

WHO'LL PAY LOT RENT WHEN THERE'S NO WILL?

The question often arises as to what happens to a mobile home when the owner of the mobile home dies intestate (without a will). In such a case, provided there are no liens on the mobile home and the estate is not indebted, the order of inheritance of the mobile home would flow as follows: first, to the surviving spouse of the deceased; then to any lineal descendants of the deceased (children); next, equally between the parents of the deceased, or to the surviving parent of the deceased; and finally, equally to the siblings (brothers and sisters) of the deceased or to the surviving sibling of the deceased. Needless to say, whoever inherits the mobile home is responsible for payment of lot rental amount.

NO HEIR TO COMB THROUGH

A practical problem park owners frequently encounter is when a home owner dies and leaves his mobile home on the lot. In many cases all of the heirs reside out of state and are unwilling to take responsibility for removal of the home or for payment of the lot rental amount.

A solution to this problem initially involves an inquiry as to whether, or if, the decedent's estate is being probated and where it is being probated. If the estate is being probated in the county in which the park is located, the park owner can file a claim against the estate for possession, any past due rent, and for foreclosure of the statutory lien. If the estate is being probated outside the county in which the park is located or out of state, an eviction action may still be filed in the county where the park is located.

If probated out of state, personal service should be made on the foreign personal representative. In older parks, the personal representative may agree to transfer title to the mobile home to the park owner in consideration for past due rent that has accumulated. The best manner in which to deal with this problem is to notify an heir at law or the attorney handling the estate to work out some type of agreement to the satisfaction of both sides.

If an estate is never opened, investigation is required to identify potential heirs. If such heirs cannot be located, foreclosure of the landlord's lien is appropriate.