

AMENDED IN SENATE FEBRUARY 27, 1995

SENATE BILL

No. 69

Introduced by Senator Kelley

January 5, 1995

An act to amend Sections ~~798.9, 798.56, 798.60~~ and 798.61 of the Civil Code, to amend Sections 700.080 and 715.010 of the Code of Civil Procedure, and to amend Section 18005.8 of, and to add Section 18080.9 to, the Health and Safety Code, relating to mobilehomes, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 69, as amended, Kelley. Mobilehomes: final money judgment.

(1) Existing law, known as the Mobilehome Residency Law, governs the rights and obligations of residents and managers of mobilehome parks.

~~This bill would exempt persons who rent mobilehomes from the provisions of the Mobilehome Residency Law and would express the intent of the Legislature in this regard.~~

~~(2) Existing law authorizes the management of a mobilehome park to terminate a tenancy in the park only for certain enumerated reasons and only after giving written notice to the homeowner to remove the mobilehome from the park within 60 days.~~

~~This bill would specifically authorize the management to bring an action for unlawful detainer against a homeowner who defaults in the payment of rent, utility charges, or reasonable incidental service charges, when the time period has expired for curing the default, after the mobilehome has~~



~~been vacated. The bill would provide that any judgment for possession entered before the expiration of the 60-day period shall not be enforceable until after the expiration of that 60-day period. The bill would also exempt a tenant who vacates the mobilehome within the 60-day period from liability for the payment of attorney's fees and costs incurred by management in connection with the unlawful detainer action. The Mobilehome Residency Law specifies requirements and procedures for the termination of a tenancy in a mobilehome park and that these procedures shall not affect any rights or proceedings specified in other provisions of existing law regarding an action for unlawful detainer, except as provided in the Mobilehome Residency Law.~~

This bill would specify that the rights or proceedings provided in the other provisions of existing law regarding an action for unlawful detainer are the exclusive provisions governing an action for unlawful detainer against a person who is not a homeowner but rents a mobilehome within a park.

(3)

(2) Existing law authorizes a court to enter a judgment of abandonment of a mobilehome when specified criteria are met and no party establishes an interest in the mobilehome.

This bill would provide that an interest in the mobilehome is established by evidence of payment of all rent and other charges due to the management of the mobilehome park at the hearing.

(4)

(3) Existing law specifies the procedure for imposing a levy upon personal property.

This bill would authorize the imposition of a levy upon a mobilehome, as specified.

(5)

(4) Existing law, known as the Mobilehomes-Manufactured Housing Act of 1980, requires manufactured homes and mobilehomes, as defined, to be registered annually with the Department of Housing and Community Development, unless these manufactured homes or mobilehomes meet specified conditions. The act also requires each person acquiring or retaining a security interest



in a manufactured home subject to registration under the act to file specified information with the department with respect to the security interest. Willful violations of the act are punishable as misdemeanors.

This bill would provide that an owner of a mobilehome park who obtains a final money judgment for unpaid rent against the registered owner, as defined, of a manufactured home or mobilehome registered with the department may perfect a lien against that manufactured home or mobilehome in accordance with specified provisions of the Mobilehomes-Manufactured Housing Act of 1980, pursuant to the filing of a form prescribed by the department. The bill would provide that a lien created pursuant to the bill would not be a security interest for the purpose of the definition of “legal owner” in the act. It would further provide that a lien created pursuant to the bill would not be subject to execution. It would require the amount of a lien created pursuant to the bill to be reduced by the amount that a legal owner or junior lienholder is required to pay pursuant to specified provisions of the Mobilehome Residency Law.

This bill would require that, upon satisfaction of a money judgment, a lien perfected pursuant to this bill be released according to a specified provision, except if the judgment creditor fails to comply with a demand to file a lien release or acknowledgment of satisfaction of judgment with the department, as specified. It would make the judgment creditor liable for all damages, impose a specified penalty of \$100 on the judgment creditor, and would authorize a court to award reasonable attorney’s fees to a prevailing party. It would require an owner of a mobilehome park filing a lien created pursuant to the bill to be treated as a junior lienholder for purposes of a sale pursuant to a provision of the act relating to the disposal of a repossessed or surrendered manufactured home, mobilehome, truck camper, or floating home.

The bill would make an appropriation because these specified provisions of the act authorize the department to collect fees for deposit into the continuously appropriated Mobilehome-Manufactured Home Revolving Fund, such as filing fees for documents filed to perfect a lien pursuant to this bill. The bill would also provide, as specified, for the release



of liens perfected pursuant to the bill. Because violation of these provisions of the bill would be a misdemeanor, the bill would impose a state-mandated local program.

(6)

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 798.9 of the Civil Code is~~
2 ~~amended to read:~~

3 ~~798.9. (a) "Homeowner" is a person who has a~~
4 ~~tenancy in a mobilehome park under a rental agreement.~~

5 ~~(b) The term "homeowner" does not include any~~
6 ~~person who rents the mobilehome or who resides in the~~
7 ~~mobilehome with any person who rents the mobilehome.~~
8 ~~It is the intention of the Legislature that the rights of a~~
9 ~~person who rents a mobilehome not be governed by this~~
10 ~~chapter but to the general laws relating to landlord and~~
11 ~~tenant.~~

12 ~~SEC. 2. Section 798.56 of the Civil Code is amended~~
13 ~~to read:~~

14 ~~798.56. A tenancy shall be terminated by the~~
15 ~~management only for one or more of the following~~
16 ~~reasons:~~

17 ~~(a) Failure of the homeowner or resident to comply~~
18 ~~with a local ordinance or state law or regulation relating~~
19 ~~to mobilehomes within a reasonable time after the~~
20 ~~homeowner receives a notice of noncompliance from the~~
21 ~~appropriate governmental agency.~~

22 ~~(b) Conduct by the homeowner or resident, upon the~~
23 ~~park premises, which constitutes a substantial annoyance~~
24 ~~to other homeowners or residents.~~



1 ~~(c) Conviction of the homeowner or resident for~~
2 ~~prostitution or a felony controlled substance offense if the~~
3 ~~act resulting in the conviction was committed anywhere~~
4 ~~on the premises of the mobilehome park, including, but~~
5 ~~not limited to, within the homeowner's mobilehome.~~

6 ~~However the tenancy may not be terminated for the~~
7 ~~reason specified in this subdivision if the person convicted~~
8 ~~of the offense has permanently vacated, and does not~~
9 ~~subsequently reoccupy, the mobilehome.~~

10 ~~(d) Failure of the homeowner or resident to comply~~
11 ~~with a reasonable rule or regulation of the park which is~~
12 ~~part of the rental agreement or any amendment thereto.~~

13 ~~No act or omission of the homeowner or resident shall~~
14 ~~constitute a failure to comply with a reasonable rule or~~
15 ~~regulation unless and until the management has given~~
16 ~~the homeowner written notice of the alleged rule or~~
17 ~~regulation violation and the homeowner or resident has~~
18 ~~failed to adhere to the rule or regulation within seven~~
19 ~~days. However, if a homeowner has been given a written~~
20 ~~notice of an alleged violation of the same rule or~~
21 ~~regulation on three or more occasions within a 12-month~~
22 ~~period after the homeowner or resident has violated that~~
23 ~~rule or regulation, no written notice shall be required for~~
24 ~~a subsequent violation of the same rule or regulation.~~

25 ~~Nothing in this subdivision shall relieve the~~
26 ~~management from its obligation to demonstrate that a~~
27 ~~rule or regulation has in fact been violated.~~

28 ~~(e) (1) Nonpayment of rent, utility charges, or~~
29 ~~reasonable incidental service charges; provided that the~~
30 ~~amount due has been unpaid for a period of at least five~~
31 ~~days from its due date, and provided, that the homeowner~~
32 ~~shall be given a three-day written notice subsequent to~~
33 ~~that five-day period to pay the amount due or to vacate~~
34 ~~the tenancy. For purposes of this subdivision, the five-day~~
35 ~~period does not include the date the payment is due. The~~
36 ~~three-day written notice shall be given to the homeowner~~
37 ~~in the manner prescribed by Section 1162 of the Code of~~
38 ~~Civil Procedure. A copy of this notice shall be sent to the~~
39 ~~persons or entities specified in subdivision (b) of Section~~
40 ~~798.55 within 10 days after notice is delivered to the~~



1 homeowner. If the homeowner cures the default, the
2 notice need not be sent. The notice may be given at the
3 same time as the 60 days' notice required for termination
4 of the tenancy.

5 (2) Payment by the homeowner prior to the
6 expiration of the three day notice period shall cure a
7 default under this subdivision. In the event the
8 homeowner does not pay prior to the expiration of the
9 three day notice period, the homeowner shall remain
10 liable for all payments due up until the time the tenancy
11 is vacated.

12 (3) Payment by the legal owner, as defined in Section
13 18005.8 of the Health and Safety Code, any junior
14 lienholder, as defined in Section 18005.3 of the Health and
15 Safety Code, or the registered owner, as defined in
16 Section 18009.5 of the Health and Safety Code, if other
17 than the homeowner, on behalf of the homeowner prior
18 to the expiration of 30 calendar days following the mailing
19 of the notice to the legal owner, each junior lienholder,
20 and the registered owner provided in subdivision (b) of
21 Section 798.55, shall cure a default under this subdivision
22 with respect to that payment.

23 (4) Cure of a default of rent, utility charges, or
24 reasonable incidental service charges by the legal owner,
25 any junior lienholder, or the registered owner, if other
26 than the homeowner, as provided by this subdivision,
27 may not be exercised more than twice during a 12-month
28 period.

29 (5) If a homeowner has been given a three day notice
30 to pay the amount due or to vacate the tenancy on three
31 or more occasions within the preceding 12-month period,
32 no written three-day notice shall be required in the case
33 of a subsequent nonpayment of rent, utility charges, or
34 reasonable incidental service charges.

35 In that event the management shall give written notice
36 to the homeowner in the manner prescribed by Section
37 1162 of the Code of Civil Procedure to remove the
38 mobilehome from the park within a period of not less than
39 60 days, which period shall be specified in the notice. A
40 copy of this notice shall be sent to the legal owner, each



1 ~~junior lienholder, and the registered owner of the~~
2 ~~mobilehome, if other than the homeowner, as specified~~
3 ~~in paragraph (b) of Section 798.55, by certified or~~
4 ~~registered mail return receipt requested within 10 days~~
5 ~~after notice is sent to the homeowner.~~

6 ~~(6) When the time period has expired for curing a~~
7 ~~default in the payment of rent, utility charges, or~~
8 ~~reasonable incidental service charges, and the~~
9 ~~mobilehome has been vacated, the management may~~
10 ~~bring an action for unlawful detainer against the~~
11 ~~homeowner, unless the default has been cured. However,~~
12 ~~any judgment for possession entered before the 60-day~~
13 ~~period prescribed by subdivision (b) of Section 798.55 has~~
14 ~~elapsed is not enforceable until that period is completed.~~
15 ~~Notwithstanding Section 798.85, if a homeowner against~~
16 ~~whom judgment for possession is entered vacates the~~
17 ~~tenancy within the 60-day period prescribed by~~
18 ~~subdivision (b) of Section 798.55, he or she shall not be~~
19 ~~liable for attorney's fees or costs incurred by the~~
20 ~~management in connection with the unlawful detainer~~
21 ~~action.~~

22 ~~(f) Condemnation of the park.~~

23 ~~(g) Change of use of the park or any portion thereof,~~
24 ~~provided:~~

25 ~~(1) The management gives the homeowners at least 15~~
26 ~~days' written notice that the management will be~~
27 ~~appearing before a local governmental board,~~
28 ~~commission, or body to request permits for a change of~~
29 ~~use of the mobilehome park.~~

30 ~~(2) After all required permits requesting a change of~~
31 ~~use have been approved by the local governmental~~
32 ~~board, commission, or body, the management shall give~~
33 ~~the homeowners six months' or more written notice of~~
34 ~~termination of tenancy.~~

35 ~~If the change of use requires no local governmental~~
36 ~~permits, then notice shall be given 12 months or more~~
37 ~~prior to the management's determination that a change~~
38 ~~of use will occur. The management in the notice shall~~
39 ~~disclose and describe in detail the nature of the change of~~
40 ~~use.~~



1 ~~(3) The management gives each proposed~~
2 ~~homeowner written notice thereof prior to the inception~~
3 ~~of his or her tenancy that the management is requesting~~
4 ~~a change of use before local governmental bodies or that~~
5 ~~a change of use request has been granted.~~

6 ~~(4) The notice requirements for termination of~~
7 ~~tenancy set forth in Sections 798.56 and 798.57 shall be~~
8 ~~followed if the proposed change actually occurs.~~

9 ~~(5) A notice of a proposed change of use given prior to~~
10 ~~January 1, 1980, which conforms to the requirements in~~
11 ~~effect at that time shall be valid. The requirements for a~~
12 ~~notice of a proposed change of use imposed by this~~
13 ~~subdivision shall be governed by the law in effect at the~~
14 ~~time the notice was given.~~

15 ~~(h) The report required pursuant to subdivisions (b)~~
16 ~~and (i) of Section 65863.7 of the Government Code shall~~
17 ~~be given to the homeowners or residents at the same time~~
18 ~~that notice is required pursuant to subdivision (g) of this~~
19 ~~section.~~

20 ~~SEC. 3.~~

21 *SECTION 1. Section 798.60 of the Civil Code is*
22 *amended to read:*

23 *798.60. The provisions of this This article shall not*
24 *affect any rights or proceedings set forth in Chapter 4*
25 *(commencing with Section 1159) of Title 3 of Part 3 of the*
26 *Code of Civil Procedure except as otherwise provided*
27 *herein. However, the rights and proceedings specified in*
28 *Chapter 4 (commencing with Section 1159) of Title 3 of*
29 *Part 3 of the Code of Civil Procedure are the exclusive*
30 *provisions governing an action for unlawful detainer*
31 *against a person who is not a homeowner but rents a*
32 *mobilehome within a park.*

33 *Section 798.61 of the Civil Code is amended to read:*

34 *798.61. (a) (1) As used in this section, “abandoned*
35 *mobilehome” means a mobilehome about which all of the*
36 *following are true:*

37 *(A) It is located in a mobilehome park on a site for*
38 *which no rent has been paid to the management for the*
39 *preceding 60 days.*

40 *(B) It is unoccupied.*



1 (C) A reasonable person would believe it to be
2 abandoned.

3 (2) For purposes of this section:

4 (A) “Mobilehome” shall include a trailer coach, as
5 defined in Section 635 of the Vehicle Code, or a
6 recreational vehicle, as defined in Section 18010 of the
7 Health and Safety Code, if the trailer coach or
8 recreational vehicle also satisfies the requirements of
9 paragraph (1), including being located on any site within
10 a mobilehome park, even if the site is in a separate
11 designated section pursuant to Section 18215 of the
12 Health and Safety Code.

13 (B) “Abandoned mobilehome” shall include a
14 mobilehome which is uninhabitable because of its total or
15 partial destruction which cannot be rehabilitated, if the
16 mobilehome also satisfies the requirements of paragraph
17 (1).

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

29 (c) Thirty or more days following posting pursuant to
30 subdivision (b), the management may file a petition in
31 the municipal or justice court for the judicial district in
32 which the mobilehome park is located for a judicial
33 declaration of abandonment of the mobilehome. Copies
34 of the petition shall be served upon the homeowner, any
35 known registered owner, and any known person having
36 a lien or security interest of record in the mobilehome by
37 posting a copy on the mobilehome and mailing copies to
38 those persons at their last known addresses by registered
39 or certified mail with a return receipt requested in the
40 United States mail, postage prepaid.



1 (d) (1) Hearing on the petition shall be given
2 precedence over other matters on the court's calendar.

3 (2) If, at the hearing, the petitioner shows by a
4 preponderance of the evidence that the criteria for an
5 abandoned mobilehome has been satisfied and no party
6 establishes an interest therein at the hearing, the court
7 shall enter a judgment of abandonment, determine the
8 amount of charges to which the petitioner is entitled, and
9 award attorney's fees and costs to the petitioner. For
10 purposes of this subdivision an interest in the
11 ~~mobilehome is established by evidence of payment to~~
12 *mobilehome by a person other than management shall be*
13 *established by evidence of payment to the* management
14 of all rent or other charges due in connection with the
15 mobilehome, including reasonable costs of storage, and
16 other related costs incurred by the management up to
17 and including the date of the hearing.

18 (3) A default may be entered by the court clerk upon
19 request of the petitioner, and a default judgment shall be
20 thereupon entered, if no responsive pleading is filed
21 within 15 days after service of the petition by mail.

22 (e) (1) Within 10 days following a judgment of
23 abandonment, the management shall enter the
24 abandoned mobilehome and complete an inventory of
25 the contents and submit the inventory to the court.

26 (2) During this period the management shall post and
27 mail notice of intent to sell the abandoned mobilehome
28 and its contents under this section, and announcing the
29 date of sale, in the same manner as provided for the notice
30 of determination of abandonment under subdivision (b).

31 (3) At any time prior to sale of a mobilehome under
32 this section, any person having a right to possession of the
33 mobilehome may recover and remove it from the
34 premises upon payment to the management of all rent or
35 other charges due, including reasonable costs of storage
36 and other costs awarded by the court. Upon receipt of this
37 payment and removal of the mobilehome from the
38 premises pursuant to this paragraph, the management
39 shall immediately file an acknowledgment of satisfaction



1 of judgment pursuant to Section 724.030 of the Code of
2 Civil Procedure.

3 (f) Following the judgment of abandonment, but not
4 less than 10 days following the notice of sale specified in
5 subdivision (e), the management may conduct a public
6 sale of the abandoned mobilehome and its contents. The
7 management may bid at the sale and shall have the right
8 to offset its bids to the extent of the total amount due it
9 under this section. The proceeds of the sale shall be
10 retained by the management, but any unclaimed amount
11 thus retained over and above the amount to which the
12 management is entitled under this section shall be
13 deemed abandoned property and shall be paid into the
14 treasury of the county in which the sale took place within
15 30 days of the date of the sale. The former homeowner or
16 any other owner may claim any or all of that unclaimed
17 amount within one year from the date of payment to the
18 county by making application to the county treasurer or
19 other official designated by the county. If the county pays
20 any or all of that unclaimed amount to a claimant, neither
21 the county nor any officer or employee of the county is
22 liable to any other claimant as to the amount paid.

23 (g) Within 30 days of the date of the sale, the
24 management shall submit to the court an accounting of
25 the moneys received from the sale and the disposition of
26 the money and the items contained in the inventory
27 submitted to the court pursuant to subdivision (e).

28 (h) The management shall provide the purchaser at
29 the sale with a copy of the judgment of abandonment and
30 evidence of the sale, as shall be specified by the State
31 Department of Housing and Community Development
32 or the Department of Motor Vehicles, which shall register
33 title in the abandoned mobilehome to the purchaser upon
34 presentation thereof. The sale shall pass title to the
35 purchaser free of any prior interest, including any
36 security interest or lien, except the lien provided for in
37 Section 18116.1 of the Health and Safety Code, in the
38 abandoned mobilehome.

39 ~~SEC. 4.~~



1 *SEC. 2.* Section 700.080 of the Code of Civil Procedure
2 is amended to read:

3 700.080. (a) To levy upon personal property used as
4 a dwelling, the levying officer shall serve a copy of the
5 writ of execution and a notice of levy on one occupant of
6 the property. Service on the occupant shall be made by
7 leaving the copy of the writ and the notice of levy with
8 the occupant personally or, in the occupant's absence,
9 with a person of suitable age and discretion found at the
10 property when service is attempted who is a member of
11 the occupant's family or household. If unable to serve
12 ~~such an~~ *the* occupant at the time service is attempted, the
13 levying officer shall make the levy by posting the copy of
14 the writ and the notice of levy in a conspicuous place on
15 the property.

16 (b) If the judgment creditor so instructs, the levying
17 officer shall place a keeper in charge of the property for
18 a period requested by the judgment creditor.

19 (c) The judgment creditor may apply to the court on
20 noticed motion for an order directing the levying officer
21 to remove the occupants. The notice of motion shall be
22 served on any legal owner and any junior lienholder who
23 was served pursuant to Section 700.090, on the occupant,
24 and, if the judgment debtor is not the occupant, on the
25 judgment debtor. Service shall be made personally or by
26 mail. At the hearing on the motion the court shall
27 determine the occupant's right to possession and shall
28 make an order including ~~such terms and conditions as~~
29 *terms and conditions that* are appropriate under the
30 circumstances of the case.

31 (d) Personal property used as a dwelling shall include
32 a mobilehome, whether the mobilehome is occupied or
33 unoccupied at the time of the levy.

34 ~~SEC. 5.~~

35 *SEC. 3.* Section 715.010 of the Code of Civil Procedure
36 is amended to read:

37 715.010. (a) A judgment for possession of real
38 property may be enforced by a writ of possession of real
39 property issued pursuant to Section 712.010. The
40 application for the writ shall provide a place to indicate



1 that the writ applies to all tenants, subtenants, if any,
2 name claimants, if any, and any other occupants of the
3 premises.

4 (b) In addition to the information required by Section
5 712.020, the writ of possession of real property shall
6 contain the following:

7 (1) A description of the real property, possession of
8 which is to be delivered to the judgment creditor in
9 satisfaction of the judgment.

10 (2) A statement that if the real property is not vacated
11 within five days from the date of service of a copy of the
12 writ on the occupant or, if the copy of the writ is posted,
13 within five days from the date a copy of the writ is served
14 on the judgment debtor, the levying officer will remove
15 the occupants from the real property and place the
16 judgment creditor in possession.

17 (3) A statement that any personal property, except a
18 mobilehome, remaining on the real property after the
19 judgment creditor has been placed in possession will be
20 sold or otherwise disposed of in accordance with Section
21 1174 of the Code of Civil Procedure unless the judgment
22 debtor or other owner pays the judgment creditor the
23 reasonable cost of storage and takes possession of the
24 personal property not later than 15 days after the time the
25 judgment creditor takes possession of the real property.

26 (4) The date the complaint was filed in the action
27 which resulted in the judgment of possession.

28 (5) The date or dates on which the court will hear
29 objections to enforcement of a judgment of possession
30 that are filed pursuant to Section 1174.3, unless a
31 summons, complaint, and prejudgment claim of right to
32 possession were served upon the occupants in accordance
33 with Section 415.46.

34 (6) The daily rental value of the property as of the date
35 the complaint for unlawful detainer was filed unless a
36 summons, complaint, and prejudgment claim of right of
37 possession were served upon the occupants in accordance
38 with Section 415.46.

39 (7) If a summons, complaint, and prejudgment claim
40 of right to possession were served upon the occupants in



1 accordance with Section 415.46, a statement that the writ
2 applies to all tenants, subtenants, if any, named claimants,
3 if any, and any other occupants of the premises.

4 (c) At the time the writ of possession is served or
5 posted, the levying officer shall also serve or post a copy
6 of the form for a claim of right to possession, unless a
7 summons, complaint, and prejudgment claim of right to
8 possession were served upon the occupants in accordance
9 with Section 415.46.

10 ~~SEC. 6.~~

11 *SEC. 4.* Section 18005.8 of the Health and Safety Code
12 is amended to read:

13 18005.8. “Legal owner” means a person holding a
14 security interest in a manufactured home, mobilehome,
15 commercial coach, floating home, or truck camper
16 perfected by filing the appropriate documents with the
17 department pursuant to Section 18080.7 if the person is
18 entitled to the designation, as provided in Article 3
19 (commencing with Section 18085) or 4 (commencing
20 with Section 18098) of Chapter 8. A lien created pursuant
21 to Section 18080.9 is not a security interest for purposes of
22 this definition.

23 ~~SEC. 7.~~

24 *SEC. 5.* Section 18080.9 is added to the Health and
25 Safety Code, to read:

26 18080.9. (a) An owner of a mobilehome park who
27 obtains a final money judgment for unpaid rent against
28 the registered owner of a manufactured home or
29 mobilehome registered with the department may,
30 subject to subdivision (b), perfect a lien against the
31 manufactured home or mobilehome pursuant to Section
32 18080.7 pursuant to the filing of a form prescribed by the
33 department. The priority of the lien shall be determined
34 in accordance with Article 3 (commencing with Section
35 18085) and Article 4 (commencing with Section 18098).

36 (b) Notwithstanding any other provision of law, the
37 department shall accept, for the purposes of registration
38 of a lien perfected pursuant to this section, a certified
39 copy of either the final money judgment or an abstract of
40 the final money judgment in lieu of the certificate of title,



1 registration card, or signatures otherwise required by
2 subdivision (a) of Section 18080.7.

3 (c) Except as provided in subdivision (g), upon
4 satisfaction of the final money judgment, a lien perfected
5 pursuant to this section shall be released in accordance
6 with Section 18100.5.

7 (d) A lien created pursuant to this section shall not be
8 subject to execution, pursuant to Chapter 3
9 (commencing with Section 699.010) of Division 2 of Title
10 9 of Part 2 of the Code of Civil Procedure or in any other
11 manner.

12 (e) If the final money judgment for unpaid rent
13 against a registered owner covers any portion of the
14 period for which a legal owner or junior lienholder is
15 required to pay past due obligations of the registered
16 owner pursuant to Section 798.56a of the Civil Code, the
17 amount of the lien created by this section shall be reduced
18 by the amount required to be paid by the legal owner or
19 junior lienholder pursuant to Section 798.56a of the Civil
20 Code.

21 (f) For purposes of a sale conducted pursuant to
22 Section 18037.5, an owner of a mobilehome park filing a
23 lien pursuant to this section shall be treated as a junior
24 lienholder.

25 (g) If the money judgment has been satisfied and the
26 judgment creditor fails without just cause to comply
27 within 15 days of the receipt of the demand that the
28 judgment creditor file a lien release or acknowledgment
29 of satisfaction of judgment with the department, the
30 judgment creditor is liable to the person making the
31 demand for all damages sustained by reason of that failure
32 and shall also forfeit \$100 to that person. In any action to
33 enforce this provision, the court shall award reasonable
34 attorney's fees to the prevailing party.

35 ~~SEC. 8.~~

36 *SEC. 6.* No reimbursement is required by this act
37 pursuant to Section 6 of Article XIII B of the California
38 Constitution because the only costs which may be
39 incurred by a local agency or school district will be
40 incurred because this act creates a new crime or



1 infraction, changes the definition of a crime or infraction,
2 changes the penalty for a crime or infraction, or
3 eliminates a crime or infraction. Notwithstanding Section
4 17580 of the Government Code, unless otherwise
5 specified in this act, the provisions of this act shall become
6 operative on the same date that the act takes effect
7 pursuant to the California Constitution.

8 _____

9 **CORRECTIONS**

10 **Text — Page 8.**

11 _____

12

