

Abandoned Manufactured Homes: What's Next?



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Webinar Presented by:
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Who are John & Ryan?



John Pentecost is the shareholder and managing partner at Hart King with over 30 years of significant experience representing mobilehome communities. He has litigated numerous of trials and has had extensive involvement in defending mobilehome communities—ranging from ground lease dispute issues, state and federal discrimination issues, failure to maintain actions, and Americans with Disabilities Act (ADA) matters.



Ryan Egan is an associate with Hart King and is a member of the litigation and manufactured housing practices. He focuses on real estate and land use matters. Ryan has successfully litigated dozens of court trials respecting possessory rights and regularly handles land use matters in bankruptcy court. He regularly handles landlord-tenant disputes and discrimination claims on behalf of land owners.

MRL 798.61 - ABANDONED MOBILEHOMES – PROCEDURES

“Abandoned mobilehome” means a mobilehome about which all of the following are true:

- It is located in a mobilehome park on a site for which no rent has been paid to the management for the preceding 60 days.
- It is unoccupied.
- A reasonable person would believe it to be abandoned.
- It is not permanently affixed to the land.



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After determining a mobilehome in a mobilehome park to be an abandoned mobilehome, the management shall post a notice of belief of abandonment on the mobilehome for not less than 30 days, and shall deposit copies of the notice in the United States mail, postage prepaid, addressed to the homeowner at the last known address and to any known registered owner, if different from the homeowner, and to any known holder of a security interest in the abandoned mobilehome. This notice shall be mailed by registered or certified mail with a return receipt requested.



To Dispose of an Abandoned Mobilehome - Management Shall do all of the Following:

- Prepare file and serve petition for declaration of abandonment.
- Declare in the petition that the management will dispose of the abandoned mobilehome, and therefore will not seek a tax clearance certificate as set forth in Section 5832 of the Revenue and Taxation Code.
- Declare in the petition whether the management intends to sell the contents of the abandoned mobilehome before its disposal.
- Declare in the petition that management intends to file a notice of disposal with the Department of Housing and Community Development and complete the disposal process consistent with the requirements of subdivision (f).
- Notify the county tax collector in the county in which the mobilehome park is located of the declaration that management will dispose of the abandoned mobilehome by sending a copy of the petition by first class mail.

To Sell an Abandoned Mobilehome - Management Shall do all of the Following:

- Within 10 days following a judgment of abandonment, the management shall enter the abandoned mobilehome and complete an inventory of the contents and submit the inventory to the court.
- During this period the management shall post and mail a notice of intent to sell the abandoned mobilehome and its contents under this section, and announcing the date of sale, in the same manner as provided for the notice of determination of abandonment under subdivision (b). The management shall also provide notice to the county tax collector in the county in which the mobilehome park is located.
- At any time prior to the sale of an abandoned mobilehome or its contents under this section, any person having a right to possession of the abandoned mobilehome may recover and remove it from the premises upon payment to the management of all rent or other charges due, including reasonable costs of storage and other costs awarded by the court. Upon receipt of this payment and removal of the abandoned mobilehome from the premises pursuant to this paragraph, the management shall immediately file an acknowledgment of satisfaction of judgment pursuant to Section 724.030 of the Code of Civil Procedure.

Within 30 days of the Date of the Disposal of an Abandoned Mobilehome and its Contents - Management Shall do both of the Following:

- Submit to the court and the county tax collector in the county in which the mobilehome park is located a statement that the abandoned mobilehome and its contents were disposed with supporting documentation.
- Submit to the Department of Housing and Community Development all of the following information required for completing the disposal process:
 - (ia) Photographs identifying and demonstrating that the mobilehome was uninhabitable by the removal or destruction of all appliances and fixtures such as ovens, stoves, bathroom fixtures, and heating or cooling appliances prior to its being moved.
 - (ib) A statement of facts as to the condition of the mobilehome when moved, the date it was moved, and the anticipated site of further dismantling or disposal.
 - (ic) The name, address, and license number of the person or entity removing the mobilehome from the mobilehome park.

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- Notwithstanding any other law, the management shall not be required to obtain a tax clearance certificate, as set forth in Section 5832 of the Revenue and Taxation Code, to dispose of an abandoned mobilehome and its contents pursuant to subdivision (f). However, any sale pursuant to this section shall be subject to the registration requirements of Section 18100.5 of the Health and Safety Code and the tax clearance certificate requirements of Section 18092.7 of the Health and Safety Code.



Questions?



Thank you!



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