

Feb 06, 1992

Honorable Wilford Croft  
Union County Property Appraiser  
Post Office Box 596  
Lake Butler, Florida 32054

Re: Real Property Designation of Financed Mobile Home  
Sections 193.075, 320.015, Florida Statutes

Dear Mr. Croft:

This will acknowledge receipt of a copy of the Retail Installment Contract - Security Agreement, subject of your letter of January 15, 1992, requesting an expression from this office as to the designation of a mobile home, which is being financed, as real property.

Your concern is based upon the "Additional Terms and Conditions" contained in the Retail Installment Contract - Security Agreement, which state, in part, that the purchaser "... will not let it become a part of any real estate."

AUTHORITY

Section 193.075(1), Florida Statutes, states in part:

(1) A mobile home shall be taxed as real property if the owner of the mobile home is also the owner of the land on which the mobile home is permanently affixed. A mobile home shall be considered permanently affixed if it is tied down and connected to the normal and usual utilities. A mobile home that is taxed as real property shall be issued an "RP" series sticker....

Section 320.015, Florida Statutes, states:

(1) A mobile home, as defined in s. 320.01(2), regardless

of its actual use, shall be subject only to a license tax unless classified and taxed as real property. A mobile home is to be considered real property only when the owner of the mobile home is also the owner of the land on which the mobile home is situated and said mobile home is permanently affixed thereto. Any prefabricated or modular housing unit or portion thereof not manufactured upon an integral chassis or undercarriage for travel over the highways shall be taxed as real property even though transported over the highways to a site for erection or use.

(2) Notwithstanding, the provisions of subsection (1), any mobile home classified by a seller or a lender as personal property at the time a security interest was granted therein to secure an obligation shall continue to be so classified for all purposes relating to the loan and security interest, at least as long as any part of such obligation, or any extension or renewal thereof, remains outstanding. Classification of a mobile home as personal property by a seller or a lender shall not prohibit the owner from having the mobile home classified and taxed as real property under subsection (1).

## RESPONSE

Based upon the above cited statutory authority, the terms of the Retail Installment Contract - Security Agreement would not preclude the mobile home from being classified and taxed as real property, assuming that the mobile home is permanently affixed to land which is also owned by the owner of the mobile home. It is the opinion of this office that the affixation of the mobile home to realty would not, in and of itself, violate the terms of the contract. However, if the owner does not pay the taxes and if a tax certificate were sold on the land and mobile home, this might be considered a violation of the contract.

Should you have additional questions regarding this matter, please feel free to contact this office (904) 488-9483.

Sincerely,

Jane Courson  
Technical Assistant

JC/sv