

DEALING WITH ABANDONED MOBILE HOMES WITHOUT UTILIZING THE COURTS:
THE 60-DAY ELECTION BY A LANDLORD

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Many times, landlords of manufactured housing communities utilize the courts when dealing with tenants they want to evict and abandoned mobile homes. However, there is an alternative method to deal with abandoned mobile homes that have value (and are not being foreclosed upon by a lien holder). Under Iowa Code section 648.22A, landlords can make a 60-day election.

Under this method, a landlord (or the evicted tenant) may elect to leave the home on the lot for 60 days following the Forcible Entry and Detainer (FED) order obtained by the landlord from a court. This election must be made within 3 days after the eviction judgment, and the landlord must send notice to the tenant, court, sheriff, treasurer and any lien holders.

When a landlord makes the election: (1) the home remains for 60 days and the tenant cannot live in the home; (2) during the 60-day period, the tenant has the exclusive right to sell the home (unless tenant agrees to landlord selling the home); and (3) the tenant's options for moving the home during the 60-day period are as follows (a) The tenant may move the home within the first 3 days after the judgment without having to pay the landlord the total amount owed; or (b) the tenant may move the home after the 3 days have elapsed if, and only if, the tenant has paid off all debts.

If the home is neither sold nor moved during the 60-day period, the landlord has the right to sell or dispose of the home, under 555B.9 or Chapter 555C, without any further need to go to court. Landlords must remember that the sale must be in a commercially reasonable manner. The sale funds are to be used to pay off debts in the following order (1) judgments won by the landlord; (2) unpaid rent, additional costs, and attorney's fees of landlord; and (3) taxes (if there is any remaining money).

If there is remaining money, the landlord shall hold it for six months, and if the tenant has not made a request for the money, *it becomes the property of the landlord*. The statute explicitly provides that the mobile home is sold free and clear of all liens, claims or encumbrances of third parties, with the exception of a tax lien, which only has to be paid if there is remaining money after the sale and after the landlord has used the proceeds to cover the landlord's costs.



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