

S. 520

A. 397

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

IN ASSEMBLY -- Introduced by M. of A. THIELE, PALUMBO -- read once and referred to the Committee on Judiciary

AN ACT to amend the executive law, the vehicle and traffic law and the real property law, in relation to manufactured home certificates of title, and the conveyance and encumbrance of manufactured homes as real property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 13 of section 372 of the executive law, as  
2 amended by chapter 309 of the laws of 1996, is amended to read as  
3 follows:  
4 13. "Mobile home" OR "MANUFACTURED HOME" means a [moveable or portable  
5 unit designed and constructed to be towed on its own chassis, comprised  
6 of frame and wheels, connected to utilities, and designed and  
7 constructed without a permanent foundation for year-round living. A unit  
8 may contain parts that may be folded, collapsed or telescoped when being  
9 towed and expanded later to provide additional cubic capacity as well as  
10 two or more separately towable components designed to be joined into one  
11 integral unit capable of being again separated into the components for  
12 repeated towing. "Mobile home" shall mean units designed to be used  
13 exclusively for residential purposes, excluding travel trailers] MANU-  
14 FACTURED HOME AS DEFINED IN PARAGRAPH FIFTY-THREE OF SUBSECTION (A) OF  
15 SECTION 9-102 OF THE UNIFORM COMMERCIAL CODE BUT DOES NOT INCLUDE RECRE-  
16 ATIONAL VEHICLES (RVS) INCLUDING BUT NOT LIMITED TO MOTORHOMES, TRAVEL  
17 TRAILERS, FIFTH-WHEEL TRAVEL TRAILERS, PARK MODEL RVS, TRUCK CAMPERS,  
18 AND FOLDING CAMPING TRAILERS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD02418-01-5

1 S 2. Section 122-c of the vehicle and traffic law, as added by chapter  
2 322 of the laws of 1993, is amended to read as follows:

3 S 122-c. Mobile home or manufactured home. A structure, transportable  
4 in one or more sections, which in the traveling mode, is eight body feet  
5 or more in width or forty body feet or more in length, or when erected  
6 on site, is three hundred twenty or more square feet, and which is built  
7 on a permanent chassis and designed to be used as a dwelling with or  
8 without a permanent foundation when connected to required utilities, and  
9 includes the plumbing, heating, air-conditioning and electrical systems  
10 contained therein. NOTWITHSTANDING THE FOREGOING, FOR THE PURPOSES OF  
11 11 USC S 1322(B)(2), A MANUFACTURED HOME SHALL BE DEEMED TO BE REAL  
12 PROPERTY.

13 S 3. Paragraph 19 of subdivision (a) of section 2102 of the vehicle  
14 and traffic law, as added by chapter 322 of the laws of 1993, is amended  
15 to read as follows:

16 (19) A [mobile home or a] manufactured home, manufactured prior to  
17 July first, nineteen hundred ninety-four and designated by the manufac-  
18 turer as being a nineteen hundred ninety-four or earlier model year  
19 [mobile home or] manufactured home, [and] any [mobile home or] manufac-  
20 tured home, manufactured or assembled prior to January first, nineteen  
21 hundred ninety-four for which the manufacturer has not designated a  
22 model year, AND ANY "FACTORY MANUFACTURED HOME" AS DEFINED IN SUBDIVI-  
23 SION EIGHT OF SECTION THREE HUNDRED SEVENTY-TWO OF THE EXECUTIVE LAW.

24 S 4. Section 2107 of the vehicle and traffic law is amended by adding  
25 six new subdivisions (d), (e), (f), (g), (h) and (i) to read as follows:

26 (D) THE COMMISSIONER SHALL NOT ISSUE A CERTIFICATE OF TITLE TO A MANU-  
27 FACTURED HOME WITH RESPECT TO WHICH THERE HAS BEEN RECORDED AN AFFIDAVIT  
28 OF AFFIXATION PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL  
29 PROPERTY LAW.

30 (E) THE COMMISSIONER SHALL FILE, UPON RECEIPT, EACH AFFIDAVIT OF AFFI-  
31 XATION OR AFFIDAVIT OF SEVERANCE RELATING TO A MANUFACTURED HOME THAT IS  
32 DELIVERED IN ACCORDANCE WITH SECTION TWO HUNDRED NINETY-SIX-A OF THE  
33 REAL PROPERTY LAW, WHEN SATISFIED AS TO ITS GENUINENESS AND REGULARITY.

34 (F) THE COMMISSIONER SHALL MAINTAIN A RECORD OF ALL AFFIDAVITS OF  
35 AFFIXATION HE OR SHE FILES IN ACCORDANCE WITH SUBDIVISION (E) OF THIS  
36 SECTION. THE RECORD SHALL STATE THE NAME OF THE OWNER OF THE MANUFAC-  
37 TURED HOME, THE COUNTY OF RECORDATION, THE DATE OF RECORDATION, AND THE  
38 BOOK AND PAGE NUMBER OF EACH BOOK OF DEEDS WHERE THERE HAS BEEN RECORDED  
39 AN AFFIDAVIT OF AFFIXATION PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A  
40 OF THE REAL PROPERTY LAW AND THIS ARTICLE, AND ANY OTHER DATA THE  
41 COMMISSIONER PRESCRIBES.

42 (G) THE COMMISSIONER SHALL FILE, UPON RECEIPT, EACH APPLICATION FOR  
43 SURRENDER OF THE CERTIFICATE OF TITLE RELATING TO A MANUFACTURED HOME  
44 THAT IS DELIVERED IN ACCORDANCE WITH SECTION TWENTY-ONE HUNDRED SEVEN-  
45 TEEN-A OF THIS ARTICLE, WHEN SATISFIED AS TO ITS GENUINENESS AND REGU-  
46 LARITY.

47 (H) THE COMMISSIONER SHALL MAINTAIN A RECORD OF EACH MANUFACTURED HOME  
48 CERTIFICATE OF TITLE THAT HE OR SHE ACCEPTS FOR SURRENDER AS PROVIDED IN  
49 SECTION TWENTY-ONE HUNDRED SEVENTEEN-A OF THIS ARTICLE. THE RECORD SHALL  
50 STATE THE NAME OF THE OWNER OF THE MANUFACTURED HOME, THE DATE THE  
51 CERTIFICATE OF TITLE WAS ACCEPTED FOR SURRENDER, THE COUNTY OF RECORDA-  
52 TION, THE DATE OF RECORDATION, AND THE BOOK AND PAGE NUMBER OF EACH BOOK  
53 OF DEEDS WHERE THERE HAS BEEN RECORDED AN AFFIDAVIT OF AFFIXATION PURSU-  
54 ANT TO SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL PROPERTY LAW AND  
55 THIS ARTICLE, AND ANY OTHER DATA THE COMMISSIONER PRESCRIBES.

1 (I) THE COMMISSIONER SHALL MAINTAIN A RECORD OF EACH AFFIDAVIT OF  
2 SEVERANCE HE OR SHE FILES IN ACCORDANCE WITH SUBDIVISION (E) OF THIS  
3 SECTION. THE RECORD SHALL STATE THE NAME OF THE OWNER OF THE MANUFAC-  
4 TURED HOME, THE COUNTY OF RECORDATION, THE DATE OF RECORDATION, AND THE  
5 BOOK AND PAGE NUMBER OF EACH BOOK OF DEEDS WHERE THERE HAS BEEN RECORDED  
6 AN AFFIDAVIT OF SEVERANCE PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A  
7 OF THE REAL PROPERTY LAW, AND ANY OTHER DATA THE COMMISSIONER  
8 PRESCRIBES.

9 S 5. Subdivision (e) of section 2108 of the vehicle and traffic law,  
10 as added by chapter 322 of the laws of 1993, is amended to read as  
11 follows:

12 (e) Notwithstanding any other provision of law, a certificate of title  
13 to a vehicle which is a [mobile home or a] manufactured home issued by  
14 the commissioner is prima facie evidence of the facts appearing on it,  
15 notwithstanding the fact that such vehicle, at any time, in any manner,  
16 shall have become [attached to realty] AFFIXED IN ANY MANNER TO REAL  
17 PROPERTY.

18 S 6. The vehicle and traffic law is amended by adding two new sections  
19 2117-a and 2117-b to read as follows:

20 S 2117-A. SURRENDER OF TITLE TO A MANUFACTURED HOME. (A) THE OWNER OR  
21 OWNERS OF A MANUFACTURED HOME THAT IS COVERED BY A CERTIFICATE OF TITLE  
22 AND THAT IS PERMANENTLY AFFIXED TO REAL PROPERTY, OR WHICH THE OWNER  
23 INTENDS TO PERMANENTLY AFFIX TO REAL PROPERTY, MAY SURRENDER THE CERTIF-  
24 ICATE OF TITLE TO THE MANUFACTURED HOME TO THE COMMISSIONER BY FILING  
25 WITH THE COMMISSIONER AN APPLICATION FOR SURRENDER OF TITLE CONTAINING  
26 OR ACCOMPANIED BY:

27 (1) THE NAME, RESIDENCE AND MAILING ADDRESS OF THE OWNER;

28 (2) A DESCRIPTION OF THE MANUFACTURED HOME INCLUDING, SO FAR AS THE  
29 FOLLOWING DATA EXISTS; THE NAME OF THE MANUFACTURER, THE MAKE, THE MODEL  
30 NAME, THE MODEL YEAR, THE DIMENSIONS, AND THE VEHICLE IDENTIFICATION  
31 NUMBER OR NUMBERS OF THE MANUFACTURED HOME AND WHETHER IT IS NEW OR USED  
32 AND ANY OTHER INFORMATION THE COMMISSIONER REQUIRES;

33 (3) THE DATE OF PURCHASE BY APPLICANT OF THE MANUFACTURED HOME, THE  
34 NAME AND ADDRESS OF THE PERSON FROM WHOM THE HOME WAS ACQUIRED AND THE  
35 NAMES AND ADDRESSES OF ANY LIENHOLDERS IN THE ORDER OF THEIR APPARENT  
36 PRIORITY;

37 (4) A STATEMENT SIGNED BY THE APPLICANT, STATING EITHER, (I) ANY FACTS  
38 OR INFORMATION KNOWN TO THE APPLICANT THAT COULD REASONABLY AFFECT THE  
39 VALIDITY OF THE TITLE OF THE MANUFACTURED HOME OR THE EXISTENCE OR NON-  
40 EXISTENCE OF SECURITY INTERESTS IN IT; OR (II) THAT NO SUCH FACTS OR  
41 INFORMATION ARE KNOWN TO THE APPLICANT;

42 (5) A CERTIFIED COPY OF THE AFFIDAVIT OF AFFIXATION AS PROVIDED BY  
43 SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL PROPERTY LAW;

44 (6) THE NAME AND MAILING ADDRESS OF EACH PERSON TO RECEIVE WRITTEN  
45 ACKNOWLEDGMENT OF SURRENDER FROM THE COMMISSIONER; AND

46 (7) ANY OTHER INFORMATION AND DOCUMENTS THE COMMISSIONER REASONABLY  
47 REQUIRES TO IDENTIFY THE OWNER OF THE MANUFACTURED HOME AND TO ENABLE  
48 HIM OR HER TO DETERMINE WHETHER THE OWNER IS ENTITLED TO SURRENDER THE  
49 CERTIFICATE OF TITLE AND THE EXISTENCE OR NON-EXISTENCE OF SECURITY  
50 INTERESTS IN THE MANUFACTURED HOME.

51 (B) THE COMMISSIONER SHALL NOT ACCEPT FOR SURRENDER A CERTIFICATE OF  
52 TITLE TO A MANUFACTURED HOME UNLESS AND UNTIL ANY LIENS PURSUANT TO  
53 SECTION TWENTY-ONE HUNDRED FIVE-A OF THIS ARTICLE AND ANY SECURITY  
54 INTERESTS PURSUANT TO SECTIONS TWENTY-ONE HUNDRED SEVEN AND TWENTY-ONE  
55 HUNDRED EIGHTEEN OF THIS ARTICLE HAVE BEEN RELEASED.

1 (C) WHEN SATISFIED AS TO THE GENUINENESS AND REGULARITY OF THE SURREN-  
2 DER OF A CERTIFICATE OF TITLE TO A MANUFACTURED HOME AND UPON SATISFAC-  
3 TION OF THE REQUIREMENTS OF SUBDIVISIONS (A) AND (B) OF THIS SECTION,  
4 THE COMMISSIONER SHALL CANCEL THE CERTIFICATE OF TITLE AND UPDATE HIS OR  
5 HER RECORDS IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISIONS (G) AND  
6 (H) OF SECTION TWENTY-ONE HUNDRED SEVEN OF THIS ARTICLE.

7 (D) UPON SATISFACTION OF THE REQUIREMENTS OF THIS SECTION A MANUFAC-  
8 TURED HOME SHALL BE CONVEYED AND ENCUMBERED AS PROVIDED IN SUBDIVISION  
9 SEVEN OF SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL PROPERTY LAW.

10 (E) UPON WRITTEN REQUEST, THE COMMISSIONER SHALL PROVIDE WRITTEN  
11 ACKNOWLEDGMENT OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

12 S 2117-B. APPLICATION TO REINSTATE CERTIFICATE OF TITLE TO A MANUFAC-  
13 TURED HOME. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHERE A  
14 MANUFACTURED HOME HAS BEEN PERMANENTLY AFFIXED TO REAL PROPERTY, AND AN  
15 AFFIDAVIT OF AFFIXATION PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A OF  
16 THE REAL PROPERTY LAW HAS BEEN RECORDED AS PART OF THE REAL PROPERTY  
17 RECORDS IN THE COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED, AND  
18 WHERE THE MANUFACTURED HOME SUBSEQUENTLY IS DETACHED OR SEVERED FROM THE  
19 REAL PROPERTY, THE OWNER OR OWNERS MAY APPLY TO REINSTATE THE CERTIF-  
20 ICATE OF TITLE BY FILING WITH THE COMMISSIONER AN APPLICATION TO REIN-  
21 STATE THE CERTIFICATE OF TITLE TO A MANUFACTURED HOME CONTAINING OR  
22 ACCOMPANIED BY:

23 (1) THE NAME, RESIDENCE AND MAILING ADDRESS OF THE OWNER;

24 (2) A DESCRIPTION OF THE MANUFACTURED HOME INCLUDING, SO FAR AS THE  
25 FOLLOWING DATA EXISTS: THE NAME OF THE MANUFACTURER, THE MAKE, THE MODEL  
26 NAME, THE MODEL YEAR, THE DIMENSIONS, AND THE VEHICLE IDENTIFICATION  
27 NUMBER OR NUMBERS OF THE MANUFACTURED HOME AND WHETHER IT IS NEW OR  
28 USED, AND ANY OTHER INFORMATION THE COMMISSIONER REQUIRES;

29 (3) A STATEMENT SIGNED BY THE APPLICANT, STATING EITHER: (I) ANY FACTS  
30 OR INFORMATION KNOWN TO THE APPLICANT THAT COULD REASONABLY AFFECT THE  
31 VALIDITY OF THE TITLE OF THE MANUFACTURED HOME OR THE EXISTENCE OR NON-  
32 EXISTENCE OF SECURITY INTEREST IN IT; OR (II) THAT NO SUCH FACTS OR  
33 INFORMATION ARE KNOWN TO THE APPLICANT;

34 (4) A CERTIFIED COPY OF THE AFFIDAVIT OF SEVERANCE AS PROVIDED BY  
35 SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL PROPERTY LAW;

36 (5) A SWORN DECLARATION BY AN ATTORNEY AT LAW, DULY ADMITTED TO PRAC-  
37 TICE IN THE COURTS OF THE STATE OF NEW YORK, OR AN AGENT OF A TITLE  
38 INSURANCE COMPANY DULY LICENSED TO ISSUE POLICIES OF TITLE INSURANCE IN  
39 THE STATE OF NEW YORK, THAT THE MANUFACTURED HOME IS FREE AND CLEAR OF  
40 ALL LIENS AND ENCUMBRANCES, AND (I) ANY FACTS OR INFORMATION KNOWN TO  
41 HIM OR HER THAT COULD REASONABLY AFFECT THE VALIDITY OF THE TITLE OF THE  
42 MANUFACTURED HOME OR THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTER-  
43 ESTS IN IT; OR (II) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO HIM  
44 OR HER; AND

45 (6) ANY OTHER INFORMATION AND DOCUMENTS THE COMMISSIONER REASONABLY  
46 REQUIRES TO IDENTIFY THE MANUFACTURED HOME AND TO ENABLE HIM OR HER TO  
47 DETERMINE WHETHER THE OWNER IS ENTITLED TO A CERTIFICATE OF TITLE AND  
48 THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTERESTS IN THE MANUFACTURED  
49 HOME.

50 (B) WHEN SATISFIED AS TO ITS GENUINENESS AND REGULARITY OF THE APPLI-  
51 CATION TO REINSTATE A CERTIFICATE OF TITLE TO A MANUFACTURED HOME AND  
52 UPON SATISFACTION OF THE REQUIREMENTS OF SUBDIVISION (A) OF THIS  
53 SECTION, THE COMMISSIONER SHALL ISSUE A NEW CERTIFICATE OF TITLE PURSU-  
54 ANT TO SECTION TWENTY-ONE HUNDRED SEVEN OF THIS ARTICLE AND UPDATE HIS  
55 OR HER RECORDS IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-ONE  
56 HUNDRED SEVEN OF THIS ARTICLE.

1 (C) UPON SATISFACTION OF THE REQUIREMENTS OF THIS SECTION A MANUFAC-  
2 TURED HOME SHALL BE CONVEYED AND ENCUMBERED AS PERSONAL PROPERTY.

3 S 7. Subdivisions (d) and (e) of section 2118 of the vehicle and traf-  
4 fic law, subdivision (d) as added by chapter 322 of the laws of 1993,  
5 subdivision (e) as amended by chapter 84 of the laws of 2001, are  
6 amended to read as follows:

7 (d) A security interest noted on a certificate of title to a vehicle  
8 which is a [mobile home or a] manufactured home shall have priority over  
9 [any other] ALL subsequent liens or security interests except for those  
10 set forth in subdivision (c) of section [two thousand one] TWENTY-ONE  
11 hundred three of this article.

12 (e) [After] EXCEPT AS OTHERWISE PROVIDED IN SECTIONS TWENTY-ONE  
13 HUNDRED SEVENTEEN-A, TWENTY-ONE HUNDRED SEVENTEEN-B AND TWENTY-ONE  
14 HUNDRED TWENTY-THREE OF THIS ARTICLE, AND SECTION TWO HUNDRED  
15 NINETY-SIX-A OF THE REAL PROPERTY LAW, AFTER a certificate of title has  
16 been issued [in this state] for a [vehicle which is a mobile home or a]  
17 manufactured home, and as long as the [vehicle which is a mobile home or  
18 a] manufactured home is subject to any security interest perfected  
19 pursuant to this section, the commissioner shall not FILE AN AFFIDAVIT  
20 OF AFFIXATION, NOR revoke the certificate of title, NOR ISSUE A CERTIF-  
21 ICATE OF TITLE UNDER SUBDIVISION (A) OF SECTION TWENTY-ONE HUNDRED SEVEN  
22 OF THIS ARTICLE, and, in any event, the validity and priority of any  
23 security interest perfected pursuant to this section shall continue,  
24 notwithstanding the provision of any other law[, including but not  
25 limited to section 9--303 and section 9-313 of the uniform commercial  
26 code].

27 S 8. Section 2123 of the vehicle and traffic law, as amended by chap-  
28 ter 322 of the laws of 1993, is amended to read as follows:

29 S 2123. Exclusiveness of procedure. The method provided in this arti-  
30 cle of perfecting and giving notice of security interests subject to  
31 this article is exclusive. Security interests subject to this article  
32 are hereby exempted from the provisions of law which otherwise relate to  
33 the perfection of security interests, [including but not limited to  
34 section 9-313 of the uniform commercial code] PROVIDED, HOWEVER, THAT  
35 WITH RESPECT TO A MANUFACTURED HOME THAT IS OR WILL BE PERMANENTLY  
36 AFFIXED TO REAL PROPERTY, UPON RECORDATION OF AN AFFIDAVIT OF AFFIXATION  
37 PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL PROPERTY LAW  
38 AND SATISFACTION OF THE REQUIREMENTS OF SECTION TWENTY-ONE HUNDRED  
39 SEVENTEEN-A OF THIS ARTICLE, ANY PERFECTION OR TERMINATION OF A SECURITY  
40 INTEREST WITH RESPECT TO SUCH PERMANENTLY AFFIXED PROPERTY SHALL CONFORM  
41 TO THE REQUIREMENTS OF ARTICLE NINE OF THE REAL PROPERTY LAW.

42 S 9. Paragraph 2 of subdivision (a) of section 2124 of the vehicle and  
43 traffic law, as added by chapter 322 of the laws of 1993, is amended to  
44 read as follows:

45 (2) [Notwithstanding any other provision of law] EXCEPT AS PROVIDED IN  
46 SECTION TWENTY-ONE HUNDRED SEVENTEEN-A OF THIS ARTICLE, the commissioner  
47 shall not suspend or revoke a certificate of title to a [vehicle which  
48 is a mobile home or] manufactured home by reason of the fact that, at  
49 any time, in any manner, it shall have become attached to [realty] REAL  
50 PROPERTY.

51 S 10. The real property law is amended by adding a new section 296-a  
52 to read as follows:

53 S 296-A. CONVEYANCE AND ENCUMBRANCE OF MANUFACTURED HOMES AS REAL  
54 PROPERTY. 1. MANUFACTURED HOME; PERMANENTLY AFFIXED TO REAL PROPERTY.  
55 FOR PURPOSES OF THIS SECTION, THE TERM "MANUFACTURED HOME" SHALL HAVE  
56 THE SAME MEANING AS A MANUFACTURED HOME AS DEFINED IN PARAGRAPH

1 FIFTY-THREE OF SUBSECTION (A) OF SECTION 9-102 OF THE UNIFORM COMMERCIAL  
2 CODE. NOTWITHSTANDING THE FORGOING, FOR THE PURPOSES OF 11 USC S  
3 1322(B)(2), A MANUFACTURED HOME SHALL BE DEEMED TO BE REAL PROPERTY. FOR  
4 PURPOSES OF THIS SECTION, ARTICLE FORTY-SIX OF THE VEHICLE AND TRAFFIC  
5 LAW, AND THE UNIFORM COMMERCIAL CODE, A MANUFACTURED HOME IS "PERMANENT-  
6 LY AFFIXED" IF IT IS ANCHORED TO REAL PROPERTY BY ATTACHMENT TO A PERMA-  
7 NENT FOUNDATION, CONSTRUCTED IN ACCORDANCE WITH APPLICABLE STATE AND  
8 LOCAL BUILDING CODES AND MANUFACTURER'S SPECIFICATIONS IN A MANNER  
9 SUFFICIENT TO VALIDATE ANY APPLICABLE MANUFACTURER'S WARRANTY, AND  
10 CONNECTED TO A RESIDENTIAL UTILITY (E.G., WATER, GAS, ELECTRICITY,  
11 SEWER).

12 2. RECORD NOTICE. (A) TO CONVEY OR VOLUNTARILY ENCUMBER AS REAL PROP-  
13 erty, A MANUFACTURED HOME, THE FOLLOWING CONDITIONS MUST BE MET:

14 (I) THE MANUFACTURED HOME SHALL BE PERMANENTLY AFFIXED TO REAL PROPER-  
15 TY; AND

16 (II) EACH PERSON HAVING AN OWNERSHIP INTEREST IN SUCH HOME SHALL  
17 EXECUTE AND RECORD WITH THE RECORDING OFFICER OF THE COUNTY IN WHICH THE  
18 REAL PROPERTY IS LOCATED AN AFFIDAVIT OF AFFIXATION AS PROVIDED IN  
19 SUBDIVISION THREE OF THIS SECTION, AND SATISFY THE APPLICABLE REQUIRE-  
20 MENTS OF THIS SECTION.

21 (B) UPON RECEIPT OF THE CERTIFIED COPY OF THE AFFIDAVIT OF AFFIXATION  
22 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, ANY PERSON DESIGNATED  
23 THEREIN FOR FILING WITH THE COMMISSIONER OF MOTOR VEHICLES SHALL FILE  
24 THE AFFIDAVIT OF AFFIXATION WITH SUCH COMMISSIONER; EXCEPT THAT IN THE  
25 CASE WHERE THE HOME IS COVERED BY A CERTIFICATE OF TITLE, THE CERTIFIED  
26 AFFIDAVIT OF AFFIXATION SHALL BE FILED WITH THE COMMISSIONER OF MOTOR  
27 VEHICLES PURSUANT TO SECTION TWENTY-ONE HUNDRED SEVENTEEN-A OF THE VEHI-  
28 CLE AND TRAFFIC LAW.

29 3. AFFIDAVIT OF AFFIXATION. (A) AN AFFIDAVIT OF AFFIXATION SHALL  
30 CONTAIN OR BE ACCOMPANIED BY:

31 (I) THE NAME OF THE MANUFACTURER, THE MAKE, THE MODEL NAME, THE MODEL  
32 YEAR, THE DIMENSIONS, AND THE VEHICLE IDENTIFICATION NUMBER OR NUMBERS  
33 OF THE MANUFACTURED HOME, AND WHETHER IT IS NEW OR USED;

34 (II)(A) A STATEMENT THAT THE PARTY EXECUTING THE AFFIDAVIT IS THE  
35 OWNER OF THE REAL PROPERTY DESCRIBED THEREIN OR, (B) IF NOT THE OWNER OF  
36 THE REAL PROPERTY, (1) A STATEMENT THAT THE PARTY EXECUTING THE AFFIDA-  
37 VIT IS IN POSSESSION OF THE REAL PROPERTY PURSUANT TO THE TERMS OF A  
38 LEASE IN RECORDABLE FORM, AND (2) THE CONSENT OF THE LESSOR OF THE REAL  
39 PROPERTY SHALL BE ENDORSED UPON OR ATTACHED TO THE AFFIDAVIT AND BE  
40 ACKNOWLEDGED OR PROVED IN THE MANNER AS TO ENTITLE A CONVEYANCE TO BE  
41 RECORDED;

42 (III) THE STREET ADDRESS AND THE LEGAL DESCRIPTION OF THE REAL PROPER-  
43 TY UPON WHICH THE MANUFACTURED HOME IS OR WILL BE PERMANENTLY AFFIXED;

44 (IV) AS APPLICABLE, (A) IF THE MANUFACTURED HOME IS NOT COVERED BY A  
45 CERTIFICATE OF TITLE, A STATEMENT BY THE OWNER OR OWNERS TO THAT EFFECT;  
46 AND

47 (1) THE ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN FOR THE MANUFAC-  
48 TURED HOME, DULY ENDORSED TO THE OWNER OF THE MANUFACTURED HOME; A  
49 STATEMENT THAT ANNEXED TO THE AFFIDAVIT OF AFFIXATION IS THE ORIGINAL  
50 MANUFACTURER'S CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME, DULY  
51 ENDORSED TO THE OWNER OF THE MANUFACTURED HOME; OR

52 (2) A STATEMENT THAT THE OWNER OR OWNERS OF THE HOME, AFTER DILIGENT  
53 SEARCH AND INQUIRY, ARE UNABLE TO PRODUCE THE ORIGINAL MANUFACTURER'S  
54 CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME;

55 (B) IF THE MANUFACTURED HOME IS COVERED BY A CERTIFICATE OF TITLE, A  
56 STATEMENT BY THE OWNER OR OWNERS OF THE MANUFACTURED HOME THAT THE MANU-

1 MANUFACTURED HOME IS COVERED BY A CERTIFICATE OF TITLE, THE DATE THE TITLE  
2 WAS ISSUED, THE TITLE NUMBER, AND THAT THE OWNER OR OWNERS OF THE MANU-  
3 FACTURED HOME SHALL SURRENDER THE TITLE; AND

4 (C) A STATEMENT WHETHER OR NOT THE MANUFACTURED HOME IS SUBJECT TO ONE  
5 OR MORE SECURITY INTERESTS; AND

6 (1) IF THE MANUFACTURED HOME IS SUBJECT TO ONE OR MORE SECURITY INTER-  
7 EST, THE NAME AND ADDRESS OF EACH PARTY HOLDING A SECURITY INTEREST IN  
8 THE MANUFACTURED HOME, INCLUDING BUT NOT LIMITED TO, THOSE SHOWN ON ANY  
9 CERTIFICATE OF TITLE ISSUED BY THE COMMISSIONER OF MOTOR VEHICLES, IF  
10 ANY, AND THE ORIGINAL PRINCIPAL AMOUNT SECURED BY EACH SECURITY INTER-  
11 EST; AND A STATEMENT THAT THE SECURITY INTEREST SHALL BE RELEASED; OR

12 (2) A STATEMENT THAT EACH SECURITY INTEREST IN THE MANUFACTURED HOME,  
13 IF ANY, HAS BEEN RELEASED, TOGETHER WITH DUE PROOF OF EACH SUCH RELEASE,  
14 IF ANY;

15 (V) A STATEMENT THAT THE MANUFACTURED HOME IS OR SHALL BE PERMANENTLY  
16 AFFIXED TO THE REAL PROPERTY; AND

17 (VI) THE NAME AND ADDRESS OF THE PERSON DESIGNATED FOR RECORDING THE  
18 AFFIDAVIT OF AFFIXATION WITH THE COMMISSIONER OF MOTOR VEHICLES, TO WHOM  
19 THE RECORDING OFFICER SHALL RETURN THE AFFIDAVIT OF AFFIXATION AFTER IT  
20 HAS BEEN DULY RECORDED IN THE REAL PROPERTY RECORDS, AS PROVIDED IN THIS  
21 SECTION.

22 (B) THE AFFIDAVIT OF AFFIXATION SHALL BE IN THE FORM SET FORTH IN  
23 PARAGRAPH (C) OF THIS SUBDIVISION, DULY ACKNOWLEDGED OR PROVED IN LIKE  
24 MANNER AS TO ENTITLE A CONVEYANCE TO BE RECORDED AND WHEN SO ACKNOWL-  
25 EDGED OR PROVED, UPON PAYMENT OF THE FEES THEREFOR, THE RECORDING OFFI-  
26 CER SHALL IMMEDIATELY CAUSE THE AFFIDAVIT OF AFFIXATION AND ANY ATTACH-  
27 MENTS THERETO, TO BE DULY RECORDED AND INDEXED IN THE RECORD OF DEEDS.

28 (C) AN AFFIDAVIT OF AFFIXATION SHALL CONFORM TO THE REQUIREMENTS OF  
29 THIS SUBDIVISION. AN AFFIDAVIT IN SUBSTANTIALLY THE FOLLOWING FORM SHALL  
30 BE DEEMED TO BE IN COMPLIANCE:

31 MANUFACTURED HOME  
32 AFFIDAVIT OF AFFIXATION

33 STATE OF \_\_\_\_\_ )  
34 ) SS.:  
35 COUNTY OF \_\_\_\_\_ )

36 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, ON THIS DAY PERSONALLY  
37 APPEARED

38 {TYPE THE NAME(S) OF EACH HOMEOWNER SIGNING THIS AFFIDAVIT}:

39 KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED BELOW  
40 (EACH A "HOMEOWNER"), AND WHO, BEING BY ME FIRST DULY SWORN, DID EACH ON  
41 HIS OR HER OATH STATE AS FOLLOWS:

42 1. HOMEOWNER OWNS THE MANUFACTURED HOME ("HOME") DESCRIBED AS FOLLOWS:

43	44	45	46	47	48
NEW/USED	YEAR	MANUFACTURER'S	MODEL NAME	MANUFACTURER'S	LENGTH/WIDTH
		NAME	AND MODEL	SERIAL NO.	
			NO.		

47 2. THE HOME WAS BUILT IN COMPLIANCE WITH THE FEDERAL MANUFACTURED HOME  
48 CONSTRUCTION AND SAFETY STANDARDS ACT.

1 3. IF THE HOMEOWNER IS THE FIRST RETAIL BUYER OF THE HOME, HOMEOWNER IS  
 2 IN RECEIPT OF (I) THE MANUFACTURER'S WARRANTY FOR THE HOME, (II) THE  
 3 CONSUMER MANUAL FOR THE HOME, (III) THE INSULATION DISCLOSURE FOR  
 4 THE HOME, AND (IV) THE FORMALDEHYDE HEALTH NOTICE.

5 4. THE HOME IS OR WILL BE LOCATED AT THE FOLLOWING "PROPERTY ADDRESS":

6 \_\_\_\_\_  
 7 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

8 5. THE LEGAL DESCRIPTION OF THE REAL PROPERTY WHERE THE HOME IS OR WILL  
 9 BE PERMANENTLY AFFIXED ("LAND") IS:

10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_

14 6. THE HOMEOWNER IS THE OWNER OF THE LAND OR, IF NOT THE OWNER OF THE  
 15 LAND, IS IN POSSESSION OF THE REAL PROPERTY PURSUANT TO A LEASE IN  
 16 RECORDABLE FORM, AND THE CONSENT OF THE LESSOR IS ATTACHED TO THIS  
 17 AFFIDAVIT.

18 7. THE HOME {\_\_} IS {\_\_} SHALL BE ANCHORED TO THE LAND BY ATTACHMENT TO  
 19 A PERMANENT FOUNDATION, CONSTRUCTED IN ACCORDANCE WITH APPLICABLE  
 20 STATE AND LOCAL BUILDING CODES AND MANUFACTURER'S SPECIFICATIONS IN  
 21 A MANNER SUFFICIENT TO VALIDATE ANY APPLICABLE MANUFACTURER'S  
 22 WARRANTY, AND CONNECTED TO A RESIDENTIAL UTILITY (E.G., WATER, GAS,  
 23 ELECTRICITY, SEWER) ("PERMANENTLY AFFIXED").

24 8. THE HOME SHALL BE ASSESSED AND TAXED AS AN IMPROVEMENT TO THE LAND.

25 9. HOMEOWNER AGREES THAT AS OF TODAY, OR IF THE HOME IS NOT YET LOCATED  
 26 AT THE PROPERTY ADDRESS, UPON THE DELIVERY OF THE HOME TO THE PROP-  
 27 erty address:

28 (A) ALL PERMITS REQUIRED BY GOVERNMENTAL AUTHORITIES HAVE BEEN  
 29 OBTAINED;

30 (B) THE FOUNDATION SYSTEM FOR THE HOME WAS DESIGNED BY AN ENGINEER  
 31 TO MEET THE SOIL CONDITIONS OF THE PROPERTY ADDRESS. ALL FOUNDA-  
 32 TIONS, BOTH PERIMETER AND PIERS FOR THE HOME HAVE FOOTINGS THAT  
 33 ARE LOCATED BELOW THE FROST LINE, AND WILL BE PLACED WHERE THE  
 34 HOME MANUFACTURER RECOMMENDS. ALL FOUNDATIONS ARE CONSTRUCTED IN  
 35 ACCORDANCE WITH APPLICABLE STATE AND LOCAL BUILDING CODES, AND  
 36 MANUFACTURER'S SPECIFICATIONS IN A MANNER SUFFICIENT TO VALIDATE  
 37 ANY APPLICABLE MANUFACTURER'S WARRANTY.

38 (C) THE WHEELS, AXLES, TOWBAR OR HITCH WERE REMOVED WHEN THE HOME  
 39 WAS, OR WILL BE, PLACED ON THE PROPERTY ADDRESS;

40 (D) THE HOME IS (I) PERMANENTLY AFFIXED TO A FOUNDATION, (II) HAS  
 41 THE CHARACTERISTICS OF SITE-BUILT HOUSING, AND (III) IS PART OF  
 42 THE LAND; AND

1 (E) THE HOME IS PERMANENTLY CONNECTED TO A SEPTIC TANK OR SEWAGE  
2 SYSTEM AND OTHER UTILITIES SUCH AS ELECTRICITY, WATER AND  
3 NATURAL GAS.

4 10. IF THE HOMEOWNER IS THE OWNER OF THE LAND, ANY CONVEYANCE OR FINANC-  
5 ING OF THE HOME AND THE LAND SHALL BE A SINGLE TRANSACTION UNDER  
6 APPLICABLE STATE LAW.

7 11. THE HOME IS SUBJECT TO THE FOLLOWING SECURITY INTERESTS (EACH, A  
8 "SECURITY INTEREST"):

9 NAME OF LIENHOLDER: NAME OF LIENHOLDER:

10 ADDRESS: ADDRESS:

11 ORIGINAL PRINCIPAL ORIGINAL PRINCIPAL  
12 AMOUNT SECURED: AMOUNT SECURED:

13 12. OTHER THAN THOSE DISCLOSED IN THIS AFFIDAVIT, THE HOMEOWNER IS NOT  
14 AWARE OF (I) ANY OTHER CLAIM, LIEN OR ENCUMBRANCE AFFECTING THE  
15 HOME, (II) ANY FACTS OR INFORMATION KNOWN TO THE APPLICANT THAT  
16 COULD REASONABLY AFFECT THE VALIDITY OF THE TITLE OF THE MANUFAC-  
17 TURED HOME OR THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTERESTS  
18 IN IT.

19 13. A RELEASE OF LIEN FROM EACH OF THE LIENHOLDERS IDENTIFIED IN PARA-  
20 GRAPH 11 OF THIS AFFIDAVIT {\_\_} HAS BEEN {\_\_} SHALL BE DELIVERED TO  
21 THE COMMISSIONER OF MOTOR VEHICLES.

22 14. A HOMEOWNER SHALL INITIAL ONLY ONE OF THE FOLLOWING, AS IT APPLIES  
23 TO TITLE TO THE HOME:

24 {\_\_} THE HOME IS NOT COVERED BY A CERTIFICATE OF TITLE. THE  
25 ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN, DULY ENDORSED TO  
26 THE HOMEOWNER, IS ATTACHED TO THIS AFFIDAVIT.

27 {\_\_} THE HOME IS NOT COVERED BY A CERTIFICATE OF TITLE. AFTER DILI-  
28 GENT SEARCH AND INQUIRY, THE HOMEOWNER IS UNABLE TO PRODUCE THE  
29 ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN.

30 {\_\_} THE HOME IS COVERED BY A CERTIFICATE OF TITLE ISSUED ON \_\_\_\_\_  
31 OF \_\_\_\_\_, \_\_\_\_\_, TITLE NUMBER \_\_\_\_\_, WHICH THE HOMEOWNER  
32 SHALL SURRENDER.

33 [\_\_] THE HOME IS COVERED BY A CERTIFICATE OF TITLE. AFTER DILIGENT  
34 SEARCH AND INQUIRY, THE HOMEOWNER IS UNABLE TO PRODUCE THE  
35 ORIGINAL CERTIFICATE OF TITLE.

36 15. THE HOMEOWNER DESIGNATES THE FOLLOWING PERSON TO RECORD THIS MANU-  
37 FACTURED HOME AFFIXATION AFFIDAVIT AND UPON ITS RECORDING IT SHALL  
38 BE RETURNED BY THE RECORDING OFFICER IN THE REAL PROPERTY RECORDS  
39 WHERE THE HOME IS TO BE LOCATED TO SAME:

40 NAME:

1 ADDRESS:

2 16. THIS AFFIDAVIT IS EXECUTED BY HOMEOWNER(S) PURSUANT TO APPLICABLE  
3 STATE LAW.

4 IN WITNESS WHEREOF, HOMEOWNER(S) HAS EXECUTED THIS AFFIDAVIT IN MY PRES-  
5 ENCE AND IN THE PRESENCE OF THE UNDERSIGNED WITNESSES ON THIS \_\_\_\_\_  
6 DAY OF \_\_\_\_\_, \_\_\_\_\_.

7 \_\_\_\_\_ (SEAL) \_\_\_\_\_  
8 HOMEOWNER #1 WITNESS

9 \_\_\_\_\_  
10 PRINTED NAME

11 \_\_\_\_\_ (SEAL) \_\_\_\_\_  
12 HOMEOWNER #2 WITNESS

13 \_\_\_\_\_  
14 PRINTED NAME

15 \_\_\_\_\_ (SEAL) \_\_\_\_\_  
16 HOMEOWNER #3 WITNESS

17 \_\_\_\_\_  
18 PRINTED NAME

19 \_\_\_\_\_ (SEAL) \_\_\_\_\_  
20 HOMEOWNER #4 WITNESS

21 \_\_\_\_\_  
22 PRINTED NAME

23 STATE OF \_\_\_\_\_ )  
24 ) SS.:  
25 COUNTY OF \_\_\_\_\_ )

26 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR \_\_\_\_\_ BEFORE ME, THE  
27 UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED  
28 \_\_\_\_\_,  
29 PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY  
30 EVIDENCE TO BE THE INDIVIDUAL(S) WHOSE NAME(S) IS (ARE) SUBSCRIBED TO  
31 THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED  
32 THE SAME IN HIS/HER/THEIR CAPACITY(IES), AND THAT BY HIS/HER/THEIR  
33 SIGNATURE(S) ON THE INSTRUMENT, THE INDIVIDUAL(S), OR THE PERSON ON  
34 BEHALF OF WHICH THE INDIVIDUAL(S) ACTED, EXECUTED THE INSTRUMENT.

35 \_\_\_\_\_  
36 NOTARY SIGNATURE

37 \_\_\_\_\_  
38 NOTARY PRINTED NAME

39 NOTARY PUBLIC; STATE OF \_\_\_\_\_  
40 QUALIFIED IN THE COUNTY OF \_\_\_\_\_

1 MY COMMISSION EXPIRES: \_\_\_\_\_

2 OFFICIAL SEAL:

3 ATTENTION COUNTY CLERK: THIS INSTRUMENT COVERS FIXTURES THAT ARE OR ARE  
4 TO BE SEVERED FROM THE PROPERTY DESCRIBED HEREIN AND IS TO BE FILED FOR  
5 RECORD IN THE RECORDS WHERE CONVEYANCES OF REAL ESTATE ARE RECORDED.

6 (D) THE FEE FOR RECORDING AN AFFIDAVIT OF AFFIXATION SHALL BE TWENTY-  
7 FIVE DOLLARS.

8 4. DISPOSITION OF LIENS. NEITHER THE ACT OF PERMANENTLY AFFIXING A  
9 MANUFACTURED HOME TO REAL PROPERTY, NOR THE RECORDING OF THE AFFIDAVIT  
10 OF AFFIXATION SHALL IMPAIR THE RIGHTS OF ANY HOLDER OF A SECURITY INTER-  
11 EST IN A MANUFACTURED HOME PERFECTED AS PROVIDED IN SECTION TWENTY-ONE  
12 HUNDRED EIGHTEEN OF THE VEHICLE AND TRAFFIC LAW, UNLESS AND UNTIL THE  
13 DUE FILING WITH AND ACCEPTANCE BY THE COMMISSIONER OF MOTOR VEHICLES OF  
14 AN APPLICATION TO SURRENDER THE TITLE AND A RELEASE OF ANY LIEN AS  
15 PROVIDED IN SECTION TWENTY-ONE HUNDRED TWENTY-ONE OF THE VEHICLE AND  
16 TRAFFIC LAW. UPON THE FILING OF SUCH A RELEASE, THE SECURITY INTEREST  
17 CREATED UNDER THE VEHICLE AND TRAFFIC LAW TERMINATES. THE RECORDING OF  
18 AN AFFIDAVIT OF AFFIXATION DOES NOT CHANGE THE CHARACTER OF THE LIEN  
19 NOTED ON A CERTIFICATE OF TITLE, AND NO MORTGAGE RECORDING TAX SHALL BE  
20 IMPOSED AT THE TIME AN AFFIDAVIT OF AFFIXATION IS RECORDED UPON ANY LIEN  
21 UPON A MANUFACTURED HOME CREATED UNDER THE VEHICLE AND TRAFFIC LAW.

22 5. NOTICE TO COMMISSIONER OF MOTOR VEHICLES. UPON THE PAYMENT OF THE  
23 FEES PROVIDED BY LAW AND RECORDATION OF THE AFFIDAVIT OF AFFIXATION OR  
24 AFFIDAVIT OF SEVERANCE, THE RECORDING OFFICER SHALL ENDORSE THE AFFIDA-  
25 VIT AS "RECORDED IN LAND RECORDS", SETTING FORTH THEREON THE INDEXING  
26 INFORMATION FOR THE AFFIDAVIT OF AFFIXATION OR THE AFFIDAVIT OF SEVER-  
27 ANCE AND THE RECORDING OFFICER SHALL FORTHWITH FORWARD A CERTIFIED COPY  
28 OF THE AFFIDAVIT OF AFFIXATION OR THE AFFIDAVIT OF SEVERANCE TO THE  
29 PERSON DESIGNATED THEREIN FOR FILING WITH THE COMMISSIONER OF MOTOR  
30 VEHICLES.

31 6. EFFECT OF RECORDED AFFIDAVIT OF AFFIXATION. A MANUFACTURED HOME  
32 SHALL BE DEEMED TO BE PERMANENTLY AFFIXED TO AND INTEGRATED WITH THE  
33 REAL PROPERTY, WHEN ALL OF THE FOLLOWING EVENTS HAVE OCCURRED:

34 (A) AN AFFIDAVIT OF AFFIXATION CONFORMING TO THE REQUIREMENTS OF  
35 SUBDIVISION THREE OF THIS SECTION HAS BEEN DULY RECORDED;

36 (B) A CERTIFIED COPY OF THE AFFIDAVIT OF AFFIXATION AS PROVIDED IN  
37 SUBDIVISION FIVE OF THIS SECTION IS DELIVERED TO THE COMMISSIONER OF  
38 MOTOR VEHICLES; AND

39 (C) IF THE MANUFACTURED HOME IS COVERED BY A CERTIFICATE OF TITLE, THE  
40 REQUIREMENTS OF SECTION TWENTY-ONE HUNDRED SEVENTEEN-A OF THE VEHICLE  
41 AND TRAFFIC LAW ARE SATISFIED.

42 7. CONVEYANCE AND ENCUMBRANCE AS REAL PROPERTY. THE PROVISIONS OF  
43 THIS SUBDIVISION SHALL APPLY IMMEDIATELY UPON THE SATISFACTION OF THE  
44 REQUIREMENTS OF SUBDIVISION SIX OF THIS SECTION. A MANUFACTURED HOME  
45 SHALL BE DEEMED TO BE PERMANENTLY AFFIXED TO THE REAL PROPERTY, AND ANY  
46 MORTGAGE LIEN OR SECURITY INTEREST WHICH CAN ATTACH TO LAND, BUILDINGS  
47 ERECTED THEREON OR FIXTURES AFFIXED THERETO, SHALL ATTACH IN THE SAME  
48 MANNER AS IF THE MANUFACTURED HOME WAS BUILT ON SITE, AND TITLE TO THE  
49 MANUFACTURED HOME FOR WHICH AN AFFIDAVIT OF AFFIXATION HAS BEEN RECORDED  
50 MAY BE TRANSFERRED BY DEED OR OTHER FORM OF CONVEYANCE THAT IS EFFECTIVE  
51 TO TRANSFER AN INTEREST IN REAL PROPERTY, TOGETHER WITH THE LAND TO  
52 WHICH SUCH STRUCTURE HAS BEEN AFFIXED AND THE MANUFACTURED HOME SHALL BE  
53 DEEMED TO BE REAL PROPERTY AND SHALL BE GOVERNED BY THE LAWS APPLICABLE  
54 THERETO.

1 8. MANUFACTURED HOMES THAT REMAIN PERSONAL PROPERTY OR A FIXTURE.  
2 EXCEPT AS PROVIDED IN SUBDIVISIONS THREE, FIVE, SIX AND SEVEN OF THIS  
3 SECTION, AN AFFIDAVIT OF AFFIXATION IS NOT NECESSARY OR EFFECTIVE TO  
4 CONVEY OR ENCUMBER A MANUFACTURED HOME. EVERY CONVEYANCE OF LAND UPON  
5 WHICH IS LOCATED A MANUFACTURED HOME WHICH IS COVERED BY A CERTIFICATE  
6 OF TITLE ISSUED PURSUANT TO ARTICLE FORTY-SIX OF THE VEHICLE AND TRAFFIC  
7 LAW, AND FOR WHICH NO AFFIDAVIT OF AFFIXATION HAS BEEN RECORDED, SHALL  
8 CONTAIN A RECITAL THAT SUCH CONVEYANCE DOES NOT AFFECT THE TITLE TO SAID  
9 MANUFACTURED HOME AND THAT THE TRANSFER OR ENCUMBRANCE THEREOF CAN ONLY  
10 BE MADE PURSUANT TO THE PROVISIONS OF THE VEHICLE AND TRAFFIC LAW. ANY  
11 AGREEMENT BY ANY PARTY TO THE TRANSACTION WHEREBY THE REQUIREMENTS OF  
12 THIS SUBDIVISION ARE WAIVED SHALL BE VOID AS CONTRARY TO PUBLIC POLICY.

13 9. AFFIDAVIT OF SEVERANCE. (A) IF AND WHEN A MANUFACTURED HOME FOR  
14 WHICH AN AFFIDAVIT OF AFFIXATION HAS BEEN RECORDED, IS DETACHED OR  
15 SEVERED FROM THE REAL PROPERTY WHERE IT IS AFFIXED, ANY PERSON HAVING AN  
16 INTEREST IN THE REAL PROPERTY MAY RECORD AN AFFIDAVIT OF SEVERANCE IN  
17 THE LAND RECORDS OF THE COUNTY WHERE THE AFFIDAVIT OF AFFIXATION WITH  
18 RESPECT TO THE HOME IS RECORDED. THE AFFIDAVIT OF SEVERANCE SHALL  
19 CONTAIN OR BE ACCOMPANIED BY:

20 (I) THE NAME, RESIDENCE AND MAILING ADDRESS OF THE OWNER OF THE MANU-  
21 FACTURED HOME;

22 (II) A DESCRIPTION OF THE MANUFACTURED HOME INCLUDING, SO FAR AS THE  
23 FOLLOWING DATA EXISTS: THE NAME OF THE MANUFACTURER, THE MAKE, THE MODEL  
24 NAME, THE MODEL YEAR, THE DIMENSIONS, AND THE VEHICLE IDENTIFICATION  
25 NUMBER OR NUMBERS OF THE MANUFACTURED HOME AND WHETHER IT IS NEW OR  
26 USED;

27 (III) A STATEMENT OF BOOK NUMBER, PAGE NUMBER AND DATE OF RECORDATION  
28 OF THE AFFIDAVIT OF AFFIXATION;

29 (IV) A STATEMENT OF EITHER, (A) ANY FACTS OR INFORMATION KNOWN TO THE  
30 AFFIANT THAT COULD REASONABLY AFFECT THE VALIDITY OF THE TITLE OF THE  
31 MANUFACTURED HOME OR THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTER-  
32 ESTS IN IT, OR (B) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO THE  
33 AFFIANT;

34 (V) A SWORN DECLARATION BY AN ATTORNEY-AT-LAW, DULY ADMITTED TO PRAC-  
35 TICE IN THE COURTS OF THE STATE OF NEW YORK, OR AN AGENT OF THE TITLE  
36 INSURANCE COMPANY DULY LICENSED TO ISSUE POLICIES OF TITLE INSURANCE IN  
37 THE STATE OF NEW YORK THAT THE MANUFACTURED HOME IS FREE AND CLEAR OF  
38 ALL LIENS AND ENCUMBRANCES, AND (A) ANY FACTS OR INFORMATION KNOWN TO  
39 HIM OR HER THAT COULD REASONABLY AFFECT THE VALIDITY OF THE TITLE OF THE  
40 MANUFACTURED HOME OR THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTER-  
41 ESTS IN IT; OR (B) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO HIM OR  
42 HER; AND

43 (VI) THE NAME AND ADDRESS OF THE PERSON DESIGNATED FOR RECORDING THE  
44 AFFIDAVIT OF SEVERANCE WITH THE COMMISSIONER OF MOTOR VEHICLES, TO WHOM  
45 THE RECORDING OFFICER SHALL DELIVER THE AFFIDAVIT OF SEVERANCE AFTER IT  
46 HAS BEEN DULY RECORDED IN THE REAL PROPERTY RECORDS, AS PROVIDED IN THIS  
47 SECTION.

48 (B) THE AFFIDAVIT OF SEVERANCE SHALL BE IN THE FORM SET FORTH IN PARA-  
49 GRAPH (C) OF THIS SUBDIVISION DULY ACKNOWLEDGED OR PROVED IN LIKE MANNER  
50 AS TO ENTITLE A CONVEYANCE TO BE RECORDED AND WHEN SO ACKNOWLEDGED OR  
51 PROVED, UPON PAYMENT OF THE LAWFUL FEES THEREFOR, SUCH RECORDING OFFICER  
52 SHALL IMMEDIATELY CAUSE THE AFFIDAVIT AND ANY ATTACHMENTS THERETO, TO BE  
53 DULY RECORDED AND INDEXED IN THE RECORD OF DEEDS.

54 (C) THE AFFIDAVIT OF SEVERANCE SHALL CONFORM TO THE REQUIREMENTS OF  
55 THIS SECTION. AN AFFIDAVIT OF SEVERANCE IN SUBSTANTIALLY THE FOLLOWING  
56 FORM SHALL BE DEEMED TO BE IN COMPLIANCE:

MANUFACTURED HOME  
AFFIDAVIT OF SEVERANCE

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STATE OF \_\_\_\_\_ )  
 ) SS.:  
COUNTY OF \_\_\_\_\_ )

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, ON THIS DAY PERSONALLY  
APPEARED

\_\_\_\_\_  
HOMEOWNER #1

\_\_\_\_\_  
HOMEOWNER #2

\_\_\_\_\_  
HOMEOWNER #3

\_\_\_\_\_  
HOMEOWNER #4

{TYPE THE NAME(S) OF EACH HOMEOWNER SIGNING THIS AFFIDAVIT}:

KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED BELOW  
(EACH A "HOMEOWNER"), AND WHO, BEING BY ME FIRST DULY SWORN, DID EACH ON  
HIS OR HER OATH STATE AS FOLLOWS:

1. THE HOMEOWNER(S) RESIDE AT THE FOLLOWING ADDRESS:

\_\_\_\_\_  
STREET OR ROUTE CITY COUNTY STATE ZIP CODE

MAILING ADDRESS, IF DIFFERENT:

\_\_\_\_\_  
STREET OR ROUTE CITY COUNTY STATE ZIP CODE

2. HOMEOWNER OWNS THE MANUFACTURED HOME ("HOME") DESCRIBED AS FOLLOWS:

\_\_\_\_\_  
NEW/USED YEAR MANUFACTURER'S MODEL NAME MANUFACTURER'S LENGTH/WIDTH  
NAME AND MODEL SERIAL NO.  
NO.

3. THE HOME IS OR WAS LOCATED AT THE FOLLOWING "PROPERTY ADDRESS":

\_\_\_\_\_  
STREET OR ROUTE CITY COUNTY STATE ZIP CODE

4. THE LEGAL DESCRIPTION OF THE REAL PROPERTY FROM WHICH THE HOME IS OR  
WILL BE SEVERED ("LAND") IS:

\_\_\_\_\_  
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5. AN AFFIDAVIT OF AFFIXATION WAS DULY RECORDED IN THE BOOK OF DEEDS OF \_\_\_\_\_ COUNTY ON \_\_\_\_\_, IN BOOK NUMBER \_\_\_\_\_ AT PAGE NUMBER \_\_\_\_\_.

6. THE HOME IS SUBJECT TO THE FOLLOWING SECURITY INTERESTS (EACH, A "SECURITY INTEREST"):

NAME OF LIENHOLDER:	NAME OF LIENHOLDER:
ADDRESS:	ADDRESS:
ORIGINAL PRINCIPAL AMOUNT SECURED:	ORIGINAL PRINCIPAL AMOUNT SECURED:

7. OTHER THAN THOSE DISCLOSED IN THIS AFFIDAVIT, THE HOMEOWNER IS NOT AWARE OF (I) ANY OTHER CLAIM, LIEN OR ENCUMBRANCE AFFECTING THE HOME, (II) ANY FACTS OR INFORMATION KNOWN TO THE APPLICANT THAT COULD REASONABLY AFFECT THE VALIDITY OF THE TITLE OF THE MANUFACTURED HOME OR THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTERESTS IN IT.

8. THE SWORN STATEMENT OF AN ATTORNEY AT LAW, DULY ADMITTED TO PRACTICE IN THE COURTS OF THE STATE OF NEW YORK, OR AN AGENT OF A TITLE INSURANCE COMPANY DULY LICENSED TO ISSUE POLICIES OF TITLE INSURANCE IN THE STATE OF NEW YORK IS ATTACHED ("SEVERANCE CERTIFICATION"). THE SEVERANCE CERTIFICATION STATES THAT THE MANUFACTURED HOME IS FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, AND (A) ANY FACTS OR INFORMATION KNOWN TO HIM THAT COULD REASONABLY AFFECT THE VALIDITY OF THE TITLE OF THE MANUFACTURED HOME OR THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTERESTS IN IT; OR (B) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO HIM.

9. THE HOMEOWNER DESIGNATES THE FOLLOWING PERSON TO RECORD THIS MANUFACTURED HOME AFFIDAVIT OF SEVERANCE AND UPON ITS RECORDING IT SHALL BE RETURNED BY THE RECORDING OFFICER IN THE REAL PROPERTY RECORDS WHERE THE HOME IS TO BE LOCATED TO SAME:

NAME:

ADDRESS:

10. THIS AFFIDAVIT IS EXECUTED BY HOMEOWNER(S) PURSUANT TO APPLICABLE STATE LAW.

IN WITNESS WHEREOF, HOMEOWNER(S) HAS EXECUTED THIS AFFIDAVIT IN MY PRESENCE AND IN THE PRESENCE OF THE UNDERSIGNED WITNESSES ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

_____ (SEAL)	_____
HOMEOWNER #1	WITNESS

\_\_\_\_\_  
PRINTED NAME

1 \_\_\_\_\_ (SEAL) \_\_\_\_\_  
2 HOMEOWNER #2 WITNESS

3 \_\_\_\_\_  
4 PRINTED NAME

5 \_\_\_\_\_ (SEAL) \_\_\_\_\_  
6 HOMEOWNER #3 WITNESS

7 \_\_\_\_\_  
8 PRINTED NAME

9 \_\_\_\_\_ (SEAL) \_\_\_\_\_  
10 HOMEOWNER #4 WITNESS

11 \_\_\_\_\_  
12 PRINTED NAME

13 STATE OF \_\_\_\_\_ )  
14 ) SS.:  
15 COUNTY OF \_\_\_\_\_ )

16 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR \_\_\_\_\_ BEFORE ME, THE  
17 UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED  
18 \_\_\_\_\_,  
19 PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY  
20 EVIDENCE TO BE THE INDIVIDUAL(S) WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE  
21 WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE  
22 SAME IN HIS/HER/THEIR CAPACITY(IES), AND THAT BY HIS/HER/THEIR  
23 SIGNATURE(S) ON THE INSTRUMENT, THE INDIVIDUAL(S), OR THE PERSON ON  
24 BEHALF OF WHICH THE INDIVIDUAL(S) ACTED, EXECUTED THE INSTRUMENT.

25 \_\_\_\_\_  
26 NOTARY SIGNATURE

27 \_\_\_\_\_  
28 NOTARY PRINTED NAME

29 NOTARY PUBLIC; STATE OF \_\_\_\_\_  
30 QUALIFIED IN THE COUNTY OF \_\_\_\_\_  
31 MY COMMISSION EXPIRES: \_\_\_\_\_

32 OFFICIAL SEAL:

33 ATTENTION COUNTY CLERK: THIS INSTRUMENT COVERS FIXTURES THAT ARE OR ARE  
34 TO BE SEVERED FROM THE PROPERTY DESCRIBED HEREIN AND IS TO BE FILED FOR  
35 RECORD IN THE RECORDS WHERE CONVEYANCES OF REAL ESTATE ARE RECORDED.

36 (D) THE FEE FOR RECORDING AN AFFIDAVIT OF SEVERANCE SHALL BE  
37 TWENTY-FIVE DOLLARS.

38 10. DOCUMENTS HELD IN TRUST. THE ORIGINAL MANUFACTURER'S CERTIFICATE  
39 OF ORIGIN, OR ANY LIEN RELEASE DOCUMENTS MAY BE DELIVERED TO ANY PERSON  
40 TO FACILITATE CONVEYING OR ENCUMBERING THE MANUFACTURED HOME. ANY PERSON  
41 RECEIVING ANY SUCH DOCUMENTS SO DELIVERED HOLDS THE DOCUMENTS IN TRUST  
42 FOR THAT LIENHOLDER.

43 11. DAMAGES FOR FAILURE TO COMPLY WITH THIS SECTION. EACH PERSON,  
44 OTHER THAN A COUNTY CLERK OR THE COMMISSIONER OF MOTOR VEHICLES, KNOW-

1 INGLY AND WILLINGLY EXECUTING, RECORDING OR FILING ANY AFFIDAVIT OF  
2 AFFIXATION, AFFIDAVIT OF SEVERANCE OR ANY LIEN RELEASE DOCUMENT WHICH  
3 FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, OR STATES ANY  
4 FACT FINALLY DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE  
5 UNTRUE, OR FAILS TO STATE ANY FACT, THE OMISSION OF WHICH IS FINALLY  
6 DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE MATERIAL, SHALL BE  
7 STRICTLY LIABLE, JOINTLY AND SEVERALLY, TO ANY PERSON DAMAGED THEREBY.  
8 S 11. This act shall take effect January 1, 2016; provided, however,  
9 that the commissioner of motor vehicles shall promulgate any rules or  
10 regulations necessary for the timely implementation of this act on or  
11 before such date.