or donee's name under**  
 44 **IC 9-17-6-12.**

45 **Sec. 7. After the purchaser, property owner, or donee:**

- 46 (1) presents the bureau with the affidavit of sale;  
 47 (2) completes an application for title; and

1           **(3) pays any applicable fee;**  
2           **the bureau shall issue to the purchaser or property owner a**  
3           **certificate of title to the mobile home."**

4           Renumber all SECTIONS consecutively.  
            (Reference is to ESB 272 as printed April 6, 2001.)

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Representative Steele