

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF CODES AND STANDARDS****Registration and Titling Program**

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**INSTRUCTIONS TO SATISFY JUDGMENTS AGAINST MOBILEHOMES ABANDONED IN A PARK**

Section 798.61 of the Civil Code provides a method for a mobilehome park owner to sell a mobilehome and its contents that have been abandoned in a mobilehome park to recover delinquent rent or other charges.

To qualify for a sale under Section 798.61 of the Civil Code the mobilehome must be located in a mobilehome park on a site for which no rent has been paid to the management for the preceding 60 days, and an unoccupied unit the management reasonably believes to be abandoned.

The following steps are required by Section 798.61 of the Civil Code for the park owner to complete the sale of an abandoned mobilehome and its contents:

1. Park management shall post a notice on the abandoned mobilehome for at least 30 days stating the mobilehome is believed to be abandoned. [Civil Code Section 798.61(b)]
2. Park management shall mail copies of this notice addressed to the homeowner at the last known address by registered mail with a return receipt requested and to any known registered owner, if different from the homeowner, and to any known holder of a security interest in the mobilehome. [Civil Code Section 798.61(b)]
3. After 30 days the management shall obtain a judicial declaration of abandonment of the mobilehome by filing a petition in the municipal or justice court for the judicial district in which the mobilehome park is located. [Civil Code Section 798.61(c)]
4. Copies of the petition shall be served upon the homeowner, any known registered owner, and any person having a lien or security interest in the mobilehome. This service may be by mail under the conditions and in the manner specified in Section 415.30 of the Code of Civil Procedures. [Civil Code Section 798.61(c)]
5. A hearing on the petition shall follow the initial posting. If at the hearing the petitioner provides evidence that the mobilehome meets the criteria for an abandoned mobilehome and no party establishes an interest at the hearing, the court shall enter a judgment of abandonment, determine the amount of charges to which the petitioner is entitled, and award attorney's fees and costs to the petitioner. [Civil Code Section 798.61(d)]

6. Within 10 days following a judgment of abandonment, the park management shall enter the abandoned mobilehome and complete an inventory of the contents and submit the inventory to the court. In addition, the park management shall post and mail a notice of intent to sell the abandoned mobilehome and its contents and announcing the date of sale in the same manner outlined in Item 4 and by publication in a newspaper of general circulation in the city in which the park is located or, if in an unincorporated area, in the county in which the park is located. [Civil Code Section 798.61(e)]

Note: At any time prior to the sale any person having a right to possession of the mobilehome may recover it upon payment to the management of all rent or other charges due, including reasonable costs of storage and other costs awarded by the court. [Civil Code Sections 798.61(d)]

7. Following the judgment of abandonment, but not less than 10 days following the notice of sale, the park management may conduct a public sale of the mobilehome and its contents. The park management may bid at the sale and has the right to offset its bids by the total amount due it. [Civil Code Section 798.61(f)]
8. Any unclaimed amount of the sale over and above the amount to which the park management is entitled shall be deemed abandoned property and shall be paid into the treasury of the county in which the sale took place. The former homeowner or any other owner may claim any or all of that unclaimed amount within one year from the date of payment to the county by making application to the county treasurer or other official designated by the county. [Civil Code Section 798.61(f)]
9. Within 30 days of the date of sale, the park management shall submit to the court an accounting of the moneys received from the sale and the disposition of the money and items contained in the inventory submitted to the court previously. [Civil Code Section 798.61(g)]
10. The park management shall provide the purchaser of the mobilehome with a copy of the judgment of abandonment, original bill of sale from the park management to the purchaser, and original Statement of Abandonment (HCD 481.3) completed in full, signed, and dated. [Civil Code Section 798.61(h)]
11. The purchaser will complete an Application for Registration (form HCD 480.5) and present it, along with the items described in Item 10 above, and any required fees and/or penalties to HCD to transfer the mobilehome into the name of the purchaser.