

concerns about escrow that they might have, helpful tips to avoid or mitigate problems or missteps, and information that can assist buyers, sellers, or borrowers in orchestrating and completing a smooth and successful real estate escrow transaction.

For those who wish further and additional information on real estate escrows in California, the following reference material is offered.

References

“Escrows”, West’s California Jurisprudence 3D (Volume 30 and Supplement Issued Feb. 2010)

“Escrow” and “Escrow Instructions”, California Real Property Sales Transactions (Fourth Edition – Continuing Education of the Bar – California)

California Law: see www.leginfo.legislature.ca.gov; This web source will help you review the applicable codes cited in the pamphlet

California Escrow Association: Tel (916) 239-4075; www.ceaescrow.org

American Escrow Association: www.a-e-a.org

Escrow Institute of California: Tel (800) 3-Escrow; www.escrowinstitute.org

Escrow Agent’s Fidelity Corporation: Tel (310) 477-0044; www.eafc.org

California Land Title Association: Tel (916) 444-2647; www.clta.org

California Department of Business Oversight: Tel (866) ASK-CORP
<http://www.dbo.ca.gov>

California Department of Real Estate: (877) 373-4542; www.dre.ca.gov

California Department of Insurance: Tel (800) 927-HELP; www.insurance.ca.gov

California Secretary of State: Tel (916) 653-6814; www.sos.ca.gov

U.S. Department of Housing and Urban Development: www.hud.gov

Further Information on Manufactured Homes and Mobilehomes –

1. Key Definitions:

- a. Mobilehome – In brief, a structure constructed prior to June 15, 1976, transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, when erected is 320 or more square feet

in size and is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation (see *Section 18008 Health and Safety (“H&S”) Code*).

- b. Manufactured home – In brief, a structure constructed on or after June 15, 1976, transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, when erected is 320 or more square feet in size and is built on a permanent chassis and designed to be used as a single-family dwelling. These homes are built to National Manufactured Housing Construction and Safety Act of 1974, referred to as the “HUD Code” (see *Section 18007 H&S Code*).
 - c. Certificate of Occupancy – When issued by a State or local building department official relative to a manufactured home or mobilehome it means the home has been converted to a fixture to the underlying real property. On the same day the certificate of occupancy was issued by the appropriate building department, the department is also required to record a copy of the HCD (California Department of Housing and Community Development) Form 433A with local county recorder’s office. Recording serves a public notice of the affixation of the home to the land (see *Section 18551(a) H&S Code and Section 1002(c)(9) of Title 25 CCR*).
 - d. Installation Acceptance – When issued relative to a manufactured home or mobilehome it means the home is considered personal property and is not a fixture to the underlying real property. Owners of chattel homes receive evidence of their ownership from the Department of Housing and Community Development in the form of a “certificate of title” and/or a “registration card” in a format similar to the titling of an automobile through the Department of Motor Vehicles (see *Section 1366 of Title 25, CCR*).
2. A DRE licensee cannot broker the sale of a new manufactured home because the same is not real property.
 3. In California, many manufactured homes and mobilehomes have been converted to a fixture upon installation to the underlying real property. For homes sited in leasehold mobilehome parks, usually the home is chattel and is not considered a fixture to the underlying real property.

REFERENCE MATERIAL for manufactured and mobile homes:
California Department of Housing and Community Development
<http://www.hcd.ca.gov/codes/>
(with Consumer Alerts; Office of Mobilehome Ombudsman; and other on-line services)

California Manufactured Housing Institute -- <http://cmhi.org/>