

House Bill 2255

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary for Office of Legislative Counsel)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Amends law regarding manufactured structure deed records by deleting reference to repealed statute. Inserts new reference.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to manufactured structures; amending ORS 446.626; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 446.626 is amended to read:

5 446.626. (1) The owner of a manufactured structure that qualifies under this subsection may
6 apply to the county assessor to have the structure recorded in the deed records of the county. The
7 application must be on a form approved by the Department of Consumer and Business Services. The
8 application must include a description of the location of the real property on which the manufac-
9 tured structure is or will be sited. If the structure is being sold by a manufactured structure dealer,
10 the dealer may file the application on behalf of the owner [*at the time the dealer notifies the county*
11 *assessor of the sale under ORS 308.253*] **within the time described in ORS 446.736 (7)**. A manu-
12 factured structure qualifies for recording in the deed records if the owner of the structure:

13 (a) Also owns the land on which the manufactured structure is located; or

14 (b) Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically
15 permits the manufactured structure owner to record the structure under this section.

16 (2) If the assessor, as agent for the department, determines that the manufactured structure
17 qualifies for recording in the deed records of the county, the assessor shall cause the structure to
18 be recorded in the deed records. The deed records must contain any unreleased security interest in
19 the manufactured structure. If the department has issued an ownership document for the manufac-
20 tured structure, the owner must submit the ownership document to the assessor with the application
21 described in subsection (1) of this section. Upon recording the manufactured structure in the deed
22 records, the assessor shall send the ownership document to the department for cancellation. The
23 department shall cancel the ownership document and send confirmation of the cancellation to the
24 assessor and the owner.

25 (3) The recording of a security interest in the deed records of the county under this section
26 satisfies the requirements for filing a financing statement for a fixture to real property under ORS
27 79.0502. The recording of a manufactured structure in the deed records of the county is independent
28 of the assessment and taxation of the structure as real property under ORS 308.875. The recording
29 of a manufactured structure in the deed records of the county makes the structure subject to the
30 same provisions of law applicable to any other building, housing or structure on the land. However,

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the manufactured structure may not be sold separately from the land or leasehold estate unless the
2 owner complies with subsection (4) of this section.

3 (4) The owner of a manufactured structure that is recorded in the deed records of the county
4 may apply to have the structure removed from the deed records and an ownership document issued
5 for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner must ap-
6 ply to the county assessor, as agent for the department, for an ownership document as provided in
7 ORS 446.571. Upon approval of the application, the assessor shall terminate the recording of the
8 manufactured structure in the deed records.

9 (5) If a manufactured structure described in paragraph (1)(b) of this section is recorded in the
10 deed records, the owner of the structure has a real property interest in the manufactured structure
11 for purposes of:

12 (a) Recordation of documents pursuant to ORS 93.600 to 93.800, 93.802, 93.804, 93.806 and 93.808;

13 (b) Deed forms pursuant to ORS 93.850 to 93.870;

14 (c) Mortgages, trust deeds and other liens pursuant to ORS 86.010 to 86.996 and ORS chapters
15 87 and 88; and

16 (d) Real property tax collection pursuant to ORS chapters 311 and 312. The structure owner is
17 considered the owner of the real property for purposes of assessing the structure under ORS 308.875.

18 **SECTION 2. This 2005 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
20 **on its passage.**

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