

PROPERTY CODE

CHAPTER 63. MANUFACTURED HOME LIEN

Sec. 63.001. MANUFACTURED HOMES. In this chapter, "manufactured home" has the meaning assigned by Chapter 1201, Occupations Code.

Added by Acts 1999, 76th Leg., ch. 742, Sec. 1, eff. Sept. 1, 1999. Renumbered from V.T.C.A., Property Code Sec. 62.001 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(96), eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.805, eff. Sept. 1, 2003.

Sec. 63.002. APPLICABILITY. This chapter applies only to a lien on a manufactured home if the loan or credit advance documents state or indicate that the lien:

- (1) is or is in the nature of a vendor's lien;
- (2) is or is in the nature of a purchase money lien; or
- (3) is or is in the nature of a retail installment

lien.

Added by Acts 1999, 76th Leg., ch. 742, Sec. 1, eff. Sept. 1, 1999. Renumbered from V.T.C.A., Property Code Sec. 62.002 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(96), eff. Sept. 1, 2001.

Sec. 63.003. CONVERSION OF LIEN FROM PERSONAL PROPERTY LIEN TO REAL PROPERTY LIEN. When the manufactured home converts to real property as provided by Section 2.001(b), the lien on the property:

(1) is converted to a purchase money lien on real property by operation of law; and

(2) exists independently of any existing lien on the real property to which the home is permanently attached.

Added by Acts 1999, 76th Leg., ch. 742, Sec. 1, eff. Sept. 1, 1999. Renumbered from V.T.C.A., Property Code Sec. 62.003 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(96), eff. Sept. 1, 2001.

Sec. 63.004. REFINANCING OF LIEN. (a) A person who provides funds to refinance a lien secured by a manufactured home is subrogated to the lien position of the previous lienholder.

(b) If the holder of a lien secured by a manufactured home transfers loan or credit advance documents to a lender refinancing the lien, that lender and a title insurance company, title insurance agent or direct operation, or attorney to whom the loan or credit advance documents are delivered holds the loan or credit advance documents in trust for that lienholder. In this subsection, "direct operation" has the meaning assigned by Section 2501.003, Insurance Code.

(c) A lien that is converted to a purchase money lien on real property under Section 63.003, or a lien for the debt for new improvements thereon under Section 63.005, may be refinanced with another lien on the real property to which the manufactured home is permanently attached as provided by Section 2.001.

Added by Acts 1999, 76th Leg., ch. 742, Sec. 1, eff. Sept. 1, 1999. Renumbered from V.T.C.A., Property Code Sec. 62.004 and amended by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(96) and Sec. 21.002(16), eff. Sept. 1, 2001. Amended by Acts 2001, 77th Leg., ch. 1055, Sec. 6, eff. Jan. 1, 2002; Acts 2003, 78th Leg., ch. 1275, Sec. 3(38), eff. Sept. 1, 2003; Acts 2005, 79th Leg., ch. 728, Sec. 11.159, eff. Sept. 1, 2005.

Sec. 63.005. CONVERSION OF LIEN FROM A PERSONAL PROPERTY LIEN TO A REAL PROPERTY LIEN FOR THE DEBT FOR THE NEW IMPROVEMENTS THEREON. (a) A manufactured home becomes a new improvement to the homestead of a family or of a single adult person upon the filing of the certificate of attachment as provided in Chapter 1201, Occupations Code. As such, if the debt for the manufactured home was contracted for in writing, that debt is considered to be for work and materials used in constructing new improvements thereon and thus constitutes a valid lien on the homestead when the certificate of attachment is filed in the Official Public Records of Real Property in the county in which the land is located.

(b) When the manufactured home converts to real property as provided by Section 2.001 of this code, the lien on the property exists independently of any existing lien on the real property to which the home is permanently attached.

Added by Acts 2001, 77th Leg., ch. 1055, Sec. 7, eff. Jan. 1, 2002. Renumbered from V.T.C.A., Property Code Sec. 62.005 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(118), eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.806, eff. Sept. 1, 2003.