

58-4213. Valueless mobile home; notice; new title; liability. (a) For purposes of this section and unless the context otherwise requires:

(1) "Home" means a mobile home or a manufactured home as defined in K.S.A. 58-4202, and amendments thereto.

(2) "Mobile home park" means a mobile home park as defined in K.S.A. 58-25,103, and amendments thereto.

(3) "Personal property" includes personal property of the owner or other occupant of the home, which is located in the home, on the lot where the home is located, in the immediate vicinity of the home or lot, or in any storage area provided by the real property owner for use of the home owner or occupant.

(4) "Valueless home" means a home located in a mobile home park including all other personal property, where all of the following conditions exist:

(A) The home has been abandoned as provided in K.S.A. 58-25,121, and amendments thereto, and the home has not been removed.

(B) A lien of record, other than a tax lien, does not exist against the home. A lien exists only if the real property owner receives notice of a lien or a lien has been filed in the state or county records on a date before the home is considered to be valueless.

(C) The value of the home and other personal property is equal to or less than the reasonable cost of disposal plus all sums owing to the real property owner pertaining to the home.

(b) An owner of a mobile home park may remove, or cause to be removed, from the mobile home park a valueless home and personal property associated with the home at any time following a determination of abandonment as provided under K.S.A. 58-25,121, and amendments thereto, and after notice has been provided pursuant to K.S.A. 58-227, and amendments thereto. Within 10 days of foreclosure by the mobile home park owner pursuant to subsection (c) of K.S.A. 58-227, and amendments thereto, the mobile home park owner shall give written notice to the county treasurer of the county in which the mobile home park is located by affidavit which shall include a description of a valueless home, its owner or occupant, if known, the date of removal, and if applicable, the name and address of any third party to whom a new title should be issued. A valueless home and any personal property associated with the valueless home shall be conclusively deemed in value to be equal to or less than the reasonable cost of disposal plus all sums owing to the mobile home park owner pertaining to the valueless home, if the mobile home park owner or an agent of the owner removes the home and personal property to a demolisher, sanitary land fill or other lawful disposal site or if the mobile home park owner allows a disinterested third party to remove the valueless home and personal property in a transaction in which the mobile home park owner receives no consideration.

(c) If a new title is to be issued to a third party who is removing a valueless home, the director of vehicles shall issue, upon receipt of the affidavit required in subsection (b), a new title upon payment of a fee equal to the fee required for duplicate titles. Any tax lien levied is canceled and the ownership interest of the previous owner or occupant of the valueless home is terminated as of the date of issuance of the new title. The new title owner shall take the title free of all rights and interests even though the mobile home park owner fails to comply with the requirements of this section or any judicial proceedings, if the new title owner acts in good faith.

(d) Unless the valueless home is to be titled in the name of a third party, the mobile home park owner may dispose of a valueless home and any personal property to a demolisher, sanitary land fill or other lawful disposal site under the terms and conditions as the mobile home park owner shall determine.

(e) A person who removes or allows the removal of a valueless home as provided in this section is not liable to the previous owner of the valueless home due to the removal of the valueless home.

(f) The rights provided in this section to a real property owner are not exclusive of other rights of the real property owner.

History: L. 1998, ch. 83, § 1; July 1.