

THE DECLARATION OF HOMESTEAD THE DECLARATION OF DOMICILE INFORMATION

The Declaration of Homestead and The Declaration of Domicile are two very important documents every owner of a manufactured or mobile home needs to know about.

Under Florida's Homestead laws (Florida Statutes 222.05 and Article 10, Section 4 of the Florida Constitution), a properly filed Declaration of Homestead can protect your manufactured home located on leased land from lien or forced sale by a judgment creditor seeking to collect a debt.

222.05 Setting apart leasehold. — Any person owning and occupying any dwelling house, including a mobile home used as a residence, or modular home, on land not his or her own which he or she may lawfully possess, by lease or otherwise, and claiming such house, mobile home, or modular home as his or her homestead, shall be entitled to the exemption of such house, mobile home, or modular home from levy and sale as aforesaid.

Article X, Section 4 Florida Constitution SECTION 4. Homestead; exemptions. — (a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person: (1) a homestead...

You must get a form DECLARATION OF HOMESTEAD and file it with the Clerk of the Court for the county you live in. Many of these clerks don't know that you are eligible. They think it is just for those who own the land their home is on. Most land-owned homeowners file it to get a reduction in real estate taxes, which it also does grant. But you, as a manufactured homeowner on leased land, want the legal protection against a forced sale that registering your mobile/manufactured home as your homestead offers.

If you do not register your home with the Clerk of the Court under Florida Statute 222.05, it is considered a motor vehicle and does not have the same protections as a house. Manufactured and mobile homes are registered in the Department of Motor Vehicles and not classified as "homes". You must officially

declare it your homestead by filing a Declaration of Homestead with the Clerk of Court.

The FMO has provided a snapshot of the form for the "Declaration of Homestead Manufactured Home", which follows this article. You must have this form notarized by all owners. Do not sign it in advance of going to a Notary. Then after it is notarized take it to the Clerk of Court in your county to register it. Bring the notations from the Florida Statute 202.05 and the Florida Constitution Article 10 Section 4 with you so avoid problems and repeat trips. Then after it is registered with the Clerk of the Court, make copies and keep the original stamped version in a safe place like a safety deposit box.

THE DECLARATION OF DOMICILE

The second important document to file is the Declaration of Domicile. That document declares your manufactured home as your "domicile" in case you ever need Medicaid to pay for a nursing home. According to Medicaid rules, you are allowed to keep one home and one car to receive Medicaid aid. Without this Declaration of Domicile, your home is classified as a vehicle with the Department of Motor Vehicles. Hopefully, you will never need Medicaid, but this simple form is good insurance just in case the future brings problems.

You must declare that this manufactured home is your permanent home and your principal place of abode. You can have a home elsewhere too but the Florida home has to be your principal home. You must be a bona fide resident of Florida.

You will need a form called Declaration of Domicile; a sample can be found in the State Programs section of FMO's website but each county has their own. You can go online to get a form from your county or go in person to the Clerk's office. To register you must go in person with a Florida driver's license for identification to the County Clerk. There is a fee which varies from county to county. Some let you get it notarized elsewhere and the cost to register is less. No personal checks are accepted. If you are married, you should go together for one fee or, if you go separately, it is two fees. You will receive a recorded form from the clerk. Be sure to copy it, and keep the original in a safe place.

...DECLARATION FORM Continued on page 25

**DECLARATION OF HOMESTEAD – MANUFACTURED HOME
(Exempting Property from Forced Sale)
Filed Pursuant to Chapter 222.01, 222.02 & 222.05, Florida Statutes**

I (We), _____, the owner(s) and Title Holder(s) of the Manufactured Home described in the attached Title Certificate (attached hereto and incorporated herein as Exhibit "A") and further described as follows:

Manufactured by: _____

Title Number: _____

Manufactured in year: _____

Identification Number: _____

declare that the above manufactured home is located on leased property (a true and correct copy of the lease is attached hereto and incorporated herein as Exhibit "B") in the community or park known as _____, located in _____ county, Florida and that I permanently reside in the above described manufactured home as my residence and homestead within the meaning and definition set forth in Article X, Section IV of the Constitution of Florida, thus exempting the same from levy or forced sale.

Property Address:

Owner:

(signature)

(Print)

The foregoing instrument was acknowledged before me this ____ day of ____, 20__ by _____, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

STATE OF FLORIDA
COUNTY OF _____

Notary Public

Notary Printed Name

THIS IS NOT AN APPLICATION
FOR HOMESTEAD EXEMPTION

DECLARATION OF DOMICILE

To the Clerk of the Circuit Court (County Comptroller)
_____, County, Florida.

This is my declaration of domicile in the State of _____,
that I am filing this day in accordance and in conformity with Section
222.17, Florida Statutes.

STAMP FOR RECORDING

FOR DOMICILES OF THE STATE OF FLORIDA:

I hereby declare that I reside in and maintain a place of abode at (Street and Number)
_____, (City) _____, (Zip Code) _____, in
_____ County, Florida, which place of abode I recognize and intend to maintain as my
permanent home and, if I maintain another place of places of abode in some other state or states, I hereby declare
that my above-described residence and abode in the State of Florida constitutes my predominant and principal
home, and I intend to continue it permanently as such. I am, at the time of making this declaration, a bona fide
resident of the State of Florida residing at (Street and Number) _____, (City)
_____, (Zip Code) _____, in _____, County Florida. I
formerly resided at (City) _____ County, (State) _____, and the place or
places where I maintain another or other place or places of abode are as follows: (Here list street address, city,
county and state of any other place or places of abode.)

Signature _____ Signature _____

Print Name _____ Print Name _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, A.D., _____.

Personally Known _____ OR Produced Identification _____

Signature and Title of Notarizing or Attesting Official

FOR DOMICILES OF STATES OTHER THAN THE STATE OF FLORIDA:

I hereby declare that my domicile is in the State of _____ and that I intend to permanently
continue and maintain my domicile in such state. At the time of making this declaration I am a bona fide resident of
the State of _____. My place of abode within the State of Florida, if any, is as follows: (Here
list street address, city, and county of place of abode in Florida.)

(Person making declaration may also include such other and further facts with reference to any acts done or
performed by such person which such person desires or intends not to be construed as evidencing any intention to
establish his domicile within the State of Florida.)

Signature _____ Signature _____

Print Name _____ Print Name _____

Sworn to and subscribed before me this _____ day of _____, A.D. _____.

Signature and Title of Notarizing or Attesting Official

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT

BY: _____ DATE: _____

Deputy Clerk