

6081

2009-2010 Regular Sessions

I N S E N A T E

July 6, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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.

16 S 2. Section 122-c of the vehicle and traffic law, as added by chapter
17 322 of the laws of 1993, is amended to read as follows:

18 S 122-c. Mobile home or manufactured home. A structure, transportable
19 in one or more sections, which in the traveling mode, is eight body feet
20 or more in width or forty body feet or more in length, or when erected
21 on site, is three hundred twenty or more square feet, and which is built
22 on a permanent chassis and designed to be used as a dwelling with or
23 without a permanent foundation when connected to required utilities, and

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

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1 includes the plumbing, heating, air-conditioning and electrical systems
2 contained therein. NOTWITHSTANDING THE FOREGOING, FOR THE PURPOSES OF
3 11 USC S 1322(B)(2), A MANUFACTURED HOME SHALL BE DEEMED TO BE REAL
4 PROPERTY.

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

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

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

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

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

26 (F) THE COMMISSIONER SHALL MAINTAIN A RECORD OF ALL AFFIDAVITS OF
27 AFFIXATION HE OR SHE FILES IN ACCORDANCE WITH SUBDIVISION (E) OF THIS
28 SECTION. THE RECORD SHALL STATE THE NAME OF THE OWNER OF THE MANUFAC-
29 TURED HOME, THE COUNTY OF RECORDATION, THE DATE OF RECORDATION, AND THE
30 BOOK AND PAGE NUMBER OF EACH BOOK OF DEEDS WHERE THERE HAS BEEN RECORDED
31 AN AFFIDAVIT OF AFFIXATION PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A
32 OF THE REAL PROPERTY LAW AND THIS ARTICLE, AND ANY OTHER DATA THE
33 COMMISSIONER PRESCRIBES.

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

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

48 (I) THE COMMISSIONER SHALL MAINTAIN A RECORD OF EACH AFFIDAVIT OF
49 SEVERANCE HE OR SHE FILES IN ACCORDANCE WITH SUBDIVISION (E) OF THIS
50 SECTION. THE RECORD SHALL STATE THE NAME OF THE OWNER OF THE MANUFAC-
51 TURED HOME, THE COUNTY OF RECORDATION, THE DATE OF RECORDATION, AND THE
52 BOOK AND PAGE NUMBER OF EACH BOOK OF DEEDS WHERE THERE HAS BEEN RECORDED
53 AN AFFIDAVIT OF SEVERANCE PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A
54 OF THE REAL PROPERTY LAW, AND ANY OTHER DATA THE COMMISSIONER
55 PRESCRIBES.

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

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

10 S 6. The vehicle and traffic law is amended by adding two new sections
11 2117-a and 2117-b to read as follows:

12 S 2117-A. SURRENDER OF TITLE TO A MANUFACTURED HOME. (A) THE OWNER OR
13 OWNERS OF A MANUFACTURED HOME THAT IS COVERED BY A CERTIFICATE OF TITLE
14 AND THAT IS PERMANENTLY AFFIXED TO REAL PROPERTY, OR WHICH THE OWNER
15 INTENDS TO PERMANENTLY AFFIX TO REAL PROPERTY, MAY SURRENDER THE CERTIF-
16 ICATE OF TITLE TO THE MANUFACTURED HOME TO THE COMMISSIONER BY FILING
17 WITH THE COMMISSIONER AN APPLICATION FOR SURRENDER OF TITLE CONTAINING
18 OR ACCOMPANIED BY:

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

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

25 (3) THE DATE OF PURCHASE BY APPLICANT OF THE MANUFACTURED HOME, THE
26 NAME AND ADDRESS OF THE PERSON FROM WHOM THE HOME WAS ACQUIRED AND THE
27 NAMES AND ADDRESSES OF ANY LIENHOLDERS IN THE ORDER OF THEIR APPARENT
28 PRIORITY;

29 (4) 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 INTERESTS IN IT; OR (II) THAT NO SUCH FACTS OR
33 INFORMATION ARE KNOWN TO THE APPLICANT;

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

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

38 (7) ANY OTHER INFORMATION AND DOCUMENTS THE COMMISSIONER REASONABLY
39 REQUIRES TO IDENTIFY THE OWNER OF THE MANUFACTURED HOME AND TO ENABLE
40 HIM OR HER TO DETERMINE WHETHER THE OWNER IS ENTITLED TO SURRENDER THE
41 CERTIFICATE OF TITLE AND THE EXISTENCE OR NON-EXISTENCE OF SECURITY
42 INTERESTS IN THE MANUFACTURED HOME.

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

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

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

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

S 2117-B. APPLICATION TO REINSTATE CERTIFICATE OF TITLE TO A MANUFACTURED HOME. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHERE A MANUFACTURED HOME HAS BEEN PERMANENTLY AFFIXED TO REAL PROPERTY, AND AN AFFIDAVIT OF AFFIXATION PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL PROPERTY LAW HAS BEEN RECORDED AS PART OF THE REAL PROPERTY RECORDS IN THE COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED, AND WHERE THE MANUFACTURED HOME SUBSEQUENTLY IS DETACHED OR SEVERED FROM THE REAL PROPERTY, THE OWNER OR OWNERS MAY APPLY TO REINSTATE THE CERTIFICATE OF TITLE BY FILING WITH THE COMMISSIONER AN APPLICATION TO REINSTATE THE CERTIFICATE OF TITLE TO A MANUFACTURED HOME CONTAINING OR ACCOMPANIED BY:

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

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

(3) A STATEMENT SIGNED BY THE APPLICANT, STATING EITHER: (I) 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 INTEREST IN IT; OR (II) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO THE APPLICANT;

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

(5) A SWORN DECLARATION BY 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, THAT THE MANUFACTURED HOME IS FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, AND (I) ANY FACTS OR INFORMATION KNOWN TO HIM OR HER 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 (II) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO HIM OR HER; AND

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

(B) WHEN SATISFIED AS TO ITS GENUINENESS AND REGULARITY OF THE APPLICATION TO REINSTATE A CERTIFICATE OF TITLE TO A MANUFACTURED HOME AND UPON SATISFACTION OF THE REQUIREMENTS OF SUBDIVISION (A) OF THIS SECTION, THE COMMISSIONER SHALL ISSUE A NEW CERTIFICATE OF TITLE PURSUANT TO SECTION TWENTY-ONE HUNDRED SEVEN OF THIS ARTICLE AND UPDATE HIS OR HER RECORDS IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-ONE HUNDRED SEVEN OF THIS ARTICLE.

(C) UPON SATISFACTION OF THE REQUIREMENTS OF THIS SECTION A MANUFACTURED HOME SHALL BE CONVEYED AND ENCUMBERED AS PERSONAL PROPERTY.

S 7. 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, 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

1 set forth in subdivision (c) of section [two thousand one] TWENTY-ONE
2 hundred three of this article.

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

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

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

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

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

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

44 S 296-A. CONVEYANCE AND ENCUMBRANCE OF MANUFACTURED HOMES AS REAL
45 PROPERTY. 1. MANUFACTURED HOME; PERMANENTLY AFFIXED TO REAL PROPERTY.
46 FOR PURPOSES OF THIS SECTION, THE TERM "MANUFACTURED HOME" SHALL HAVE
47 THE SAME MEANING AS A MANUFACTURED HOME AS DEFINED IN PARAGRAPH
48 FIFTY-THREE OF SUBSECTION (A) OF SECTION 9-102 OF THE UNIFORM COMMERCIAL
49 CODE. NOTWITHSTANDING THE FORGOING, FOR THE PURPOSES OF 11 USC S
50 1322(B)(2), A MANUFACTURED HOME SHALL BE DEEMED TO BE REAL PROPERTY. FOR
51 PURPOSES OF THIS SECTION, ARTICLE FORTY-SIX OF THE VEHICLE AND TRAFFIC
52 LAW, AND THE UNIFORM COMMERCIAL CODE, A MANUFACTURED HOME IS "PERMANENT-
53 LY AFFIXED" IF IT IS ANCHORED TO REAL PROPERTY BY ATTACHMENT TO A PERMA-
54 NENT FOUNDATION, CONSTRUCTED IN ACCORDANCE WITH APPLICABLE STATE AND
55 LOCAL BUILDING CODES AND MANUFACTURER'S SPECIFICATIONS IN A MANNER
56 SUFFICIENT TO VALIDATE ANY APPLICABLE MANUFACTURER'S WARRANTY, AND

1 CONNECTED TO A RESIDENTIAL UTILITY (E.G., WATER, GAS, ELECTRICITY,
2 SEWER).

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

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

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

12 (B) UPON RECEIPT OF THE CERTIFIED COPY OF THE AFFIDAVIT OF AFFIXATION
13 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, ANY PERSON DESIGNATED
14 THEREIN FOR FILING WITH THE COMMISSIONER OF MOTOR VEHICLES SHALL FILE
15 THE AFFIDAVIT OF AFFIXATION WITH SUCH COMMISSIONER; EXCEPT THAT IN THE
16 CASE WHERE THE HOME IS COVERED BY A CERTIFICATE OF TITLE, THE CERTIFIED
17 AFFIDAVIT OF AFFIXATION SHALL BE FILED WITH THE COMMISSIONER OF MOTOR
18 VEHICLES PURSUANT TO SECTION TWENTY-ONE HUNDRED SEVENTEEN-A OF THE VEHI-
19 CLE AND TRAFFIC LAW.

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

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

25 (II)(A) A STATEMENT THAT THE PARTY EXECUTING THE AFFIDAVIT IS THE
26 OWNER OF THE REAL PROPERTY DESCRIBED THEREIN OR, (B) IF NOT THE OWNER OF
27 THE REAL PROPERTY, (1) A STATEMENT THAT THE PARTY EXECUTING THE AFFIDA-
28 VIT IS IN POSSESSION OF THE REAL PROPERTY PURSUANT TO THE TERMS OF A
29 LEASE IN RECORDABLE FORM, AND (2) THE CONSENT OF THE LESSOR OF THE REAL
30 PROPERTY SHALL BE ENDORSED UPON OR ATTACHED TO THE AFFIDAVIT AND BE
31 ACKNOWLEDGED OR PROVED IN THE MANNER AS TO ENTITLE A CONVEYANCE TO BE
32 RECORDED;

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

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

38 (1) THE ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN FOR THE MANUFAC-
39 TURED HOME, DULY ENDORSED TO THE OWNER OF THE MANUFACTURED HOME; A
40 STATEMENT THAT ANNEXED TO THE AFFIDAVIT OF AFFIXATION IS THE ORIGINAL
41 MANUFACTURER'S CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME, DULY
42 ENDORSED TO THE OWNER OF THE MANUFACTURED HOME; OR

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

46 (B) IF THE MANUFACTURED HOME IS COVERED BY A CERTIFICATE OF TITLE, A
47 STATEMENT BY THE OWNER OR OWNERS OF THE MANUFACTURED HOME THAT THE MANU-
48 FACTURED HOME IS COVERED BY A CERTIFICATE OF TITLE, THE DATE THE TITLE
49 WAS ISSUED, THE TITLE NUMBER, AND THAT THE OWNER OR OWNERS OF THE MANU-
50 FACTURED HOME SHALL SURRENDER THE TITLE; AND

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

53 (1) IF THE MANUFACTURED HOME IS SUBJECT TO ONE OR MORE SECURITY INTER-
54 EST, THE NAME AND ADDRESS OF EACH PARTY HOLDING A SECURITY INTEREST IN
55 THE MANUFACTURED HOME, INCLUDING BUT NOT LIMITED TO, THOSE SHOWN ON ANY
56 CERTIFICATE OF TITLE ISSUED BY THE COMMISSIONER OF MOTOR VEHICLES, IF

ANY, AND THE ORIGINAL PRINCIPAL AMOUNT SECURED BY EACH SECURITY INTEREST; AND A STATEMENT THAT THE SECURITY INTEREST SHALL BE RELEASED; OR

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

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

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

(B) THE AFFIDAVIT OF AFFIXATION SHALL BE IN THE FORM SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, DULY ACKNOWLEDGED OR PROVED IN LIKE MANNER AS TO ENTITLE A CONVEYANCE TO BE RECORDED AND WHEN SO ACKNOWLEDGED OR PROVED, UPON PAYMENT OF THE FEES THEREFOR, THE RECORDING OFFICER SHALL IMMEDIATELY CAUSE THE AFFIDAVIT OF AFFIXATION AND ANY ATTACHMENTS THERETO, TO BE DULY RECORDED AND INDEXED IN THE RECORD OF DEEDS.

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

MANUFACTURED HOME
AFFIDAVIT OF AFFIXATION

STATE OF _____)
) SS.:
COUNTY OF _____)

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

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

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

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

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

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

1 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

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

4 _____
5 _____
6 _____
7 _____

8 6. THE HOMEOWNER IS THE OWNER OF THE LAND OR, IF NOT THE OWNER OF THE
9 LAND, IS IN POSSESSION OF THE REAL PROPERTY PURSUANT TO A LEASE IN
10 RECORDABLE FORM, AND THE CONSENT OF THE LESSOR IS ATTACHED TO THIS
11 AFFIDAVIT.

12 7. THE HOME [___] IS [___] SHALL BE ANCHORED TO THE LAND BY ATTACHMENT TO
13 A PERMANENT FOUNDATION, CONSTRUCTED IN ACCORDANCE WITH APPLICABLE
14 STATE AND LOCAL BUILDING CODES AND MANUFACTURER'S SPECIFICATIONS IN
15 A MANNER SUFFICIENT TO VALIDATE ANY APPLICABLE MANUFACTURER'S
16 WARRANTY, AND CONNECTED TO A RESIDENTIAL UTILITY (E.G., WATER, GAS,
17 ELECTRICITY, SEWER) ("PERMANENTLY AFFIXED").

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

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

22 (A) ALL PERMITS REQUIRED BY GOVERNMENTAL AUTHORITIES HAVE BEEN
23 OBTAINED;

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

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

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

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

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

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

3 NAME OF LIENHOLDER: NAME OF LIENHOLDER:

4 ADDRESS: ADDRESS:

5 ORIGINAL PRINCIPAL ORIGINAL PRINCIPAL
6 AMOUNT SECURED: AMOUNT SECURED:

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

13 13. A RELEASE OF LIEN FROM EACH OF THE LIENHOLDERS IDENTIFIED IN PARA-
14 GRAPH 11 OF THIS AFFIDAVIT [] HAS BEEN [] SHALL BE DELIVERED TO
15 THE COMMISSIONER OF MOTOR VEHICLES.

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

18 [] THE HOME IS NOT COVERED BY A CERTIFICATE OF TITLE. THE
19 ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN, DULY ENDORSED TO
20 THE HOMEOWNER, IS ATTACHED TO THIS AFFIDAVIT.

21 [] THE HOME IS NOT COVERED BY A CERTIFICATE OF TITLE. AFTER DILI-
22 GENT SEARCH AND INQUIRY, THE HOMEOWNER IS UNABLE TO PRODUCE THE
23 ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN.

24 [] THE HOME IS COVERED BY A CERTIFICATE OF TITLE ISSUED ON _____
25 OF _____, _____, TITLE NUMBER _____, WHICH THE HOMEOWNER
26 SHALL SURRENDER.

27 [] THE HOME IS COVERED BY A CERTIFICATE OF TITLE. AFTER DILIGENT
28 SEARCH AND INQUIRY, THE HOMEOWNER IS UNABLE TO PRODUCE THE
29 ORIGINAL CERTIFICATE OF TITLE.

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

34 NAME:

35 ADDRESS:

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

1 IN WITNESS WHEREOF, HOMEOWNER(S) HAS EXECUTED THIS AFFIDAVIT IN MY PRES-
2 ENCE AND IN THE PRESENCE OF THE UNDERSIGNED WITNESSES ON THIS _____
3 DAY OF _____, _____.

4 _____ (SEAL) _____
5 HOMEOWNER #1 WITNESS

6 _____
7 PRINTED NAME

8 _____ (SEAL) _____
9 HOMEOWNER #2 WITNESS

10 _____
11 PRINTED NAME

12 _____ (SEAL) _____
13 HOMEOWNER #3 WITNESS

14 _____
15 PRINTED NAME

16 _____ (SEAL) _____
17 HOMEOWNER #4 WITNESS

18 _____
19 PRINTED NAME

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

36 NOTARY PUBLIC; STATE OF _____
37 QUALIFIED IN THE COUNTY OF _____
38 MY COMMISSION EXPIRES: _____

39 OFFICIAL SEAL:

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

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

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

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

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

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

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

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

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

53 8. MANUFACTURED HOMES THAT REMAIN PERSONAL PROPERTY OR A FIXTURE.
54 EXCEPT AS PROVIDED IN SUBDIVISIONS THREE, FIVE, SIX AND SEVEN OF THIS
55 SECTION, AN AFFIDAVIT OF AFFIXATION IS NOT NECESSARY OR EFFECTIVE TO
56 CONVEY OR ENCUMBER A MANUFACTURED HOME. EVERY CONVEYANCE OF LAND UPON

1 WHICH IS LOCATED A MANUFACTURED HOME WHICH IS COVERED BY A CERTIFICATE
2 OF TITLE ISSUED PURSUANT TO ARTICLE FORTY-SIX OF THE VEHICLE AND TRAFFIC
3 LAW, AND FOR WHICH NO AFFIDAVIT OF AFFIXATION HAS BEEN RECORDED, SHALL
4 CONTAIN A RECITAL THAT SUCH CONVEYANCE DOES NOT AFFECT THE TITLE TO SAID
5 MANUFACTURED HOME AND THAT THE TRANSFER OR ENCUMBRANCE THEREOF CAN ONLY
6 BE MADE PURSUANT TO THE PROVISIONS OF THE VEHICLE AND TRAFFIC LAW. ANY
7 AGREEMENT BY ANY PARTY TO THE TRANSACTION WHEREBY THE REQUIREMENTS OF
8 THIS SUBSECTION ARE WAIVED SHALL BE VOID AS CONTRARY TO PUBLIC POLICY.

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

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

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

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

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

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

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

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

50 (C) THE AFFIDAVIT OF SEVERANCE SHALL CONFORM TO THE REQUIREMENTS OF
51 THIS SECTION. AN AFFIDAVIT OF SEVERANCE IN SUBSTANTIALLY THE FOLLOWING
52 FORM SHALL BE DEEMED TO BE IN COMPLIANCE:

53 MANUFACTURED HOME
54 AFFIDAVIT OF SEVERANCE

1 STATE OF _____)
2) SS.:
3 COUNTY OF _____)

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

6 _____
7 HOMEOWNER #1

8 _____
9 HOMEOWNER #2

10 _____
11 HOMEOWNER #3

12 _____
13 HOMEOWNER #4

14 [TYPE THE NAME(S) OF EACH HOMEOWNER SIGNING THIS AFFIDAVIT]:

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

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

19 _____
20 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

21 MAILING ADDRESS, IF DIFFERENT:

22 _____
23 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

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

25 _____
26 NEW/USED YEAR MANUFACTURER'S MODEL NAME MANUFACTURER'S LENGTH/WIDTH
27 NAME AND MODEL SERIAL NO.
28 NO.

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

30 _____
31 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

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

34 _____
35 _____
36 _____
37 _____

1 5. AN AFFIDAVIT OF AFFIXATION WAS DULY RECORDED IN THE BOOK OF DEEDS OF
2 _____ COUNTY ON _____, IN BOOK NUMBER _____ AT PAGE
3 NUMBER _____.

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

6 NAME OF LIENHOLDER: NAME OF LIENHOLDER:

7 ADDRESS: ADDRESS:

8 ORIGINAL PRINCIPAL ORIGINAL PRINCIPAL
9 AMOUNT SECURED: AMOUNT SECURED:

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

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

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

30 NAME:

31 ADDRESS:

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

34 IN WITNESS WHEREOF, HOMEOWNER(S) HAS EXECUTED THIS AFFIDAVIT IN MY PRES-
35 ENCE AND IN THE PRESENCE OF THE UNDERSIGNED WITNESSES ON THIS _____
36 DAY OF _____, _____.

37 _____ (SEAL)

38 HOMEOWNER #1

WITNESS

39 _____
40 PRINTED NAME

41 _____ (SEAL)

1 HOMEOWNER #2

WITNESS

2 _____
3 PRINTED NAME

4 _____ (SEAL)
5 HOMEOWNER #3

WITNESS

6 _____
7 PRINTED NAME

8 _____ (SEAL)
9 HOMEOWNER #4

WITNESS

10 _____
11 PRINTED NAME

12 STATE OF _____)
13) SS.:
14 COUNTY OF _____)

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

24 _____
25 NOTARY SIGNATURE

26 _____
27 NOTARY PRINTED NAME

28 NOTARY PUBLIC; STATE OF _____
29 QUALIFIED IN THE COUNTY OF _____
30 MY COMMISSION EXPIRES: _____

31 OFFICIAL SEAL:

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

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

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

42 11. DAMAGES FOR FAILURE TO COMPLY WITH THIS SECTION. EACH PERSON,
43 OTHER THAN A COUNTY CLERK OR THE COMMISSIONER OF MOTOR VEHICLES, KNOW-
44 INGLY AND WILLINGLY EXECUTING, RECORDING OR FILING ANY AFFIDAVIT OF

1 AFFIXATION, AFFIDAVIT OF SEVERANCE OR ANY LIEN RELEASE DOCUMENT WHICH
2 FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, OR STATES ANY
3 FACT FINALLY DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE
4 UNTRUE, OR FAILS TO STATE ANY FACT, THE OMISSION OF WHICH IS FINALLY
5 DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE MATERIAL, SHALL BE
6 STRICTLY LIABLE, JOINTLY AND SEVERALLY, TO ANY PERSON DAMAGED THEREBY.
7 S 11. This act shall take effect January 1, 2010; provided, however,
8 that the commissioner of motor vehicles shall promulgate any rules or
9 regulations necessary for the timely implementation of this act on or
10 before such date.