S T A T E O F N E W Y O R K

S. 520--A A. 397--A

2015-2016 Regular Sessions

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

(PREFILED)

January 7, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, PALUMBO -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 13 of section 372 of the executive law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

13. "Mobile home" OR "MANUFACTURED HOME" means a [moveable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. "Mobile home" shall mean units designed to be used

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

LBD02418-02-6

exclusively for residential purposes, excluding travel trailers] MANUFACTURED HOME AS DEFINED IN PARAGRAPH FIFTY-THREE OF SUBSECTION (A) OF SECTION 9-102 OF THE UNIFORM COMMERCIAL CODE BUT DOES NOT INCLUDE RECREATIONAL VEHICLES (RVS) INCLUDING BUT NOT LIMITED TO MOTORHOMES, TRAVEL TRAILERS, FIFTH-WHEEL TRAVEL TRAILERS, PARK MODEL RVS, TRUCK CAMPERS, AND FOLDING CAMPING TRAILERS.

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

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

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

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

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

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

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

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

(G) THE COMMISSIONER SHALL FILE, UPON RECEIPT, EACH APPLICATION FOR SURRENDER OF THE CERTIFICATE OF TITLE RELATING TO A MANUFACTURED HOME THAT IS DELIVERED IN ACCORDANCE WITH SECTION TWENTY-ONE HUNDRED SEVENTEEN-A OF THIS ARTICLE, WHEN SATISFIED AS TO ITS GENUINENESS AND REGULARITY.

(H) THE COMMISSIONER SHALL MAINTAIN A RECORD OF EACH MANUFACTURED HOME CERTIFICATE OF TITLE THAT HE OR SHE ACCEPTS FOR SURRENDER AS PROVIDED IN SECTION TWENTY-ONE HUNDRED SEVENTEEN-A OF THIS ARTICLE. THE RECORD SHALL STATE THE NAME OF THE OWNER OF THE MANUFACTURED HOME, THE DATE THE

CERTIFICATE OF TITLE WAS ACCEPTED FOR SURRENDER, THE COUNTY OF RECORDATION, THE DATE OF RECORDATION, AND THE BOOK AND PAGE NUMBER OF EACH BOOK OF DEEDS WHERE THERE HAS BEEN RECORDED AN AFFIDAVIT OF AFFIXATION PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL PROPERTY LAW AND THIS ARTICLE, AND ANY OTHER DATA THE COMMISSIONER PRESCRIBES.

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

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

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 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-A, TWENTY-ONE HUNDRED SEVENTEEN-B AND TWENTY-ONE HUNDRED TWENTY-THREE OF THIS ARTICLE, AND SECTION TWO HUNDRED NINETY-SIX-A 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].

S 8. Section 2123 of the vehicle and traffic law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

S 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 PERMANENTLY AFFIXED TO REAL PROPERTY, UPON RECORDATION OF AN AFFIDAVIT OF AFFIXATION PURSUANT TO SECTION TWO HUNDRED NINETY-SIX-A OF THE REAL PROPERTY LAW AND SATISFACTION OF THE REQUIREMENTS OF SECTION TWENTY-ONE HUNDRED SEVENTEEN-A OF THIS ARTICLE, ANY PERFECTION OR TERMINATION OF A SECURITY INTEREST WITH RESPECT TO SUCH PERMANENTLY AFFIXED PROPERTY SHALL CONFORM TO THE REQUIREMENTS OF ARTICLE NINE OF THE REAL PROPERTY LAW.

S 9. 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-A 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.

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

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

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

(I) THE MANUFACTURED HOME SHALL BE PERMANENTLY AFFIXED TO REAL PROPERTY; AND

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

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

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

(I) 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;

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

(III) THE STREET ADDRESS AND THE LEGAL DESCRIPTION OF THE REAL PROPERTY UPON WHICH THE MANUFACTURED HOME IS OR WILL BE PERMANENTLY AFFIXED;

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

(1) THE ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME, DULY ENDORSED TO THE OWNER OF THE MANUFACTURED HOME; A STATEMENT THAT ANNEXED TO THE AFFIDAVIT OF AFFIXATION IS THE ORIGINAL

MANUFACTURER'S CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME, DULY ENDORSED TO THE OWNER OF THE MANUFACTURED HOME; OR

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

(B) IF THE MANUFACTURED HOME IS COVERED BY A CERTIFICATE OF TITLE, A STATEMENT BY THE OWNER OR OWNERS OF THE MANUFACTURED HOME THAT THE MANUFACTURED HOME IS COVERED BY A CERTIFICATE OF TITLE, THE DATE THE TITLE WAS ISSUED, THE TITLE NUMBER, AND THAT THE OWNER OR OWNERS OF THE MANUFACTURED HOME SHALL SURRENDER THE TITLE; AND

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

(1) IF THE MANUFACTURED HOME IS SUBJECT TO ONE OR MORE SECURITY INTEREST, THE NAME AND ADDRESS OF EACH PARTY HOLDING A SECURITY INTEREST IN THE MANUFACTURED HOME, INCLUDING BUT NOT LIMITED TO, THOSE SHOWN ON ANY 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":

STREET OR ROUTE	CITY	COUNTY	STATE	ZIP CODE

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

_____
_____
_____
_____

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

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

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

9. HOMEOWNER AGREES THAT AS OF TODAY, OR IF THE HOME IS NOT YET LOCATED AT THE PROPERTY ADDRESS, UPON THE DELIVERY OF THE HOME TO THE PROPERTY ADDRESS:

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

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

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

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

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

10. IF THE HOMEOWNER IS THE OWNER OF THE LAND, ANY CONVEYANCE OR FINANCING OF THE HOME AND THE LAND SHALL BE A SINGLE TRANSACTION UNDER APPLICABLE STATE LAW.

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

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

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

13. A RELEASE OF LIEN FROM EACH OF THE LIENHOLDERS IDENTIFIED IN PARAGRAPH 11 OF THIS AFFIDAVIT {__} HAS BEEN {__} SHALL BE DELIVERED TO THE COMMISSIONER OF MOTOR VEHICLES.

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

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

{__} THE HOME IS NOT COVERED BY A CERTIFICATE OF TITLE. AFTER DILIGENT SEARCH AND INQUIRY, THE HOMEOWNER IS UNABLE TO PRODUCE THE ORIGINAL MANUFACTURER'S CERTIFICATE OF ORIGIN.

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

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

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

NAME:

ADDRESS:

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

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

_____ (SEAL) _____
HOMEOWNER #1 WITNESS

_____
PRINTED NAME

_____ (SEAL) _____
HOMEOWNER #2 WITNESS

_____
PRINTED NAME

_____ (SEAL) _____
HOMEOWNER #3 WITNESS

_____
PRINTED NAME

_____ (SEAL) _____
HOMEOWNER #4 WITNESS

_____
PRINTED NAME

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

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

_____

NOTARY SIGNATURE

_____
NOTARY PRINTED NAME

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

OFFICIAL SEAL:

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

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

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

5. NOTICE TO COMMISSIONER OF MOTOR VEHICLES. UPON THE PAYMENT OF THE FEES PROVIDED BY LAW AND RECORDATION OF THE AFFIDAVIT OF AFFIXATION OR AFFIDAVIT OF SEVERANCE, THE RECORDING OFFICER SHALL ENDORSE THE AFFIDAVIT AS "RECORDED IN LAND RECORDS", SETTING FORTH THEREON THE INDEXING INFORMATION FOR THE AFFIDAVIT OF AFFIXATION OR THE AFFIDAVIT OF SEVERANCE AND THE RECORDING OFFICER SHALL FORTHWITH FORWARD A CERTIFIED COPY OF THE AFFIDAVIT OF AFFIXATION OR THE AFFIDAVIT OF SEVERANCE TO THE PERSON DESIGNATED THEREIN FOR FILING WITH THE COMMISSIONER OF MOTOR VEHICLES.

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

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

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

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

7. CONVEYANCE AND ENCUMBRANCE AS REAL PROPERTY. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY IMMEDIATELY UPON THE SATISFACTION OF THE REQUIREMENTS OF SUBDIVISION SIX OF THIS SECTION. A MANUFACTURED HOME SHALL BE DEEMED TO BE PERMANENTLY AFFIXED TO THE REAL PROPERTY, AND ANY MORTGAGE LIEN OR SECURITY INTEREST WHICH CAN ATTACH TO LAND, BUILDINGS ERECTED THEREON OR FIXTURES AFFIXED THERETO, SHALL ATTACH IN THE SAME

MANNER AS IF THE MANUFACTURED HOME WAS BUILT ON SITE, AND TITLE TO THE MANUFACTURED HOME FOR WHICH AN AFFIDAVIT OF AFFIXATION HAS BEEN RECORDED MAY BE TRANSFERRED BY DEED OR OTHER FORM OF CONVEYANCE THAT IS EFFECTIVE TO TRANSFER AN INTEREST IN REAL PROPERTY, TOGETHER WITH THE LAND TO WHICH SUCH STRUCTURE HAS BEEN AFFIXED AND THE MANUFACTURED HOME SHALL BE DEEMED TO BE REAL PROPERTY AND SHALL BE GOVERNED BY THE LAWS APPLICABLE THERETO.

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

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

(I) THE NAME, RESIDENCE AND MAILING ADDRESS OF THE OWNER OF THE MANUFACTURED HOME;

(II) 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;

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

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

(V) 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 THE 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 (A) 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 (B) THAT NO SUCH FACTS OR INFORMATION ARE KNOWN TO HIM OR HER; AND

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

(B) THE AFFIDAVIT OF SEVERANCE 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 LAWFUL FEES THEREFOR, SUCH RECORDING OFFICER SHALL IMMEDIATELY CAUSE THE AFFIDAVIT AND ANY ATTACHMENTS THERETO, TO BE DULY RECORDED AND INDEXED IN THE RECORD OF DEEDS.

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

MANUFACTURED HOME
AFFIDAVIT OF SEVERANCE

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

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

_____
HOMEOWNER #1

_____
HOMEOWNER #2

_____
HOMEOWNER #3

_____
HOMEOWNER #4

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

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

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

_____
STREET OR ROUTE CITY COUNTY STATE ZIP CODE

MAILING ADDRESS, IF DIFFERENT:

_____
STREET OR ROUTE CITY COUNTY STATE ZIP CODE

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

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

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

_____

STREET OR ROUTE CITY COUNTY STATE ZIP CODE

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

_____
_____
_____
_____

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

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

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

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

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

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

NAME:

ADDRESS:

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

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

_____ (SEAL) _____
HOMEOWNER #1 WITNESS

_____
PRINTED NAME

_____ (SEAL) _____
HOMEOWNER #2 WITNESS

_____
PRINTED NAME

_____ (SEAL) _____
HOMEOWNER #3 WITNESS

_____
PRINTED NAME

_____ (SEAL) _____
HOMEOWNER #4 WITNESS

_____
PRINTED NAME

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

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

_____
NOTARY SIGNATURE

_____
NOTARY PRINTED NAME

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

OFFICIAL SEAL:

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

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

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

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

S 11. This act shall take effect January 1, 2017; provided, however, that the commissioner of motor vehicles shall promulgate any rules or regulations necessary for the timely implementation of this act on or before such date.