

9239

I N A S S E M B L Y

April 2, 2014

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 ASSEM-
BLY, 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.
19 S 2. Section 122-c of the vehicle and traffic law, as added by chapter
20 322 of the laws of 1993, is amended to read as follows:
21 S 122-c. Mobile home or manufactured home. A structure, transportable
22 in one or more sections, which in the traveling mode, is eight body feet
23 or more in width or forty body feet or more in length, or when erected
24 on site, is three hundred twenty or more square feet, and which is built
25 on a permanent chassis and designed to be used as a dwelling with or
26 without a permanent foundation when connected to required utilities, and
27 includes the plumbing, heating, air-conditioning and electrical systems
28 contained therein. NOTWITHSTANDING THE FOREGOING, FOR THE PURPOSES OF

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

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1 11 USC S 1322(B)(2), A MANUFACTURED HOME SHALL BE DEEMED TO BE REAL
2 PROPERTY.

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

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

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

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

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

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

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

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

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

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

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

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

S 2117-A. SURRENDER OF TITLE TO A MANUFACTURED HOME. (A) THE OWNER OR OWNERS OF A MANUFACTURED HOME THAT IS COVERED BY A CERTIFICATE OF TITLE AND THAT IS PERMANENTLY AFFIXED TO REAL PROPERTY, OR WHICH THE OWNER INTENDS TO PERMANENTLY AFFIX TO REAL PROPERTY, MAY SURRENDER THE CERTIFICATE OF TITLE TO THE MANUFACTURED HOME TO THE COMMISSIONER BY FILING WITH THE COMMISSIONER AN APPLICATION FOR SURRENDER OF TITLE 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) THE DATE OF PURCHASE BY APPLICANT OF THE MANUFACTURED HOME, THE NAME AND ADDRESS OF THE PERSON FROM WHOM THE HOME WAS ACQUIRED AND THE NAMES AND ADDRESSES OF ANY LIENHOLDERS IN THE ORDER OF THEIR APPARENT PRIORITY;

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

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

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

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

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

(C) WHEN SATISFIED AS TO THE GENUINENESS AND REGULARITY OF THE SURRENDER OF A CERTIFICATE OF TITLE TO A MANUFACTURED HOME AND UPON SATISFACTION OF THE REQUIREMENTS OF SUBDIVISIONS (A) AND (B) OF THIS SECTION, THE COMMISSIONER SHALL CANCEL THE CERTIFICATE OF TITLE AND UPDATE HIS OR HER RECORDS IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISIONS (G) AND (H) OF SECTION TWENTY-ONE HUNDRED SEVEN OF THIS ARTICLE.

(D) UPON SATISFACTION OF THE REQUIREMENTS OF THIS SECTION A MANUFACTURED HOME SHALL BE CONVEYED AND ENCUMBERED AS PROVIDED IN SUBDIVISION 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.

1 S 2117-B. APPLICATION TO REINSTATE CERTIFICATE OF TITLE TO A MANUFAC-
2 TURED HOME. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHERE A
3 MANUFACTURED HOME HAS BEEN PERMANENTLY AFFIXED TO REAL PROPERTY, AND AN
4 AFFIDAVIT OF AFFIXATION PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A OF
5 THE REAL PROPERTY LAW HAS BEEN RECORDED AS PART OF THE REAL PROPERTY
6 RECORDS IN THE COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED, AND
7 WHERE THE MANUFACTURED HOME SUBSEQUENTLY IS DETACHED OR SEVERED FROM THE
8 REAL PROPERTY, THE OWNER OR OWNERS MAY APPLY TO REINSTATE THE CERTIF-
9 ICATE OF TITLE BY FILING WITH THE COMMISSIONER AN APPLICATION TO REIN-
10 STATE THE CERTIFICATE OF TITLE TO A MANUFACTURED HOME CONTAINING OR
11 ACCOMPANIED BY:

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

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

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

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

25 (5) A SWORN DECLARATION BY AN ATTORNEY AT LAW, DULY ADMITTED TO PRAC-
26 TICE IN THE COURTS OF THE STATE OF NEW YORK, OR AN AGENT OF A TITLE
27 INSURANCE COMPANY DULY LICENSED TO ISSUE POLICIES OF TITLE INSURANCE IN
28 THE STATE OF NEW YORK, THAT THE MANUFACTURED HOME IS FREE AND CLEAR OF
29 ALL LIENS AND ENCUMBRANCES, AND (I) ANY FACTS OR INFORMATION KNOWN TO
30 HIM OR HER 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 (II) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO HIM
33 OR HER; AND

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

39 (B) WHEN SATISFIED AS TO ITS GENUINENESS AND REGULARITY OF THE APPLI-
40 CATION TO REINSTATE A CERTIFICATE OF TITLE TO A MANUFACTURED HOME AND
41 UPON SATISFACTION OF THE REQUIREMENTS OF SUBDIVISION (A) OF THIS
42 SECTION, THE COMMISSIONER SHALL ISSUE A NEW CERTIFICATE OF TITLE PURSU-
43 ANT TO SECTION TWENTY-ONE HUNDRED SEVEN OF THIS ARTICLE AND UPDATE HIS
44 OR HER RECORDS IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-ONE
45 HUNDRED SEVEN OF THIS ARTICLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (2) A STATEMENT THAT EACH SECURITY INTEREST IN THE MANUFACTURED HOME,
 2 IF ANY, HAS BEEN RELEASED, TOGETHER WITH DUE PROOF OF EACH SUCH RELEASE,
 3 IF ANY;
 4 (V) A STATEMENT THAT THE MANUFACTURED HOME IS OR SHALL BE PERMANENTLY
 5 AFFIXED TO THE REAL PROPERTY; AND
 6 (VI) THE NAME AND ADDRESS OF THE PERSON DESIGNATED FOR RECORDING THE
 7 AFFIDAVIT OF AFFIXATION WITH THE COMMISSIONER OF MOTOR VEHICLES, TO WHOM
 8 THE RECORDING OFFICER SHALL RETURN THE AFFIDAVIT OF AFFIXATION AFTER IT
 9 HAS BEEN DULY RECORDED IN THE REAL PROPERTY RECORDS, AS PROVIDED IN THIS
 10 SECTION.
 11 (B) THE AFFIDAVIT OF AFFIXATION SHALL BE IN THE FORM SET FORTH IN
 12 PARAGRAPH (C) OF THIS SUBDIVISION, DULY ACKNOWLEDGED OR PROVED IN LIKE
 13 MANNER AS TO ENTITLE A CONVEYANCE TO BE RECORDED AND WHEN SO ACKNOWL-
 14 EDGED OR PROVED, UPON PAYMENT OF THE FEES THEREFOR, THE RECORDING OFFI-
 15 CER SHALL IMMEDIATELY CAUSE THE AFFIDAVIT OF AFFIXATION AND ANY ATTACH-
 16 MENTS THERETO, TO BE DULY RECORDED AND INDEXED IN THE RECORD OF DEEDS.
 17 (C) AN AFFIDAVIT OF AFFIXATION SHALL CONFORM TO THE REQUIREMENTS OF
 18 THIS SUBDIVISION. AN AFFIDAVIT IN SUBSTANTIALLY THE FOLLOWING FORM SHALL
 19 BE DEEMED TO BE IN COMPLIANCE:

20 MANUFACTURED HOME
 21 AFFIDAVIT OF AFFIXATION

22 STATE OF _____)
 23) SS.:
 24 COUNTY OF _____)

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

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

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

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

32 _____
 33 NEW/USED YEAR MANUFACTURER'S MODEL NAME MANUFACTURER'S LENGTH/WIDTH
 34 NAME AND MODEL SERIAL NO.
 35 NO.

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

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

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

43 _____
 44 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

- 1 5. THE LEGAL DESCRIPTION OF THE REAL PROPERTY WHERE THE HOME IS OR WILL
2 BE PERMANENTLY AFFIXED ("LAND") IS:
- 3 _____
4 _____
5 _____
6 _____
- 7 6. THE HOMEOWNER IS THE OWNER OF THE LAND OR, IF NOT THE OWNER OF THE
8 LAND, IS IN POSSESSION OF THE REAL PROPERTY PURSUANT TO A LEASE IN
9 RECORDABLE FORM, AND THE CONSENT OF THE LESSOR IS ATTACHED TO THIS
10 AFFIDAVIT.
- 11 7. THE HOME {___} IS {___} SHALL BE ANCHORED TO THE LAND BY ATTACHMENT TO
12 A PERMANENT FOUNDATION, CONSTRUCTED IN ACCORDANCE WITH APPLICABLE
13 STATE AND LOCAL BUILDING CODES AND MANUFACTURER'S SPECIFICATIONS IN
14 A MANNER SUFFICIENT TO VALIDATE ANY APPLICABLE MANUFACTURER'S
15 WARRANTY, AND CONNECTED TO A RESIDENTIAL UTILITY (E.G., WATER, GAS,
16 ELECTRICITY, SEWER) ("PERMANENTLY AFFIXED").
- 17 8. THE HOME SHALL BE ASSESSED AND TAXED AS AN IMPROVEMENT TO THE LAND.
- 18 9. HOMEOWNER AGREES THAT AS OF TODAY, OR IF THE HOME IS NOT YET LOCATED
19 AT THE PROPERTY ADDRESS, UPON THE DELIVERY OF THE HOME TO THE PROP-
20 ERTY ADDRESS:
- 21 (A) ALL PERMITS REQUIRED BY GOVERNMENTAL AUTHORITIES HAVE BEEN
22 OBTAINED;
- 23 (B) THE FOUNDATION SYSTEM FOR THE HOME WAS DESIGNED BY AN ENGINEER
24 TO MEET THE SOIL CONDITIONS OF THE PROPERTY ADDRESS. ALL FOUNDA-
25 TIONS, BOTH PERIMETER AND PIERS FOR THE HOME HAVE FOOTINGS THAT
26 ARE LOCATED BELOW THE FROST LINE, AND WILL BE PLACED WHERE THE
27 HOME MANUFACTURER RECOMMENDS. ALL FOUNDATIONS ARE CONSTRUCTED IN
28 ACCORDANCE WITH APPLICABLE STATE AND LOCAL BUILDING CODES, AND
29 MANUFACTURER'S SPECIFICATIONS IN A MANNER SUFFICIENT TO VALIDATE
30 ANY APPLICABLE MANUFACTURER'S WARRANTY.
- 31 (C) THE WHEELS, AXLES, TOWBAR OR HITCH WERE REMOVED WHEN THE HOME
32 WAS, OR WILL BE, PLACED ON THE PROPERTY ADDRESS;
- 33 (D) THE HOME IS (I) PERMANENTLY AFFIXED TO A FOUNDATION, (II) HAS
34 THE CHARACTERISTICS OF SITE-BUILT HOUSING, AND (III) IS PART OF
35 THE LAND; AND
- 36 (E) THE HOME IS PERMANENTLY CONNECTED TO A SEPTIC TANK OR SEWAGE
37 SYSTEM AND OTHER UTILITIES SUCH AS ELECTRICITY, WATER AND
38 NATURAL GAS.
- 39 10. IF THE HOMEOWNER IS THE OWNER OF THE LAND, ANY CONVEYANCE OR FINANC-
40 ING OF THE HOME AND THE LAND SHALL BE A SINGLE TRANSACTION UNDER
41 APPLICABLE STATE LAW.
- 42 11. THE HOME IS SUBJECT TO THE FOLLOWING SECURITY INTERESTS (EACH, A
43 "SECURITY INTEREST"):

1 NAME OF LIENHOLDER: NAME OF LIENHOLDER:
2 ADDRESS: ADDRESS:
3 ORIGINAL PRINCIPAL ORIGINAL PRINCIPAL
4 AMOUNT SECURED: AMOUNT SECURED:

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

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

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

16 {___} THE HOME IS NOT COVERED BY A CERTIFICATE OF TITLE. THE
17 ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN, DULY ENDORSED TO
18 THE HOMEOWNER, IS ATTACHED TO THIS AFFIDAVIT.

19 {___} THE HOME IS NOT COVERED BY A CERTIFICATE OF TITLE. AFTER DILI-
20 GENT SEARCH AND INQUIRY, THE HOMEOWNER IS UNABLE TO PRODUCE THE
21 ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN.

22 {___} THE HOME IS COVERED BY A CERTIFICATE OF TITLE ISSUED ON _____
23 OF _____, _____, TITLE NUMBER _____, WHICH THE HOMEOWNER
24 SHALL SURRENDER.

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

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

32 NAME:

33 ADDRESS:

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

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

39 _____ (SEAL) _____

1 HOMEOWNER #1

WITNESS

2 _____
3 PRINTED NAME

4 _____ (SEAL)
5 HOMEOWNER #2

WITNESS

6 _____
7 PRINTED NAME

8 _____ (SEAL)
9 HOMEOWNER #3

WITNESS

10 _____
11 PRINTED NAME

12 _____ (SEAL)
13 HOMEOWNER #4

WITNESS

14 _____
15 PRINTED NAME

16 STATE OF _____)
17) SS.:
18 COUNTY OF _____)

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

28 _____
29 NOTARY SIGNATURE

30 _____
31 NOTARY PRINTED NAME

32 NOTARY PUBLIC; STATE OF _____
33 QUALIFIED IN THE COUNTY OF _____
34 MY COMMISSION EXPIRES: _____

35 OFFICIAL SEAL:

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

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

41 4. DISPOSITION OF LIENS. NEITHER THE ACT OF PERMANENTLY AFFIXING A
42 MANUFACTURED HOME TO REAL PROPERTY, NOR THE RECORDING OF THE AFFIDAVIT

1 OF AFFIXATION SHALL IMPAIR THE RIGHTS OF ANY HOLDER OF A SECURITY INTER-
2 EST IN A MANUFACTURED HOME PERFECTED AS PROVIDED IN SECTION TWENTY-ONE
3 HUNDRED EIGHTEEN OF THE VEHICLE AND TRAFFIC LAW, UNLESS AND UNTIL THE
4 DUE FILING WITH AND ACCEPTANCE BY THE COMMISSIONER OF MOTOR VEHICLES OF
5 AN APPLICATION TO SURRENDER THE TITLE AND A RELEASE OF ANY LIEN AS
6 PROVIDED IN SECTION TWENTY-ONE HUNDRED TWENTY-ONE OF THE VEHICLE AND
7 TRAFFIC LAW. UPON THE FILING OF SUCH A RELEASE, THE SECURITY INTEREST
8 CREATED UNDER THE VEHICLE AND TRAFFIC LAW TERMINATES. THE RECORDING OF
9 AN AFFIDAVIT OF AFFIXATION DOES NOT CHANGE THE CHARACTER OF THE LIEN
10 NOTED ON A CERTIFICATE OF TITLE, AND NO MORTGAGE RECORDING TAX SHALL BE
11 IMPOSED AT THE TIME AN AFFIDAVIT OF AFFIXATION IS RECORDED UPON ANY LIEN
12 UPON A MANUFACTURED HOME CREATED UNDER THE VEHICLE AND TRAFFIC LAW.

13 5. NOTICE TO COMMISSIONER OF MOTOR VEHICLES. UPON THE PAYMENT OF THE
14 FEES PROVIDED BY LAW AND RECORDATION OF THE AFFIDAVIT OF AFFIXATION OR
15 AFFIDAVIT OF SEVERANCE, THE RECORDING OFFICER SHALL ENDORSE THE AFFIDA-
16 VIT AS "RECORDED IN LAND RECORDS", SETTING FORTH THEREON THE INDEXING
17 INFORMATION FOR THE AFFIDAVIT OF AFFIXATION OR THE AFFIDAVIT OF SEVER-
18 ANCE AND THE RECORDING OFFICER SHALL FORTHWITH FORWARD A CERTIFIED COPY
19 OF THE AFFIDAVIT OF AFFIXATION OR THE AFFIDAVIT OF SEVERANCE TO THE
20 PERSON DESIGNATED THEREIN FOR FILING WITH THE COMMISSIONER OF MOTOR
21 VEHICLES.

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

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

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

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

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

46 8. MANUFACTURED HOMES THAT REMAIN PERSONAL PROPERTY OR A FIXTURE.
47 EXCEPT AS PROVIDED IN SUBDIVISIONS THREE, FIVE, SIX AND SEVEN OF THIS
48 SECTION, AN AFFIDAVIT OF AFFIXATION IS NOT NECESSARY OR EFFECTIVE TO
49 CONVEY OR ENCUMBER A MANUFACTURED HOME. EVERY CONVEYANCE OF LAND UPON
50 WHICH IS LOCATED A MANUFACTURED HOME WHICH IS COVERED BY A CERTIFICATE
51 OF TITLE ISSUED PURSUANT TO ARTICLE FORTY-SIX OF THE VEHICLE AND TRAFFIC
52 LAW, AND FOR WHICH NO AFFIDAVIT OF AFFIXATION HAS BEEN RECORDED, SHALL
53 CONTAIN A RECITAL THAT SUCH CONVEYANCE DOES NOT AFFECT THE TITLE TO SAID
54 MANUFACTURED HOME AND THAT THE TRANSFER OR ENCUMBRANCE THEREOF CAN ONLY
55 BE MADE PURSUANT TO THE PROVISIONS OF THE VEHICLE AND TRAFFIC LAW. ANY

1 AGREEMENT BY ANY PARTY TO THE TRANSACTION WHEREBY THE REQUIREMENTS OF
2 THIS SUBDIVISION ARE WAIVED SHALL BE VOID AS CONTRARY TO PUBLIC POLICY.
3 9. AFFIDAVIT OF SEVERANCE. (A) IF AND WHEN A MANUFACTURED HOME FOR
4 WHICH AN AFFIDAVIT OF AFFIXATION HAS BEEN RECORDED, IS DETACHED OR
5 SEVERED FROM THE REAL PROPERTY WHERE IT IS AFFIXED, ANY PERSON HAVING AN
6 INTEREST IN THE REAL PROPERTY MAY RECORD AN AFFIDAVIT OF SEVERANCE IN
7 THE LAND RECORDS OF THE COUNTY WHERE THE AFFIDAVIT OF AFFIXATION WITH
8 RESPECT TO THE HOME IS RECORDED. THE AFFIDAVIT OF SEVERANCE SHALL
9 CONTAIN OR BE ACCOMPANIED BY:
10 (I) THE NAME, RESIDENCE AND MAILING ADDRESS OF THE OWNER OF THE MANU-
11 FACTURED HOME;
12 (II) A DESCRIPTION OF THE MANUFACTURED HOME INCLUDING, SO FAR AS THE
13 FOLLOWING DATA EXISTS: THE NAME OF THE MANUFACTURER, THE MAKE, THE MODEL
14 NAME, THE MODEL YEAR, THE DIMENSIONS, AND THE VEHICLE IDENTIFICATION
15 NUMBER OR NUMBERS OF THE MANUFACTURED HOME AND WHETHER IT IS NEW OR
16 USED;
17 (III) A STATEMENT OF BOOK NUMBER, PAGE NUMBER AND DATE OF RECORDATION
18 OF THE AFFIDAVIT OF AFFIXATION;
19 (IV) A STATEMENT OF EITHER, (A) ANY FACTS OR INFORMATION KNOWN TO THE
20 AFFIANT THAT COULD REASONABLY AFFECT THE VALIDITY OF THE TITLE OF THE
21 MANUFACTURED HOME OR THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTER-
22 ESTS IN IT, OR (B) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO THE
23 AFFIANT;
24 (V) A SWORN DECLARATION BY AN ATTORNEY-AT-LAW, DULY ADMITTED TO PRAC-
25 TICE IN THE COURTS OF THE STATE OF NEW YORK, OR AN AGENT OF THE TITLE
26 INSURANCE COMPANY DULY LICENSED TO ISSUE POLICIES OF TITLE INSURANCE IN
27 THE STATE OF NEW YORK THAT THE MANUFACTURED HOME IS FREE AND CLEAR OF
28 ALL LIENS AND ENCUMBRANCES, AND (A) ANY FACTS OR INFORMATION KNOWN TO
29 HIM OR HER THAT COULD REASONABLY AFFECT THE VALIDITY OF THE TITLE OF THE
30 MANUFACTURED HOME OR THE EXISTENCE OR NON-EXISTENCE OF SECURITY INTER-
31 ESTS IN IT; OR (B) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO HIM OR
32 HER; AND
33 (VI) THE NAME AND ADDRESS OF THE PERSON DESIGNATED FOR RECORDING THE
34 AFFIDAVIT OF SEVERANCE WITH THE COMMISSIONER OF MOTOR VEHICLES, TO WHOM
35 THE RECORDING OFFICER SHALL DELIVER THE AFFIDAVIT OF SEVERANCE AFTER IT
36 HAS BEEN DULY RECORDED IN THE REAL PROPERTY RECORDS, AS PROVIDED IN THIS
37 SECTION.
38 (B) THE AFFIDAVIT OF SEVERANCE SHALL BE IN THE FORM SET FORTH IN PARA-
39 GRAPH (C) OF THIS SUBDIVISION DULY ACKNOWLEDGED OR PROVED IN LIKE MANNER
40 AS TO ENTITLE A CONVEYANCE TO BE RECORDED AND WHEN SO ACKNOWLEDGED OR
41 PROVED, UPON PAYMENT OF THE LAWFUL FEES THEREFOR, SUCH RECORDING OFFICER
42 SHALL IMMEDIATELY CAUSE THE AFFIDAVIT AND ANY ATTACHMENTS THERETO, TO BE
43 DULY RECORDED AND INDEXED IN THE RECORD OF DEEDS.
44 (C) THE AFFIDAVIT OF SEVERANCE SHALL CONFORM TO THE REQUIREMENTS OF
45 THIS SECTION. AN AFFIDAVIT OF SEVERANCE IN SUBSTANTIALLY THE FOLLOWING
46 FORM SHALL BE DEEMED TO BE IN COMPLIANCE:

47 MANUFACTURED HOME
48 AFFIDAVIT OF SEVERANCE

49 STATE OF _____)
50) SS.:
51 COUNTY OF _____)

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

1 _____
2 HOMEOWNER #1

3 _____
4 HOMEOWNER #2

5 _____
6 HOMEOWNER #3

7 _____
8 HOMEOWNER #4

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

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

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

14 _____
15 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

16 MAILING ADDRESS, IF DIFFERENT:

17 _____
18 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

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

20 _____
21 NEW/USED YEAR MANUFACTURER'S MODEL NAME MANUFACTURER'S LENGTH/WIDTH
22 NAME AND MODEL SERIAL NO.
23 NO.

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

25 _____
26 STREET OR ROUTE CITY COUNTY STATE ZIP CODE

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

29 _____
30 _____
31 _____
32 _____

33 5. AN AFFIDAVIT OF AFFIXATION WAS DULY RECORDED IN THE BOOK OF DEEDS OF
34 _____ COUNTY ON _____, IN BOOK NUMBER _____ AT PAGE
35 NUMBER _____.

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

38 NAME OF LIENHOLDER: NAME OF LIENHOLDER:

1 ADDRESS:

ADDRESS:

2 ORIGINAL PRINCIPAL
3 AMOUNT SECURED:

ORIGINAL PRINCIPAL
AMOUNT SECURED:

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

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

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

24 NAME:

25 ADDRESS:

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

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

31 _____ (SEAL)

32 HOMEOWNER #1

WITNESS

33 _____
34 PRINTED NAME

35 _____ (SEAL)

36 HOMEOWNER #2

WITNESS

37 _____
38 PRINTED NAME

39 _____ (SEAL)

40 HOMEOWNER #3

WITNESS

41 _____

1 PRINTED NAME

2 _____ (SEAL)

3 HOMEOWNER #4

WITNESS

4 _____

5 PRINTED NAME

6 STATE OF _____)

7) SS.:

8 COUNTY OF _____)

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

18 _____
19 NOTARY SIGNATURE

20 _____
21 NOTARY PRINTED NAME

22 NOTARY PUBLIC; STATE OF _____
23 QUALIFIED IN THE COUNTY OF _____
24 MY COMMISSION EXPIRES: _____

25 OFFICIAL SEAL:

26 ATTENTION COUNTY CLERK: THIS INSTRUMENT COVERS FIXTURES THAT ARE OR ARE
27 TO BE SEVERED FROM THE PROPERTY DESCRIBED HEREIN AND IS TO BE FILED FOR
28 RECORD IN THE RECORDS WHERE CONVEYANCES OF REAL ESTATE ARE RECORDED.
29 (D) THE FEE FOR RECORDING AN AFFIDAVIT OF SEVERANCE SHALL BE
30 TWENTY-FIVE DOLLARS.

31 10. DOCUMENTS HELD IN TRUST. THE ORIGINAL MANUFACTURER'S CERTIFICATE
32 OF ORIGIN, OR ANY LIEN RELEASE DOCUMENTS MAY BE DELIVERED TO ANY PERSON
33 TO FACILITATE CONVEYING OR ENCUMBERING THE MANUFACTURED HOME. ANY PERSON
34 RECEIVING ANY SUCH DOCUMENTS SO DELIVERED HOLDS THE DOCUMENTS IN TRUST
35 FOR THAT LIENHOLDER.

36 11. DAMAGES FOR FAILURE TO COMPLY WITH THIS SECTION. EACH PERSON,
37 OTHER THAN A COUNTY CLERK OR THE COMMISSIONER OF MOTOR VEHICLES, KNOW-
38 INGLY AND WILLINGLY EXECUTING, RECORDING OR FILING ANY AFFIDAVIT OF
39 AFFIXATION, AFFIDAVIT OF SEVERANCE OR ANY LIEN RELEASE DOCUMENT WHICH
40 FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, OR STATES ANY
41 FACT FINALLY DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE
42 UNTRUE, OR FAILS TO STATE ANY FACT, THE OMISSION OF WHICH IS FINALLY
43 DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE MATERIAL, SHALL BE
44 STRICTLY LIABLE, JOINTLY AND SEVERALLY, TO ANY PERSON DAMAGED THEREBY.

45 S 11. This act shall take effect January 1, 2015; provided, however,
46 that the commissioner of motor vehicles shall promulgate any rules or

1 regulations necessary for the timely implementation of this act on or
2 before such date.