



Town of Meggett
Zoning & Planning
4776 Highway 165
Meggett, SC 29449
(843) 889-3622

MOBILE HOME REMOVAL & DEMOLITION

STEP ONE: DETERMINE THE OWNER

Mobile Homes are first and foremost considered a vehicle. When they are initially installed on a lot, they are titled and registered with the South Carolina Department of Motor Vehicles (DMV) similar to a car or truck. Upon permanent installation on a parcel of land, the title holder/property owner can either keep the mobile home and real property as separately titled entities **OR** request to have the mobile home de-titled and attached to real property. Before a mobile home can be removed from real property, the owner of the real property needs to determine how the mobile home is titled and, in the event that the mobile home has not been de-titled, determine who the registered owner is.

Property Deeds and records are the best option for determining if a mobile home has been de-titled and attached to real property. Ideally, a mobile home that has been attached to real property will be clearly identified on the Deed. If the mobile home has been de-titled or is considered part of the real estate, then ignore the rest of this section, as the owner of the land is automatically the owner of the mobile home as well.

If the Deed does not mention the mobile home, there is a good chance that the home was never affixed to the land and is still titled as a vehicle. To confirm this information and to also find out the name of the registered owner, the property owner must submit a form to the DMV (*Form TR-2: Report of Abandoned, Derelict, or Unclaimed Vehicle or Mobile Home*). After receiving the registration information from the DMV, the easier, faster option may be to contact the responsible party directly to find an amenable solution (i.e., transfer of title or the registered owner removes the mobile home from the property themselves). If the landowner is unable to contact the mobile home owner or if the home owner refuses to get involved, the landowner will have to have the mobile home declared derelict or abandoned by the Magistrate Court (see **Attachment 1** at the end of this document).

STEP TWO: OBTAIN OR REINSTATE THE TITLE

If the mobile home was de-titled and attached to the real property, the property owner has two options for removal or destruction of the mobile home:

1. If the title has been retired on a mobile home and the home will be sold and attached to real property in a new location, the landowner does not need to get a new title. The home's buyer must file a *Manufactured Home Severance Affidavit* with the county's register of deed or clerk of court in the county the home is being moved to **and** the county it's being moved from.
2. If the mobile home will be removed but not attached to real property **OR** if the mobile home is to be demolished and destroyed, a title is required. A new title can be applied for with the DMV ([link](#)) and a copy of the completed *Application for Title/Registration of Mobile Home (SCDMV Form 400)* must be filed with the county the home was previously located in.

If the mobile home was not de-titled but the landowner has had the mobile home declared derelict or abandoned by the Magistrate Court, whomever purchased the mobile home at the public sale may present the title and move forward with removal or destruction of the mobile home per the guidelines stated below.

STEP THREE: APPLY FOR A MOBILE HOME DEMOLITION OR REMOVAL PERMIT

After obtaining the title to the mobile home, a Mobile Home Demolition Permit or a Mobile Home Removal Permit from the Town of Meggett is required before any attempts to destroy or remove the mobile home can take place. There are certain aspects of the permits that are different, however, both permits have similar ownership verification and utility disconnect requirements. Depending on the owner's intent for the mobile home, a complete checklist of requirements can be found on the cover page of each permit application.

If the mobile home is sold and removed, the title must be transferred to the new owner and a Moving Permit from the Charleston County Mobile Home Division may be required.

If the mobile home will be destroyed, the landowner should notify the Charleston County Auditor's Office after demolition is completed so that the mobile home can be removed from the tax rolls.

QUESTIONS?

Contact the Town of Meggett Zoning & Planning Department at (843) 889-3622 or via email at clerk@townofmeggettsc.org.

Charleston County Mobile Home Division:

Mobile Homes Division

3875 Faber Place Drive, Suite 100

North Charleston, SC 29405-8547

Phone: (843)958-4151 or (843)958-4142

ATTACHMENT 1

Guidelines for Declaring a Mobile Home Derelict and For Its Destruction or Sale

Section 6-1-150 SC Code of Laws (Effective June 4, 2007)

Definitions:

Derelict mobile home means a mobile home that is

- Not connected to electricity or not connected to a source of safe potable water supply sufficient for normal residential needs, or both; **OR**
- Not connected to a Department of Environmental Control approved wastewater disposal system; **OR**
- Unoccupied for a period of at least 30 days and for which there is clear and convincing evidence that the occupant does not intend to return on a temporary or permanent basis; **AND**
- That is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a hazard to the health or safety of the occupants, the persons using the mobile home, or the public.

Landowner means the owner of real property on which a derelict mobile home is located.

Local governing body means the governing body of a county or municipality.

Local official means the office or agency that is responsible for inspecting or zoning property in a county or a municipality.

Mobile home means a structure, not including a modular home, designed for temporary or permanent habitation and constructed to permit its transport on wheels, temporarily or permanently attached to its frame, from its place of construction or sale to a location where it is intended to be a housing unit or a storage unit. Mobile home includes both mobile and manufactured homes.

A. Procedure for Landowner to have mobile home declared derelict, removed, and destroyed. §§ 6-1-150(B)(2) and 29-15-10; \$80 filing fee required (fee covers the initial hearing declaring the mobile home derelict as well as the sale pursuant to § 29-15-10).

1. Landowner must first apply to the local governmental official to have the mobile home inspected. The local official must provide the landowner with written confirmation that the mobile home has been inspected and whether it meets the criteria of derelict and removal/disposal as provided in § 6-1-150 (A) (1).
2. Landowner must file a Petition for Removal and Destruction of Derelict Mobile Home (SCCA 274) with the magistrate court to obtain an order declaring the mobile home derelict, and authorizing its removal and destruction.
3. Magistrate court must hold a hearing, notifying all parties concerned (landowner, mobile home owner, lienholder, etc.), and make a determination on the petition.
 - a. Magistrate court should first determine whether a landlord/tenant relationship exists. If so, this action must be suspended to allow a separate action for ejectment, if required. After completion of ejectment, this action is recommenced.
 - b. Magistrate court shall issue Order Declaring Mobile Home Derelict (SCCA 275), reflecting its decision on the hearing.
4. Landowner next must file a Motion and Affidavit for Abandoned Mobile Home (SCCA 269), and follow the procedures set forth in § 29-15-10(C).

- a. Apply to the DMV and county auditor for the name and address of any owner or lienholder.
 - b. Provide written notice by certified or registered mail to any owners and lienholders that the local official has determined the mobile home is a derelict mobile home and that there is a pending matter in the magistrates court.
5. Landowner must post a sturdy, weatherproof notice on each door of the mobile home for 30 consecutive days reading substantially as follows:

NOTICE

**This mobile home is the subject of a proceeding in the magistrates court to determine if it will be removed from this property. For further information, please contact:
(name and telephone number of landowner seeking removal) or
(name and number of magistrates court where action is pending).
(Date of Notice)**

6. In the event that the court issues an order declaring the mobile home to be derelict, and orders removal and destruction, the landowner shall send proof of the same to the county auditor pursuant to § 12-49-85(D), who shall remove the derelict mobile home permanently from the duplicate list. Upon this removal, unpaid taxes, uniform service charges, assessments, penalties, costs of collection, and other amounts billed on the tax notice, which are due as a result of the value of the derelict mobile home, are waived.
7. The court may order costs to the prevailing party in these actions upon submission of an affidavit and itemization of costs. The costs of removal and disposal are the responsibility of the owner of the derelict mobile home and may be waived only by order of the magistrate court or if a local governing body has a program that covers removal and disposal costs. A lienholder is not responsible for the costs of removal and disposal unless the lienholder or his agent affects a recovery of the mobile home under its lien and subsequently knowingly abandons the mobile home on the property and allows the same to become a derelict mobile home. A landowner who is the owner of the derelict mobile home and is unwilling or unable to pay the costs of removal and disposal, a lien for the costs of removal and disposal may be placed on the landowner's real property where the derelict mobile home was located.

B. Procedure for Landowner to have mobile home removed and sold. §§ 6-1-150(B)(1) and 29-15-10; \$35 filing fee required.

1. **Landowner does not have to have the mobile home declared derelict.**
2. Landowner must file a Motion and Affidavit for Abandoned Mobile Home (SCCA 269) and follow the procedures set forth in § 29-15-10(C):
 - a. Apply to the DMV and county auditor for the name and address of any owner or lienholder.
 - b. Provide written notice by certified or registered mail to any owners and lienholders that the local official has determined the mobile home is a derelict mobile home and that there is a pending matter in the magistrate court.

3. Landowner must post a sturdy, **weatherproof** notice on each door of the mobile home for 30 consecutive days reading substantially as follows:

NOTICE

**This mobile home is the subject of a proceeding in the magistrates court to determine if it will be removed from this property. For further information, please contact:
(name and telephone number of landowner seeking removal) or
(name and number of magistrates court where action is pending).
(Date of Notice)**

4. The court shall comply with all requirements of § 29-15-10 in order to sell the mobile home. A final hearing should be held on the matter, with notice given to all interested parties (landowner, mobile home owner, lienholder, etc.). The determination on the matter shall be reflected in the Court's issuance of Order for Removal and Sale/Destruction of Derelict Mobile Home (SCCA 276). The Court then holds a public sale of the mobile home, culminating in the issuance of an Order of Sale (SCCA 277).
5. The court may order costs to the prevailing party in these actions. See A.7. above.

C. Procedure for Local Official to have mobile home declared derelict and destroyed. §§ 6-1-150(C)(2) and 29-15-10; \$80 filing fee required (fee covers the initial hearing declaring the mobile home derelict as well as the sale pursuant to § 29-15-10).

1. Local official must provide the court with written confirmation that the mobile home has been inspected and meets the criteria set forth in § 6-1-150 (A)(1) and is eligible for removal and disposal.
2. Local official must file a Petition for Removal and Destruction of Derelict Mobile Home (SCCA 274) with the magistrate court to obtain an order declaring the mobile home derelict, and authorizing its removal and destruction.
3. Magistrate court must hold a hearing, notifying all parties concerned (landowner, mobile home owner, lienholder, etc.), and make a determination on the petition.
4. Magistrate court shall issue Order Declaring Mobile Home Derelict (SCCA 275), reflecting its decision on the hearing.
5. Local official next must file a Motion and Affidavit for Abandoned Mobile Home (SCCA 269) and follow the procedures set forth in § 29-15-10(C):
 - a. Apply to the DMV and the county auditor for the name and address of any owner or lienholder.
 - b. Provide written notice by certified or registered mail to any owners and lienholders that the local official has determined the mobile home is a derelict mobile home and that there is a pending matter in the magistrates court.
6. Local official must post a sturdy, **weatherproof** notice on each door of the mobile home for 30 consecutive days reading substantially as follows:

NOTICE

This mobile home is the subject of a proceeding in the magistrates court to determine if it will be removed from this property. For further information, please contact:

**(name and telephone number of landowner seeking removal) or
(name and number of magistrates court where action is pending).
(Date of Notice)**

7. In the event there is a tenant, the local official must file the appropriate paperwork to remove the tenant prior to destruction of the mobile home.
8. The court may order costs to the prevailing party in these actions. See A.7. above.

**D. Procedure for Local Official to have mobile home declared derelict and sold.
§ 6-1-150(C)(1); \$80 filing fee required (fee covers the initial hearing declaring the mobile home derelict as well as the sale pursuant to § 29-15-10).**

1. Local official must provide the court with written confirmation that the mobile home has been inspected and meets the criteria set forth in § 6-1-150 (A)(1) and is eligible for removal and disposal.
2. Local official must file a Petition for Removal and Destruction of Derelict Mobile Home (SCCA 274) with the magistrate court to obtain an order declaring the mobile home derelict, and authorizing its removal and destruction.
3. Magistrate court must hold a hearing, notifying all parties concerned (landowner, mobile home owner, lienholder, etc.), and make a determination on the petition.
4. Magistrate court shall issue Order Declaring Mobile Home Derelict (SCCA 275), reflecting its decision on the hearing.
 - c. Local Official next must file a Motion and Affidavit for Abandoned Mobile Home (SCCA 269) and follow the procedures set forth in § 29-15-10(C):
 - a. Apply to the DMV and the county auditor for the name and address of any owner or lienholder.
 - b. Provide written notice by certified or registered mail to any owners and lienholders that the local official has determined the mobile home is a derelict mobile home and that there is a pending matter in the magistrates court.
5. Local Official must post a sturdy, **weatherproof** notice on each door of the mobile home for 30 consecutive days reading substantially as follows:

NOTICE

**This mobile home is the subject of a proceeding in the magistrates court to determine if it will be removed from this property. For further information, please contact:
(name and telephone number of landowner seeking removal) or
(name and number of magistrates court where action is pending).
(Date of Notice)**

6. The court shall comply with all requirements of § 29-15-10 in order to sell the mobile home. A final hearing should be held on the matter, with notice given to all interested parties (landowner, mobile home owner, lienholder, etc.). The determination on the matter shall be reflected in the Court's issuance of Order for Removal and

Sale/Destruction of Derelict Mobile Home (SCCA 276). The Court then holds a public sale of the mobile home, culminating in the issuance of an Order of Sale (SCCA 277).

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8. The court may order costs to the prevailing party in these actions. See A.7. above.