

# STATE OF NEW YORK

101--A

Cal. No. 70

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. RYAN, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend 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. Short title. This act shall be known and may be cited as  
2 the "New York land-home property act".

3 § 2. Section 2107 of the vehicle and traffic law is amended by adding  
4 eleven new subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m)  
5 and (n) to read as follows:

6 (d) The commissioner shall not issue a certificate of title to a manu-  
7 factured home with respect to which there has been filed an affidavit of  
8 affixation pursuant to paragraph five of subdivision (a) of section  
9 twenty-one hundred seventeen-a of this article, paragraph five of subdi-  
10 vision (a) of section twenty-one hundred seventeen-b of this article,  
11 and paragraph five of subdivision (a) of section twenty-one hundred  
12 seventeen-c of this article.

13 (e) The commissioner shall file, upon receipt, each affidavit of affi-  
14 xation that is delivered in accordance with subdivision (b) of section  
15 three hundred forty-four-b of the real property law and each declaration  
16 that is delivered pursuant to paragraph six of subdivision (a) of  
17 section twenty-one hundred seventeen-c of this article when satisfied as  
18 to its genuineness and regularity.

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

LBD01848-09-3

1 (f) The commissioner shall maintain a record of each affidavit of  
2 affixation he or she files in accordance with subdivision (e) of this  
3 section. The record shall state the vehicle information or serial number  
4 of the manufactured home, the county of recordation, the date of recor-  
5 dation, the book and page number of each book of deeds where there has  
6 been recorded an affidavit of affixation pursuant to paragraph (iii) of  
7 subdivision (a) of section three hundred forty-four-b of the real prop-  
8 erty law and this article, and if applicable, a statement that filed  
9 with the affidavit of affixation is a declaration pursuant to paragraph  
10 six of subdivision (a) of section twenty-one hundred seventeen-c of this  
11 article, and any other data the commissioner prescribes.

12 (g) The commissioner shall file, upon receipt, each application for  
13 surrender of the manufacturer's certificate of origin relating to a  
14 manufactured home that is delivered in accordance with section twenty-  
15 one hundred seventeen-a of this article, when satisfied as to its  
16 genuineness and regularity.

17 (h) The commissioner shall maintain a record of each manufactured home  
18 manufacturer's certificate of origin that he or she accepts for surren-  
19 der as provided in section twenty-one hundred seventeen-a of this arti-  
20 cle. The record shall state the vehicle information or serial number of  
21 the manufactured home, the date the manufacturer's certificate of origin  
22 was delivered for surrender, the county of recordation, the date of  
23 recordation, and the book and page number of each book of deeds where  
24 there has been recorded an affidavit of affixation pursuant to paragraph  
25 (iii) of subdivision (a) of section three hundred forty-four-b of the  
26 real property law and this article, and any other data the commissioner  
27 prescribes.

28 (i) The commissioner shall file, upon receipt, each application for  
29 surrender of the certificate of title relating to a manufactured home  
30 that is delivered in accordance with section twenty-one hundred seven-  
31 teen-b of this article, when satisfied as to its genuineness and regu-  
32 larity.

33 (j) The commissioner shall maintain a record of each manufactured home  
34 certificate of title that he or she accepts for surrender as provided in  
35 section twenty-one hundred seventeen-b of this article. The record shall  
36 state the vehicle information or serial number of the manufactured home,  
37 the date the certificate of title was delivered for surrender, the coun-  
38 ty of recordation, the date of recordation, the book and page number of  
39 each book of deeds where there has been recorded an affidavit of affixa-  
40 tion pursuant to paragraph (iii) of subdivision (a) of section three  
41 hundred forty-four-b of the real property law and this article, and any  
42 other data the commissioner prescribes.

43 (k) The commissioner shall file, upon receipt, each application for  
44 confirmation of conversion relating to a manufactured home that is  
45 delivered in accordance with section twenty-one hundred seventeen-c of  
46 this article, when satisfied as to its genuineness and regularity.

47 (l) The commissioner shall maintain a record of each application for  
48 confirmation of conversion accepted as provided in section twenty-one  
49 hundred seventeen-c of this article. The record shall state the vehicle  
50 information or serial number of the manufactured home, the county of  
51 recordation, the date of recordation, the book and page number of each  
52 book of deeds where there has been recorded an affidavit of affixation  
53 pursuant to paragraph (iii) of subdivision (a) of section three hundred  
54 forty-four-b of the real property law and this article, and any other  
55 data the commissioner prescribes.

1 (m) Notwithstanding the provisions of any other law, the commissioner  
2 shall maintain the records required by this section indefinitely.

3 (n) The commissioner shall establish electronic public access to the  
4 records maintained in accordance with subdivisions (f), (h), (j) and (l)  
5 of this section.

6 § 3. Subdivision (e) of section 2108 of the vehicle and traffic law,  
7 as added by chapter 322 of the laws of 1993, is amended to read as  
8 follows:

9 (e) Notwithstanding any other provision of law, a certificate of title  
10 to a vehicle which is a ~~[mobile home or a]~~ manufactured home issued by  
11 the commissioner is prima facie evidence of the facts appearing on it,  
12 notwithstanding the fact that such vehicle, at any time, in any manner,  
13 shall have become ~~[attached to realty]~~ affixed in any manner to real  
14 property.

15 § 4. The vehicle and traffic law is amended by adding three new  
16 sections 2117-a, 2117-b and 2117-c to read as follows:

17 § 2117-a. Surrender of manufacturer's certificate of origin to a manu-  
18 factured home. (a) The owner or owners of a manufactured home who  
19 possess the manufacturer's certificate of origin to the manufactured  
20 home that is affixed to a permanent foundation as provided in subdivi-  
21 sion (a) of section three hundred forty-four-b of the real property law,  
22 or which the owner or owners intend to affix to a permanent foundation,  
23 may surrender the manufacturer's certificate of origin to the manufac-  
24 tured home to the commissioner by filing with the commissioner an appli-  
25 cation for surrender of the manufacturer's certificate of origin  
26 containing 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  
32 used, and any other information the commissioner requires;

33 (3) the date of purchase by the owner 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 apparent priori-  
36 ty;

37 (4) a statement signed by the owner, stating either, (i) any facts or  
38 information known to the owner that could reasonably affect the validity  
39 of the title of the manufactured home or the existence or non-existence  
40 of security interests in or lien on it; or (ii) that no such facts or  
41 information are known to the owner;

42 (5) the recorded original affidavit of affixation as provided by para-  
43 graph (iii) of subdivision (a) of section three hundred forty-four-b of  
44 the real property law;

45 (6) the original manufacturer's certificate of origin;

46 (7) the name and mailing address of each person wishing written  
47 acknowledgment of surrender from the commissioner; and

48 (8) any other information and documents the commissioner reasonably  
49 requires to identify the owner of the manufactured home and to enable  
50 him or her to determine whether the owner satisfied the requirements of  
51 subdivision (a) of section three hundred forty-four-b of the real prop-  
52 erty law and the owner is entitled to surrender the manufacturer's  
53 certificate of origin and the existence or non-existence of security  
54 interests in the manufactured home.

55 (b) When satisfied as to its genuineness and regularity of the surren-  
56 der of the manufacturer's certificate of origin to a manufactured home

1 and upon satisfaction of the requirements of subdivision (a) of this  
2 section, the commissioner shall cancel the manufacturer's certificate of  
3 origin and update his or her records in accordance with the provisions  
4 of subdivisions (g) and (h) of section twenty-one hundred seven of this  
5 article and provide written acknowledgment of compliance with the  
6 provisions of this section to each person identified in paragraph seven  
7 of subdivision (a) of this section.

8 (c) Upon satisfaction of the requirements of this section a manufac-  
9 tured home shall be conveyed and encumbered as provided in section three  
10 hundred forty-four-g of the real property law.

11 (d) Upon written request, the commissioner shall provide written  
12 acknowledgment of compliance with the provisions of this section.

13 § 2117-b. Surrender of title to a manufactured home. (a) The owner or  
14 owners of a manufactured home that is covered by a certificate of title  
15 and that is affixed to a permanent foundation as provided in section  
16 three hundred forty-four-a of the real property law, or which the owner  
17 or owners intend to affix to a permanent foundation, may surrender the  
18 certificate of title to the manufactured home to the commissioner by  
19 filing with the commissioner an application for surrender of title  
20 containing or accompanied by:

21 (1) the name, residence and mailing address of the owner;

22 (2) 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 used  
26 and any other information the commissioner requires;

27 (3) the date of purchase by the owner of the manufactured home, the  
28 name and address of the person from whom the home was acquired and the  
29 names and addresses of any security interest holders and lienholders in  
30 the order of apparent priority;

31 (4) a statement signed by the owner, stating either: (i) any facts or  
32 information known to the owner that could reasonably affect the validity  
33 of the title of the manufactured home or the existence or non-existence  
34 of security interests in or liens on it; or (ii) that no such facts or  
35 information are known to the owner;

36 (5) the recorded original affidavit of affixation as provided by para-  
37 graph (iii) of subdivision (a) of section three hundred forty-four-b of  
38 the real property law;

39 (6) the name and mailing address of each person wishing written  
40 acknowledgment of surrender from the commissioner;

41 (7) the original certificate of title, which, upon concurrent transfer  
42 of title to the manufactured home, may be endorsed by the current owner  
43 of record to his or her purchaser;

44 (8) any release of lien required by subdivision (b) of this section;  
45 and

46 (9) any other information and documents the commissioner reasonably  
47 requires to identify the owner of the manufactured home, to determine  
48 whether the owner satisfied the applicable requirements of section three  
49 hundred forty-four-f of the real property law, and to enable him or her  
50 to determine whether the owner is entitled to surrender the certificate  
51 of title and the existence or non-existence of security interests in or  
52 liens on the manufactured home.

53 (b) The commissioner shall not accept for surrender a certificate of  
54 title to a manufactured home unless and until any liens pursuant to  
55 section twenty-one hundred five-a and any security interests pursuant to

1 sections twenty-one hundred seven and twenty-one hundred eighteen of  
2 this article have been released.

3 (c) When satisfied as to its genuineness and regularity of the surren-  
4 der of a certificate of title to a manufactured home and upon satisfac-  
5 tion of the requirements of subdivisions (a) and (b) of this section,  
6 the commissioner shall cancel the certificate of title and update his or  
7 her records in accordance with the provisions of subdivisions (i) and  
8 (j) of section twenty-one hundred seven of this article. The commission-  
9 er shall also provide written acknowledgment of compliance with the  
10 provisions of this section to each person identified on the application  
11 for surrender of a certificate of title under paragraph six of subdivi-  
12 sion (a) of this section.

13 (d) Upon satisfaction of the requirements of this section a manufac-  
14 tured home shall be conveyed and encumbered as provided in section three  
15 hundred forty-four-g of the real property law.

16 (e) Upon written request, the commissioner shall provide written  
17 acknowledgment of compliance with the provisions of this section.

18 § 2117-c. Confirmation of conversion of a manufactured home. (a) The  
19 owner or owners of a manufactured home that is not covered by a certif-  
20 icate of title or a manufacturer's certificate of origin, or of a manu-  
21 factured home that is covered by a manufacturer's certificate of origin  
22 or certificate of title but which the owner or owners, after diligent  
23 search and inquiry, are unable to produce, and that is affixed to a  
24 permanent foundation, or which the owner intends to affix to a permanent  
25 foundation, may satisfy the requirements of subdivision (b) of section  
26 three hundred forty-four-b of the real property law by filing with the  
27 commissioner an application for confirmation of conversion containing or  
28 accompanied by:

29 (1) the name, residence and mailing address of the owner;

30 (2) a description of the manufactured home including, so far as the  
31 following data exists: the name of the manufacturer, the make, the model  
32 name, the model year, the dimensions, and the vehicle identification  
33 number or numbers of the manufactured home and whether it is new or used  
34 and any other information the commissioner requires;

35 (3) the date of purchase by the owner of the manufactured home, the  
36 name and address of the person from whom the home was acquired and the  
37 names and addresses of any security interest holders and lienholders in  
38 the order of apparent priority;

39 (4) a statement signed by the owner, stating either: (i) any facts or  
40 information known to the owner that could reasonably affect the validity  
41 of the title of the manufactured home or the existence or non-existence  
42 of security interests in or liens on it; or (ii) that no such facts or  
43 information are known to the owner;

44 (5) the recorded original of the affidavit of affixation as provided  
45 by paragraph (iii) of subdivision (a) of section three hundred forty-  
46 four-b of the real property law;

47 (6) a sworn declaration by an attorney at law, duly admitted to prac-  
48 tice in the courts of the state of New York, or an agent of a title  
49 insurance company duly licensed to issue policies of title insurance in  
50 the state of New York, that the manufactured home is free and clear of  
51 or has been released or will be released from all recorded security  
52 interests, liens and encumbrances; and: (i) any facts or information  
53 known to him or her that could reasonably affect the validity of the  
54 title of the manufactured home or the existence or non-existence of  
55 security interests in it; or (ii) that no such facts or information are  
56 known to him or her; and

(7) the name and mailing address of each person wishing written acknowledgment of confirmation of conversion from the commissioner; and  
(8) any other information and documents the commissioner reasonably requires to identify the owner of the manufactured home and to determine the owner satisfied the applicable requirements of section three hundred forty-four-b of the real property law, and the existence or non-existence of security interests in or liens on the manufactured home.

(b) When satisfied as to its genuineness and regularity of the confirmation of conversion of a manufactured home and upon satisfaction of the requirements of subdivision (a) of this section, the commissioner shall update his or her records in accordance with the provisions of subdivisions (f), (k) and (l) of section twenty-one hundred seven of this article. The commissioner shall also provide written acknowledgment of compliance with the provisions of this section to each person identified on the application for confirmation of conversion under paragraph seven of subdivision (a) of this section.

(c) Upon satisfaction of the requirements of this section a manufactured home shall be conveyed and encumbered as provided in section three hundred forty-four-g of the real property law.

(d) Upon written request, the commissioner shall provide written acknowledgment of compliance with the provisions of this section.

§ 5. Subdivisions (d) and (e) of section 2118 of the vehicle and traffic law, subdivision (d) as added by chapter 322 of the laws of 1993 and subdivision (e) as amended by chapter 84 of the laws of 2001, are amended to read as follows:

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

(e) ~~[After]~~ Except as otherwise provided in sections twenty-one hundred seventeen-b and twenty-one hundred twenty-three of this article, and article nine-E of the real property law, after a certificate of title has been issued ~~[in this state]~~ for a ~~[vehicle which is a mobile home or a]~~ manufactured home, and as long as the ~~[vehicle which is a mobile home or a]~~ manufactured home is subject to any security interest perfected pursuant to this section, the commissioner shall not file an affidavit of affixation, nor revoke the certificate of title, nor issue a certificate of title under subdivision (a) of section twenty-one hundred seven of this article, and, in any event, the validity and priority of any security interest perfected pursuant to this section shall continue, notwithstanding the provision of any other law~~[, including but not limited to section 9-303 and section 9-313 of the uniform commercial code]~~.

§ 6. Section 2123 of the vehicle and traffic law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

§ 2123. Exclusiveness of procedure. The method provided in this article of perfecting and giving notice of security interests subject to this article is exclusive. Security interests subject to this article are hereby exempted from the provisions of law which otherwise relate to the perfection of security interests, ~~[including but not limited to section 9-313 of the uniform commercial code]~~ provided, however, that with respect to a manufactured home that is or will be affixed to a permanent foundation, upon recordation of an affidavit of affixation pursuant to paragraph (iii) of subdivision (a) of section three hundred forty-four-b of the real property law and satisfaction of the require-

ments of section twenty-one hundred seventeen-a, twenty-one hundred seventeen-b or twenty-one hundred seventeen-c of this article, any perfection or termination of a security interest with respect to such manufactured home shall conform to the requirements of article nine-E of the real property law.

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

(2) [~~Notwithstanding any other provision of law~~] Except as provided in section twenty-one hundred seventeen-b and subdivision (e) of section twenty-one hundred eighteen of this article, the commissioner shall not suspend or revoke a certificate of title to a [~~vehicle which is a mobile home or~~] manufactured home by reason of the fact that, at any time, in any manner, it shall have become attached to [~~realty~~] real property.

§ 8. The real property law is amended by adding a new article 9-E to read as follows:

#### ARTICLE 9-E

#### CONVEYANCE AND ENCUMBRANCE OF MANUFACTURED HOMES AS REAL PROPERTY

Section 344-a. Manufactured home; affixed to a permanent foundation.

344-b. Conversion procedure.

344-c. Affidavit of affixation.

344-d. Disposition of liens.

344-e. Notice to commissioner of motor vehicles.

344-f. Time of conversion.

344-g. Conveyance and encumbrance as real property.

344-h. Manufactured homes that remain personal property.

344-i. Documents in trust.

344-j. Home warranty.

344-k. Impairment of rights.

§ 344-a. Manufactured home; affixed to a permanent foundation. For purposes of this article, the term "manufactured home" means a "manufactured home" as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code. For purposes of this section, article forty-six of the vehicle and traffic law, and the uniform commercial code, a manufactured home is "affixed to a permanent foundation" if it is anchored to real property by attachment to a permanent foundation, and connected to a residential utility, such as water, gas, electricity, sewer or septic service.

§ 344-b. Conversion procedure. (a) A manufactured home shall be deemed to be real property and shall be governed by the laws applicable thereto when the following conditions are satisfied:

(i) The manufactured home shall be affixed to a permanent foundation;

(ii) The ownership interests in the manufactured home and the real property to which the manufactured home is or shall be affixed shall be identical, provided, however, that the owner of the manufactured home, if not the owner of the real property, is in possession of the real property under the terms of a lease in recordable form, and the owner has the written consent of the lessor of the real property; and

(iii) Each person having an ownership interest in such home shall execute and record with the recording officer of the county or counties in which the real property is located an affidavit of affixation as provided in section three hundred forty-four-c of this article, and satisfy the other applicable requirements of this article.

(b) Upon receipt of the recorded original affidavit of affixation pursuant to section three hundred forty-four-e of this article, any

1 person designated therein for filing with the commissioner of motor  
2 vehicles shall file the recorded original affidavit of affixation with  
3 the commissioner.

4 (i) In the case where the home is covered by a manufacturer's certifi-  
5 cate of origin, the recorded original affidavit of affixation and the  
6 original manufacturer's certificate of origin shall be filed with the  
7 commissioner pursuant to section twenty-one hundred seventeen-a of the  
8 vehicle and traffic law.

9 (ii) In the case the home is covered by a certificate of title, the  
10 recorded original affidavit of affixation and the original certificate  
11 of title shall be filed with the commissioner in accordance with section  
12 twenty-one hundred seventeen-b of the vehicle and traffic law.

13 (iii) In the case the home is not covered by a manufacturer's certifi-  
14 cate of origin or a certificate of title, or where a manufactured home  
15 that is covered by a manufacturer's certificate of origin or certificate  
16 of title but which the owner or owners, after diligent search and  
17 inquiry, are unable to produce, the recorded original affidavit of affi-  
18 xation shall be filed with the commissioner in accordance with section  
19 twenty-one hundred seventeen-c of the vehicle and traffic law.

20 § 344-c. Affidavit of affixation. (a) To convey or voluntarily encum-  
21 ber a manufactured home, an affidavit of affixation shall contain or be  
22 accompanied by:

23 (i) so far as the data exists, the name of the manufacturer, the make,  
24 the model name, the model year, the dimensions, and the vehicle iden-  
25 tification number or numbers of the manufactured home, and whether it is  
26 new or used;

27 (ii)(A) a statement that the party executing the affidavit is the  
28 owner of the real property described therein or, (B) if not the owner of  
29 the real property, (1) a statement that the party executing the affida-  
30 vit is in possession of the real property pursuant to the terms of a  
31 lease in recordable form, and (2) the consent of the lessor of the real  
32 property shall be endorsed upon or attached to the affidavit and be  
33 acknowledged or proved in the manner as to entitle a conveyance to be  
34 recorded;

35 (iii) the street address and the legal description of the real proper-  
36 ty upon which the manufactured home is or will be affixed to a permanent  
37 foundation;

38 (iv) a statement that the manufactured home is or shall be affixed to  
39 a permanent foundation to the real property;

40 (v) the name and address of the person designated for filing the  
41 recorded original affidavit of affixation with the commissioner of motor  
42 vehicles, to whom the recording officer shall return the affidavit of  
43 affixation after it has been duly recorded in the real property records,  
44 as provided in this section.

45 (b) The affidavit of affixation shall be in the form set forth in  
46 subdivision (c) of this section, duly sworn and when so sworn, upon  
47 payment of the lawful fees therefor, the recording officer shall imme-  
48 diately cause the affidavit of affixation and any attachments thereto,  
49 to be duly recorded and indexed in the record of deeds.

50 (c) An affidavit of affixation shall be in substantially the form set  
51 forth below:

52 \_\_\_\_\_, 20\_\_\_\_  
53 Date

54 Place of Recording

1 Record & Return by [] Mail [] Pickup to:

2 Name

### 3 Address 1

#### 4 Address 2

5 MANUFACTURED HOME AFFIDAVIT OF AFFIXATION

6 Homeowner, being duly sworn, on his or her oath, states as follows:

7 1. Homeowner owns the manufactured home ("Home") described as follows:

| 8 | <u>New/Used</u> | <u>Year</u> | <u>Manufacturer's Name</u> | <u>Model Name or Model No.</u> |
|---|-----------------|-------------|----------------------------|--------------------------------|
|---|-----------------|-------------|----------------------------|--------------------------------|

| 9 | Manufacturer's Serial No. | Length / Width |
|---|---------------------------|----------------|
|---|---------------------------|----------------|

10 2. The Home is or will be located at the following "Property Address":

| 11 | Street or Route | City | County | State | Zip Code |
|----|-----------------|------|--------|-------|----------|
|----|-----------------|------|--------|-------|----------|

12 3. The legal description of the Property Address ("Land") is:

13 4. The Homeowner is the owner of the Land or, if not the owner of the  
14 Land, is in possession of the real property pursuant to a lease in  
15 recordable form, and the consent of the lessor is attached to this  
16 Affidavit.

17 5. The Home is, or shall be promptly upon delivery, anchored to the Land  
18 by attachment to a permanent foundation and connected to appropriate  
19 residential utilities (e.g., water, gas, electricity, sewer).

20 6. Homeowner intends that the Home be an immovable fixture and a  
21 permanent improvement to the Land, free of any personal property  
22 security interest.

23 7. The Home shall be assessed and taxed as an improvement to the Land.

24 IN WITNESS WHEREOF, Homeowner(s) has executed this Affidavit in my  
25 presence.

26 (Seal)

27 **Homeowner #1**

28 Printed Name

29 (Seal)

30 Homeowner #2

1 Printed Name

2 STATE OF )

3 ) ss.:

4 COUNTY OF )

5 Subscribed and sworn to (or affirmed) before me on the  
6 day of in the year

7 Notary Signature

8 Notary Printed Name

9 Notary Public; State of  
10 Qualified in the County of  
11 My commission expires:

12 Official Seal:

13 Lender's Statement of Intent:

14 The undersigned ("Lender") intends that the Home be an immovable fixture  
15 and a permanent improvement to the Land.

16 \_\_\_\_\_  
17 Lender

18 By:  
19 Authorized Signature

20 STATE OF )

21 ) ss.:

22 COUNTY OF )

23 On the day of in the year before me, the  
24 undersigned, a Notary Public in and for said State, personally appeared  
25 \_\_\_\_\_,  
26 personally known to me or proved to me on the basis of satisfactory  
27 evidence to be the individual(s) whose name(s) is(are) subscribed to the  
28 within instrument and acknowledged to me that he/she/they executed the  
29 same in his/her/their capacity(ies), and that by his/her/their  
30 signature(s) on the instrument, the individual(s), or the person on  
31 behalf of which the individual(s) acted, executed the instrument.

32 \_\_\_\_\_  
33 Notary Signature

34 \_\_\_\_\_  
35 Notary Printed Name

1 Notary Public; State of  
2 Qualified in the County of  
3 My commission expires:  
4 Official Seal:

5 (d) The fee for recording an affidavit of affixation shall be two  
6 hundred dollars.

7 (e) No transfer tax shall be due upon the filing of an affidavit of  
8 affixation.

9 § 344-d. Disposition of liens. Neither the act of affixing a manufac-  
10 tured home to real property, nor the recording of the affidavit of affi-  
11 xation shall impair the rights of any holder of a security interest in a  
12 manufactured home perfected as provided in section twenty-one hundred  
13 eighteen of the vehicle and traffic law, unless and until the due filing  
14 with and acceptance by the commissioner of motor vehicles of an applica-  
15 tion to surrender the title and a release of any lien as provided in  
16 section twenty-one hundred twenty-one of the vehicle and traffic law.  
17 Upon the filing of such a release, the security interest created under  
18 the vehicle and traffic law terminates. The recording of an affidavit  
19 of affixation does not change the character of the lien noted on a  
20 certificate of title, and no mortgage recording tax shall be imposed at  
21 the time an affidavit of affixation is recorded or upon any lien upon a  
22 manufactured home created under the vehicle and traffic law.

23 § 344-e. Notice to commissioner of motor vehicles. Upon payment of  
24 the fees provided by law and recordation of the affidavit of affixation,  
25 the recording officer shall endorse the affidavit as "recorded in land  
26 records", setting forth thereon the indexing information for the affida-  
27 vit of affixation and the recording officer shall forthwith forward the  
28 recorded original affidavit of affixation to the person designated ther-  
29 ein for filing with the commissioner of motor vehicles.

30 § 344-f. Time of conversion. (a) A manufactured home shall be consid-  
31 ered real property as provided in section three hundred forty-four-g of  
32 this article when an application to surrender a manufacturer's certif-  
33 icate of origin pursuant to section twenty-one hundred seventeen-a of  
34 the vehicle and traffic law, an application to surrender a certificate  
35 of title pursuant to section twenty-one hundred seventeen-b of the vehi-  
36 cle and traffic law, or an application for confirmation of conversion  
37 pursuant to section twenty-one hundred seventeen-c of the vehicle and  
38 traffic law is delivered to and accepted by the commissioner of motor  
39 vehicles.

40 (b) Notwithstanding subdivision (a) of this section, a manufactured  
41 home shall be considered real property as provided in section three  
42 hundred forty-four-g of this article if an application to surrender a  
43 manufacturer's certificate of origin pursuant to section twenty-one  
44 hundred seventeen-a of the vehicle and traffic law, an application to  
45 surrender a certificate of title pursuant to section twenty-one hundred  
46 seventeen-b of the vehicle and traffic law, or an application for  
47 confirmation of conversion pursuant to section twenty-one hundred seven-  
48 teen-c of the vehicle and traffic law is delivered to the commissioner  
49 of motor vehicles within thirty days of recording the related affidavit  
50 of affixation with the recording officer in the county in which the real  
51 property to which the manufactured home is or shall be affixed and the  
52 application is thereafter accepted by the commissioner, the requirements  
53 of this section shall be deemed satisfied as of the date the affidavit  
54 of affixation is recorded.

55 § 344-g. Conveyance and encumbrance as real property. Upon satisfac-  
56 tion of the conditions provided in section three hundred forty-four-b of

1 this article, any mortgage, lien or security interest which can attach  
2 to land, buildings erected thereon or fixtures affixed thereto, shall  
3 attach, as of the date of recording in the same manner as real property.  
4 Title to such manufactured home shall be transferred by deed or other  
5 form of conveyance that is effective to transfer an interest in real  
6 property, together with the land to which such structure is affixed. The  
7 manufactured home shall be deemed to be real property and shall be  
8 governed by the laws of this state applicable to real property.

9 § 344-h. Manufactured homes that remain personal property. Except as  
10 provided in section three hundred forty-four-b, section three hundred  
11 forty-four-c, and section three hundred forty-four-e, of this article,  
12 an affidavit of affixation is not necessary or effective to convey or  
13 encumber a manufactured home or to change the character of the manufac-  
14 tured home to real property.

15 § 344-i. Documents in trust. (a) Manufacturer's certificate of origin.  
16 The holder of a manufacturer's certificate of origin to a manufactured  
17 home may deliver it to any person to facilitate conveying or encumbering  
18 the home. Any person receiving any such manufacturer's certificate of  
19 origin so delivered holds it in trust for the person delivering it.

20 (b) Certificate of title. The holder of a certificate of title to a  
21 manufactured home may deliver it to any person to facilitate conveying  
22 or encumbering the home. Any person receiving any such manufacturer's  
23 certificate of title so delivered holds it in trust for the person  
24 delivering it.

25 (c) Lien release. The holder of a security interest in a manufactured  
26 home may deliver lien release documents to any person to facilitate  
27 conveying or encumbering the home. Any person receiving any such docu-  
28 ments so delivered holds the documents in trust for the lienholder.

29 § 344-j. Home warranty. A warranty that applies to a manufactured home  
30 when it is sold and rights arising from a breach of the warranty are not  
31 affected by a subsequent change in the home's classification as real  
32 property pursuant to this article. No additional warranty applies to a  
33 manufactured home solely because of a subsequent change in the home's  
34 classification as real property.

35 § 344-k. Impairment of rights. Nothing in this section shall impair  
36 any rights existing under law prior to the effective date of this  
37 section of anyone claiming an interest in a manufactured home.

38 § 9. This act shall take effect one year after it shall have become a  
39 law. Effective immediately, the addition, amendment and/or repeal of any  
40 rule or regulation necessary for the implementation of this act on its  
41 effective date are authorized to be made and completed on or before such  
42 effective date.