

**INFORMATION AND INSTRUCTIONS
FOR COMPLETING THE MANUFACTURED HOME RECOVERY FUND CLAIM FORM**

CLAIM FORM INSTRUCTIONS:

1. Before ordering payment from the Manufactured Home Recovery Fund (MHRF), the Department must independently verify that your claim is factual, accurate, and meets all the prerequisites established by law. It is your responsibility to provide the Department with sufficient information to make a determination on your claim.

2. Attached is a Claim Form, MHRF-4, which has been developed to assist you in providing all required information. Use of the Form will also expedite processing by the Department. The Form need not be prepared by an attorney, nor is legal representation necessary or required to file a claim.

3. The Claim Form consists of three parts: Part A (General Information); Part B (Collection Efforts); and Part C (Certification). You must provide the information requested in Part A of the Claim Form before the Department will accept your claim for filing for purposes of meeting the statute of limitations.

- If your claim is based on a final court judgment, the law requires that your claim be filed within two years of receiving your final court judgment.
- If the claim is not based on a final court judgment, the law requires that you file your claim within two years from the termination of the judgment debtor's bankruptcy proceedings or two years from the date of sale, whichever event occurs later.
- If the claim is not based on a final court judgment, the law requires that you file your claim within two years from the date of discovery of the violation(s) causing actual and direct losses, but no longer than five years from the date of sale.

4. Part B of the Claim Form requests information on your judgment collection efforts. You need not attempt to collect on the judgment before you are eligible to file a claim. But before the Department will process your claim for potential payment, you must make a good faith effort to collect on the judgment. The judgment collection information may be provided now if possible, or may be provided later by supplementing your claim application. REMEMBER: The Department may accept your claim for filing without this information, but we will not process your claim for potential payment until the information requested in Part B is received.

5. Part C of the Claim Form requires you to declare UNDER PENALTY OF PERJURY that the information in the Claim Form is true and correct to the best of your knowledge. This declaration must be completed before the Department will accept your claim for filing. Part C also requires your agreement that, in the event you recover from the Fund, you will assign to the Department your rights to collect on your judgment or in bankruptcy court. In the event that you recover some or all of your losses from the Fund, you will be required to enter into formal, legally-binding assignment of these rights up to the amount you recover from the Fund.

6. In completing Part A, you will need to attach the following information as applicable:

- a. Exhibit A: Copy of the complaint filed in your civil suit.
- b. Exhibit B: Copy of your final judgment, any Statement of Decision, findings and any opinion of the court.
- c. Exhibit C: Copies of all other pertinent information in the court's file of your case.
- d. Exhibit D: Copies of all documents relating to your purchase or sale of the manufactured home or mobilehome, e.g., sales contract, bill of sale, purchase order, escrow instructions, etc.
- e. Exhibit E: Copies of written notice of substantial defects in the manufactured home and at least two (2) itemized written estimates by licensed contractors to repair the substantial defects.
- f. Exhibit F: Statement of facts describing in your own words how the failure to honor warranties, fraud, misrepresentation, conversion, and/or willful violations occurred, and how your losses were calculated.
- g. Exhibit G: Memorandum of court costs filed with the court.
- h. Exhibit H: Copies of attorney's bills, if any.
- i. Exhibit I: Copy of the bankruptcy documents; e.g., bankruptcy filing; Proof of Claim; Schedule of Creditors; Notice and Hearing of Motion for Relief of Automatic Stay; discharge from bankruptcy.
- j. Exhibit J: Judgment collection information.

Photocopies of all requested court documents are acceptable if they are clearly legible. Each document being photocopied must bear a stamp (e.g., "endorsed filed") or other evidence indicating that the document has been filed with the court. The Department may require that you provide certified copies of the court documents.

7. The statement of underlying facts should include a detailed statement of facts underlying your purchase or sale to assist the Department in determining whether your judgment was based on failure to honor warranties or guarantees, fraud, willful misrepresentation of the kind and quality of the product sold, or conversion arising directly out of any transaction which occurs on or after January 1, 1985.

8. In completing Part B, you should describe all your efforts to collect on the judgment. You should tell us about any and all searches and inquiries you or your attorney have made to ascertain whether the seller owns any real or personal property or any other assets which could be sold or applied to satisfy the judgment. Include in Exhibit J copies of all correspondence and documentation received relating to your judgment collection efforts.

9. **ACCEPTANCE FOR FILING:** Upon receipt of a claim, the Department will conduct an initial review to determine whether your claim sufficiently contains the information requested in Parts A and C of the Claim Form. We will also review your claim to determine its completeness and acceptability for further processing. You will be notified in writing of our determination, and we will tell you specifically what additional information, if any, is needed to make your claim acceptable for filing.

ACCEPTANCE FOR PROCESSING: Once the Department determines that you have sufficiently provided the information requested in Part B of the Claim Form, you will be notified in writing that your application has been accepted for processing. However, you may be contacted to provide additional details or information regarding your claim.

A copy of your accepted application will also be mailed to the manufactured home seller or purchaser. This is because any payment from the Fund on your claim becomes a debt owed by the seller or purchaser to the state. Therefore, the seller or purchaser must be allowed to contest your claim.

LEGAL REVIEW OF APPLICATIONS: Once your application is accepted for processing, it will be forwarded to the Department's Legal Affairs Division (LAD) for review. After their analysis, if additional information is needed to process your claim, the LAD may contact you.

DEPARTMENTAL DECISION: After the legal analysis, the Department will issue a proposed decision on your claim. The decision will be in writing clearly explaining how the Department reached its decision. The decision will be mailed to you and the judgment debtor. If you are dissatisfied with the proposed decision, you will have 30 days to request reconsideration and provide supplemental information before the decision becomes final.

HOW LONG WILL IT TAKE TO RECEIVE PAYMENT: Your claim will be processed on a first-come first-serve basis with claims for primary residences being given priority over claims submitted for investment purposes. Please be patient and allow the Department time to fully evaluate your claim. Unless you have additional information that the Department should consider, please do not call our office. We will notify you in writing as your claim passes through each step in the process. The Department will make every effort to process claims as soon as possible.

PAYMENT: If the Department determines that your claim meets all the requirements of Health and Safety Code Section 18070.3, we may issue an order to the State Controller directing that payment be made to you from the Fund.

If you need further assistance or have further questions, you may write to:

State of California
Department of Housing and Community Development
Division of Codes and Standards
Manufactured Home Recovery Fund
P. O. Box 31
Sacramento, CA 95812-0031

OR TELEPHONE

(916) 323-9801 or TOLL-FREE 1-800-952-5275