

**REAL ESTATE AGENCY
STATE OF OREGON**

**MANUFACTURED HOME PARK SUBDIVISION FILING
(ORS 92.830 to 92.845)**

FILING REQUIREMENTS AND PROCEDURES

The Real Estate Agency strongly recommends that an attorney competent in real property law be engaged to ensure compliance with all filing requirements and procedures. Upon request a list of attorneys who are active in the submission of such filings with this agency will be provided upon request.

NOTE: UNDER OUR OFFICE POLICY FOR PROCESSING FILINGS, FILES ARE PROCESSED IN THE CHRONOLOGICAL ORDER IN WHICH THEY ARE RECEIVED.

A. MANUFACTURED HOME PARK SUBDIVISION LAW (ORS 92.830 TO 92.845)

The Manufactured Home Park Subdivision law created a process to facilitate the transfer of ownership of lots in a manufactured housing park to the residents of that community. It is a conveyance of the park from one owner to multiple owners. There are three (3) basic aspects to the statutory scheme:

- 1) The subdividing of an existing manufactured home park [See ORS 92.830 to 92.845];
- 2) Requiring the formation of a homeowner's association under the Planned Community Act whereby ownership and operation of the subdivision's common elements (water and sewage treatment facilities, roads and related infrastructure) are by a homeowner's association [See ORS 94.550 to 94.783; and
- 4) Regulating the marketing and sales of manufactured home subdivision lots through the Oregon Subdivision and Series Partition Control Law [See ORS 92.305 to 92.495].

The responsibility of the Real Estate Commissioner under the Oregon Manufactured Home Park Subdivision law is primarily as follows:

1. To review and approve the legal documents creating the manufactured home park subdivision (Planned Community Act Declaration and Plat) prior to their recording. The review is to assure that the documentation meets statutory requirements.
2. To administer the Oregon Subdivision and Series Partition Control Law governing the marketing and sale of manufactured home subdivision lots. The requirements for this law are included in a separate filing packet. As part of this process, any Developer desiring to sell lots in a manufactured home park subdivision must receive approval for, and adoption and issuance of, a Public Report from the Real Estate Agency. The Public Report must thereafter be furnished to each prospective purchaser prior to the date a sales agreement is fully executed by all parties.

B. FILING REQUIREMENTS.

1. Subdivision Filing.
 - a. Carefully review the Required Documents Checklist (Subdivision Filing)
 - b. See Agency Policy Statements
2. Marketing and Sales Filing
Carefully review the Instruction to Subdivider, Series Partitioner or Developer

C. TIME OF FILING.

1. The Developer/Declarant or agent of the Developer/Declarant may only **negotiate** to sell a lot in a manufactured home park prior to approval of a tentative plan. Under the definition of "negotiate", expressions of interest, reservation agreements and other such "**NONBINDING**" agreements may be solicited prior to approval of the tentative plan and prior to approvals of the subdivision filing and marketing and sales filing. [Reservation Agreement forms available upon request]
2. No Developer/Declarant or agent of a Developer/Declarant shall enter into a sales agreement prior to the issuance of the Public Report for the manufactured home park subdivision.

D. FEES

The fee for a filing is described in the Instruction to Subdivider, Series Partitioner or Developer.

E. PROCEDURES FOR APPROVAL.

The Real Estate Commissioner must approve the Declaration and Plat before the Declaration and Plat can be recorded. The county assessor or county tax collector must also approve the Declaration. It is suggested that the Declarant contact these individuals for information regarding the requirements of the particular county. A form signature line for these individuals is included.

Send copies (not signed or recorded) of the Declaration, Tentative Plan and a paper copy of the Tentative Plat (full size) for review. **Upon completion of the review**, a set of original documents will be requested to complete the approval process. The set will include the signed Declaration and an executed paper copy of the Tentative Plat signed by the Declarant and the Surveyor certifying it to be an exact paper copy of the plat to be recorded.

It is the responsibility of the Declarant to assure that all statutory approvals are obtained and that the Declaration and Plat are recorded. **If the Declaration is not recorded within two years from the date of the Real Estate Commissioner's approval, the approval shall expire and the filing must be resubmitted.**

When the filing is properly completed and all required documents and other information requested have been submitted together with the appropriate fees and the Declaration and Tentative Plan and Plat have been approved, the Public Report will be adopted and issued by the Real Estate Commissioner. The Public report shall not be used for advertising purposes unless the statement is used in its entirety. No portion of the statement shall be under- scored, italicized or printed in larger or heavier type than the balance of the statement unless the true copy of the statement so emphasizes such portion. Copies of the original Public Report as adopted and issued by the Real Estate Commissioner shall be prepared at the expense of the Developer.