

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1035

Short Title: Manufactured Housing Liens.

(Public)

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Sponsors: Representative Grady.

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Referred to: Judiciary II.

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April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR LIENS ON MANUFACTURED HOUSING,  
RECREATIONAL VEHICLES, AND CAMPER TRAILERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 44A-2(e) reads as rewritten:

"(e) Any lessor of a house, room, apartment, office, store or other demised ~~premises~~ premises, including real estate used to furnish space for manufactured housing, recreational vehicles, or camper trailers, has a lien on all furniture, household furnishings, trade fixtures, equipment and other personal property to which the tenant has legal title and which remains on the demised premises if (i) the tenant has vacated the premises for 21 or more days after the paid rental period has expired, and (ii) the lessor has a lawful claim for damages against the tenant. If the tenant has vacated the premises for 21 or more days after the expiration of the paid rental period, or if the lessor has received a judgment for possession of the premises which is executable and the tenant has vacated the premises, then all property remaining on the premises may be removed and placed in storage. If the total value of all property remaining on the premises is less than one hundred dollars (\$100.00), then it shall be deemed abandoned five days after the tenant has vacated the premises, and the lessor may remove it and may donate it to any charitable institution or organization. Provided, the lessor shall not have a lien if there is an agreement between the lessor or his agent and the tenant that the lessor shall not have a lien. This lien shall be for the amount of any rents which were due the lessor at the time the tenant vacated the premises and for the time, up to 60 days, from the vacating of the premises to the date of sale; and for any sums necessary to repair damages to the premises caused by the tenant, normal wear and tear excepted;

1 and for reasonable costs and expenses of sale. The lien created by this subsection shall  
2 be enforced by sale at public sale pursuant to the provisions of G.S. 44A-4(e). This lien  
3 shall not have priority over any security interest in the property which is perfected at the  
4 time the lessor acquires this lien."

5 Sec. 2. G.S. 44A-1 reads as rewritten:

6 **"§ 44A-1. Definitions.**

7 As used in this Article

8 (1) 'Legal possessor' means

- 9 a. Any person entrusted with possession of personal property by  
10 an owner thereof, or  
11 b. Any person in possession of personal property and entitled  
12 thereto by operation of law.

13 (2) 'Lienor' means any person entitled to a lien under this Article.

14 (3) 'Owner' means

- 15 a. Any person having legal title to the property, or  
16 b. A lessee of the person having legal title, or  
17 c. A debtor entrusted with possession of the property by a secured  
18 party, or  
19 d. A secured party entitled to possession, or  
20 e. Any person entrusted with possession of the property by his  
21 employer or principal who is an owner under any of the above.

22 (4) 'Secured party' means a person holding a security interest.

23 (5) 'Security interest' means any interest in personal property which  
24 interest is subject to the provisions of Article 9 of the Uniform  
25 Commercial Code, or any other interest intended to create security in  
26 real or personal property.

27 (6) 'Manufactured housing' means a manufactured home or mobile home  
28 as defined in G.S. 143-143.9."

29 Sec. 3. This act is effective upon ratification.