

# STATE OF NEW YORK

S. 6277--A

A. 7751--A

2017-2018 Regular Sessions

## SENATE - ASSEMBLY

May 11, 2017

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, JAFFEE -- 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 banking law, the personal property 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. This act shall be known and may be cited as the "New York  
2 land-home property act".

3 § 2. Subdivision 13 of section 372 of the executive law, as amended by  
4 chapter 309 of the laws of 1996, is amended to read as follows:

5 13. [~~"Mobile home"~~] "Manufactured home" means a [~~moveable or portable~~  
6 ~~unit designed and constructed to be towed on its own chassis, comprised~~  
7 ~~of frame and wheels, connected to utilities, and designed and~~  
8 ~~constructed without a permanent foundation for year-round living. A unit~~  
9 ~~may contain parts that may be folded, collapsed or telescoped when being~~  
10 ~~towed and expanded later to provide additional cubic capacity as well as~~  
11 ~~two or more separately towable components designed to be joined into one~~  
12 ~~integral unit capable of being again separated into the components for~~  
13 ~~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.

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~~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.

§ 3. Subparagraph (ii) of paragraph 1 of subdivision 5-a of section 108 of the banking law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

(ii) "mobile home" or "manufactured home" means 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]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 4. Clause (ii) of item 1 of subparagraph (c) of paragraph 4 of subdivision 8 of section 235 of the banking law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

(ii) "mobile home" or "manufactured home" means 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]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 5. Clause (ii) of subparagraph 1 of paragraph (d) of subdivision 2 of section 380 of the banking law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

(ii) "mobile home" or "manufactured home" means 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]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 6. Subdivision 2 of section 491 of the banking law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

2. "Motor vehicle" or "vehicle" means any device propelled or drawn by any power other than muscular power, upon or by which any person or property is or may be transported or drawn upon a public highway, road or street. Unless otherwise specified, "motor vehicle" or "vehicle" also means a "mobile home" or "manufactured home". "Mobile home" or "manufactured home" means 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] manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 7. Subdivision 1 of section 301 of the personal property law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

1. "Motor vehicle" or "vehicle" means any device propelled or drawn by any power other than muscular power, upon or by which any person or property is or may be transported or drawn upon a public highway, road or street except that it shall not include a "snowmobile" as defined in subdivision three of section 21.05 of the parks, recreation and historic preservation law. "Motor vehicle" or "vehicle" also means a "mobile home" or a "manufactured home". "Mobile home" or "manufactured home" means 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]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 8. 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:

§ 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.]~~ The term "mobile home" or "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.

§ 9. 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.

§ 10. Section 2107 of the vehicle and traffic law is amended by adding thirteen new subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) to read as follows:

(d) Except as provided in section twenty-one hundred seventeen-d of this article, the commissioner shall not issue a certificate of title to a manufactured home with respect to which there has been filed an affidavit of affixation pursuant to paragraph five of subdivision (a) of section twenty-one hundred seventeen-a of this article, paragraph five of subdivision (a) of section twenty-one hundred seventeen-b of this article, and paragraph five of subdivision (a) of section twenty-one hundred seventeen-c of this article.

1 (e) The commissioner shall file, upon receipt, each affidavit of affi-  
2 xation that is delivered in accordance with paragraph c of subdivision  
3 two of section two hundred ninety-six-a of the real property law, each  
4 declaration that is delivered pursuant to paragraph six of subdivision  
5 (a) of section twenty-one hundred seventeen-c of this article and each  
6 affidavit of severance that is delivered in accordance with subdivision  
7 nine of section two hundred ninety-six-a of the real property law, when  
8 satisfied as to its genuineness and regularity.

9 (f) The commissioner shall maintain a record of each affidavit of  
10 affixation he or she files in accordance with subdivision (e) of this  
11 section. The record shall state the name of the owner of the manufac-  
12 tured home, the county of recordation, the date of recordation, the book  
13 and page number of each book of deeds where there has been recorded an  
14 affidavit of affixation pursuant to paragraph (c) of subdivision two of  
15 section two hundred ninety-six-a of the real property law and this arti-  
16 cle, and if applicable, a statement that filed with the affidavit of  
17 affixation is a declaration pursuant to paragraph six of subdivision (a)  
18 of section twenty-one hundred seventeen-c of this article, and any other  
19 data the commissioner prescribes.

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

25 (h) The commissioner shall maintain a record of each manufactured home  
26 manufacturer's certificate of origin that he or she accepts for surren-  
27 der as provided in section twenty-one hundred seventeen-a of this arti-  
28 cle. The record shall state the name of the owner of the manufactured  
29 home, the date the manufacturer's certificate of origin was delivered  
30 for surrender, the county of recordation, the date of recordation, and  
31 the book and page number of each book of deeds where there has been  
32 recorded an affidavit of affixation pursuant to paragraph (c) of subdivi-  
33 vision two of section two hundred ninety-six-a of the real property law  
34 and this article, and any other data the commissioner prescribes.

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

40 (j) The commissioner shall maintain a record of each manufactured home  
41 certificate of title that he or she accepts for surrender as provided in  
42 section twenty-one hundred seventeen-b of this article. The record shall  
43 state the name of the owner of the manufactured home, the date the  
44 certificate of title was delivered for surrender, the county of recorda-  
45 tion, the date of recordation, the book and page number of each book of  
46 deeds where there has been recorded an affidavit of affixation pursuant  
47 to paragraph (c) of subdivision two of section two hundred ninety-six-a  
48 of the real property law and this article, and any other data the  
49 commissioner prescribes.

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

54 (l) The commissioner shall maintain a record of each application for  
55 confirmation of conversion accepted as provided in section twenty-one  
56 hundred seventeen-c of this article. The record shall state the name of

1 the owner of the manufactured home, the county of recordation, the date  
2 of recordation, the book and page number of each book of deeds where  
3 there has been recorded an affidavit of affixation pursuant to paragraph  
4 (c) of subdivision two of section two hundred ninety-six-a of the real  
5 property law and this article, and any other data the commissioner  
6 prescribes.

7 (m) The commissioner shall file, upon receipt, each application for a  
8 new certificate of title relating to a manufactured home that is deliv-  
9 ered in accordance with section twenty-one hundred seventeen-d of this  
10 article, when satisfied as to its genuineness and regularity.

11 (n) The commissioner shall maintain a record of each affidavit of  
12 severance he or she files in accordance with subdivision (m) of this  
13 section and section twenty-one hundred seventeen-d of this article. The  
14 record shall state the name of the owner of the manufactured home, the  
15 county of recordation, the date of recordation, the book and page number  
16 of each book of deeds where there has been recorded an affidavit of  
17 severance pursuant to subdivision nine of section two hundred ninety-  
18 six-a of the real property law, and any other data the commissioner  
19 prescribes.

20 (o) Notwithstanding the provisions of any other law, the commissioner  
21 shall maintain the records required by this section indefinitely.

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

25 § 11. Subdivision (e) of section 2108 of the vehicle and traffic law,  
26 as added by chapter 322 of the laws of 1993, is amended to read as  
27 follows:

28 (e) Notwithstanding any other provision of law, a certificate of title  
29 to a vehicle which is a ~~mobile home or a~~ manufactured home issued by  
30 the commissioner is prima facie evidence of the facts appearing on it,  
31 notwithstanding the fact that such vehicle, at any time, in any manner,  
32 shall have become ~~attached to realty~~ affixed in any manner to real  
33 property.

34 § 12. The vehicle and traffic law is amended by adding four new  
35 sections 2117-a, 2117-b, 2117-c and 2117-d to read as follows:

36 § 2117-a. Surrender of manufacturer's certificate of origin to a manu-  
37 factured home. (a) The owner or owners of a manufactured home who  
38 possess the manufacturer's certificate of origin to the manufactured  
39 home that is affixed to a permanent foundation as provided in subdivi-  
40 sion one of section two hundred ninety-six-a of the real property law,  
41 or which the owner or owners intend to affix to a permanent foundation,  
42 may surrender the manufacturer's certificate of origin to the manufac-  
43 tured home to the commissioner by filing with the commissioner an appli-  
44 cation for surrender of the manufacturer's certificate of origin  
45 containing or accompanied by:

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

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

52 (3) the date of purchase by the owner of the manufactured home, the  
53 name and address of the person from whom the home was acquired and the  
54 names and addresses of any lienholders in the order of apparent priori-  
55 ty;



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

6 (5) the recorded original affidavit of affixation as provided by para-  
7 graph (c) of subdivision two of section two hundred ninety-six-a of the  
8 real property law;

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

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

12 (8) any other information and documents the commissioner reasonably  
13 requires to identify the owner of the manufactured home and to enable  
14 him or her to determine whether the owner satisfied the requirements of  
15 paragraphs (a), (b) and (c) of subdivision six of section two hundred  
16 ninety-six-a of the real property law and the owner is entitled to  
17 surrender the manufacturer's certificate of origin and the existence or  
18 non-existence of security interests in the manufactured home.

19 (b) When satisfied as to its genuineness and regularity of the surren-  
20 der of the manufacturer's certificate of origin to a manufactured home  
21 and upon satisfaction of the requirements of subdivision (a) of this  
22 section, the commissioner shall cancel the manufacturer's certificate of  
23 origin and update his or her records in accordance with the provisions  
24 of subdivisions (g) and (h) of section twenty-one hundred seven of this  
25 article and provide written acknowledgment of compliance with the  
26 provisions of this section to each person identified in paragraph seven  
27 of subdivision (a) of this section.

28 (c) Upon satisfaction of the requirements of this section a manufac-  
29 tured home shall be conveyed and encumbered as provided in subdivision  
30 seven of section two hundred ninety-six-a of the real property law.

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

33 § 2117-b. Surrender of title to a manufactured home. (a) The owner or  
34 owners of a manufactured home that is covered by a certificate of title  
35 and that is affixed to a permanent foundation as provided in subdivision  
36 one of section two hundred ninety-six-a of the real property law, or  
37 which the owner or owners intend to affix to a permanent foundation, may  
38 surrender the certificate of title to the manufactured home to the  
39 commissioner by filing with the commissioner an application for surren-  
40 der of title containing or accompanied by:

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

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

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

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

1 (5) the recorded original affidavit of affixation as provided by para-  
2 graph (d) of subdivision two of section two hundred ninety-six-a of the  
3 real property law;

4 (6) the name and mailing address of each person wishing written  
5 acknowledgement of surrender from the commissioner;

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

9 (8) any release of lien required by subdivision (b) of this section;  
10 and

11 (9) any other information and documents the commissioner reasonably  
12 requires to identify the owner of the manufactured home, to determine  
13 whether the owner satisfied the applicable requirements of subdivision  
14 six of section two hundred ninety-six-a of the real property law, and to  
15 enable him or her to determine whether the owner is entitled to surren-  
16 der the certificate of title and the existence or non-existence of secu-  
17 rity interests in or liens on the manufactured home.

18 (b) The commissioner shall not accept for surrender a certificate of  
19 title to a manufactured home unless and until any liens pursuant to  
20 section twenty-one hundred five-a and any security interests pursuant to  
21 sections twenty-one hundred seven and twenty-one hundred eighteen of  
22 this article have been released.

23 (c) When satisfied as to its genuineness and regularity of the surren-  
24 der of a certificate of title to a manufactured home and upon satisfac-  
25 tion of the requirements of subdivisions (a) and (b) of this section,  
26 the commissioner shall cancel the certificate of title and update his or  
27 her records in accordance with the provisions of subdivisions (i) and  
28 (j) of section twenty-one hundred seven of this article. The commission-  
29 er shall also provide written acknowledgment of compliance with the  
30 provisions of this section to each person identified on the application  
31 for surrender of a certificate of title under paragraph six of subdivi-  
32 sion (a) of this section.

33 (d) Upon satisfaction of the requirements of this section a manufac-  
34 tured home shall be conveyed and encumbered as provided for in the  
35 provisions of subdivision six and subdivision seven of section two  
36 hundred ninety-six-a of the real property law.

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

39 § 2117-c. Confirmation of conversion of a manufactured home. (a) The  
40 owner or owners of a manufactured home that is not covered by a certif-  
41 icate of title or a manufacturer's certificate of origin, or of a manu-  
42 factured home that is covered by a manufacturer's certificate of origin  
43 or certificate of title but which the owner or owners, after diligent  
44 search and inquiry, are unable to produce, and that is affixed to a  
45 permanent foundation, or which the owner intends to affix to a permanent  
46 foundation, may satisfy the requirements of paragraph (d) of subdivision  
47 two of section two hundred ninety-six-a of the real property law by  
48 filing with the commissioner an application for confirmation of conver-  
49 sion containing or accompanied by:

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

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

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

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

10    (5) the recorded original of the affidavit of affixation as provided  
11    by paragraph (c) of subdivision two of section two hundred ninety-six-a  
12    of the real property law;

13    (6) a sworn declaration by an attorney at law, duly admitted to prac-  
14    tice in the courts of the state of New York, or an agent of a title  
15    insurance company duly licensed to issue policies of title insurance in  
16    the state of New York, that the manufactured home is free and clear of  
17    or has been released or will be released from all record security inter-  
18    ests, liens and encumbrances; and: (i) any facts or information known to  
19    him or her that could reasonably affect the validity of the title of the  
20    manufactured home or the existence or non-existence of security inter-  
21    ests in it; or (ii) that no such facts or information are known to him  
22    or her; and

23    (7) the name and mailing address of each person wishing written  
24    acknowledgment of confirmation of conversion from the commissioner; and

25    (8) any other information and documents the commissioner reasonably  
26    requires to identify the owner of the manufactured home and to determine  
27    the owner satisfied the applicable requirements of subdivision six of  
28    section two hundred ninety-six-a of the real property law, and the  
29    existence or non-existence of security interests in or liens on the  
30    manufactured home.

31    (b) When satisfied as to its genuineness and regularity of the confir-  
32    mation of conversion of a manufactured home and upon satisfaction of the  
33    requirements of subdivision (a) of this section, the commissioner shall  
34    update his or her records in accordance with the provisions of subdivi-  
35    sions (e), (k) and (l) of section twenty-one hundred seven of this arti-  
36    cle. The commissioner shall also provide written acknowledgment of  
37    compliance with the provisions of this section to each person identified  
38    on the application for confirmation of conversion under paragraph seven  
39    of subdivision (a) of this section.

40    (c) Upon satisfaction of the requirements of this section a manufac-  
41    tured home shall be conveyed and encumbered as provided in subdivision  
42    seven of section two hundred ninety-six-a of the real property law.

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

45    § 2117-d. Application to reinstate certificate of title to a manufac-  
46    tured home. (a) Notwithstanding any other provision of law, where a  
47    manufactured home has been affixed to a permanent foundation, as  
48    provided in subdivision one of section two hundred ninety-six-a of the  
49    real property law, and an affidavit of affixation pursuant to paragraph  
50    (c) of subdivision two of section two hundred ninety-six-a of the real  
51    property law has been recorded as part of the real property records in  
52    the county in which the manufactured home is located, and where the  
53    manufactured home subsequently is detached or severed from the real  
54    property, the owner or owners may apply for a new certificate of title  
55    by filing with the commissioner an application to issue a new certifi-  
56    cate of title to a manufactured home containing or accompanied by:



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

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

7 (3) a statement signed by the applicant, stating either: (i) any facts  
8 or information known to the applicant that could reasonably affect the  
9 validity of the title of the manufactured home or the existence or non-  
10 existence of security interests in or liens on it; or (ii) that no such  
11 facts or information are known to the applicant;

12 (4) the recorded original of the affidavit of severance as provided by  
13 subdivision nine of section two hundred ninety six-a of the real proper-  
14 ty law;

15 (5) a sworn declaration by an attorney at law, duly admitted to prac-  
16 tice in the courts of the state of New York, or an agent of a title  
17 insurance company duly licensed to issue policies of title insurance in  
18 the state of New York, that the manufactured home is free and clear of  
19 all security interests, liens and encumbrances or that all security  
20 interests, liens and encumbrances will be released, and: (i) any facts  
21 or information known to him or her that could reasonably affect the  
22 validity of the title of the manufactured home or the existence or non-  
23 existence of any security interests in or lien on it; or (ii) that no  
24 such facts or information are known to him or her; and

25 (6) any other information and documents the commissioner reasonably  
26 requires to identify the manufactured home and to enable him or her to  
27 determine whether the owner is entitled to a certificate of title and  
28 the existence or non-existence of security interests in or liens on the  
29 manufactured home.

30 (b) When satisfied as to its genuineness and regularity of the appli-  
31 cation for a certificate of title to a manufactured home and upon satis-  
32 faction of the requirements of subdivision (a) of this section, the  
33 commissioner shall issue a new certificate of title and update his or  
34 her records in accordance with the provisions of section twenty-one  
35 hundred seven of this article.

36 (c) Immediately upon satisfaction of the requirements of this section  
37 and thereafter, a manufactured home shall be conveyed and encumbered as  
38 personal property as provided in this chapter.

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

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

48 (e) [~~After~~] Except as otherwise provided in sections twenty-one  
49 hundred seventeen-b and twenty-one hundred twenty-three of this article,  
50 and section two hundred ninety-six-a of the real property law, after a  
51 certificate of title has been issued [~~in this state~~] for a [~~vehicle~~  
52 which is a mobile home or a] manufactured home, and as long as the  
53 [~~vehicle which is a mobile home or a~~] manufactured home is subject to  
54 any security interest perfected pursuant to this section, the commis-  
55 sioner shall not file an affidavit of affixation, nor revoke the certif-  
56 icate of title, nor issue a certificate of title under subdivision (a)

1 of section twenty-one hundred seven of this article, and, in any event,  
2 the validity and priority of any security interest perfected pursuant to  
3 this section shall continue, notwithstanding the provision of any other  
4 law~~[, including but not limited to section 9-303 and section 9-313 of~~  
5 ~~the uniform commercial code]~~.

6 § 14. Section 2123 of the vehicle and traffic law, as amended by chap-  
7 ter 322 of the laws of 1993, is amended to read as follows:

8 § 2123. Exclusiveness of procedure. The method provided in this arti-  
9 cle of perfecting and giving notice of security interests subject to  
10 this article is exclusive. Security interests subject to this article  
11 are hereby exempted from the provisions of law which otherwise relate to  
12 the perfection of security interests, ~~[including but not limited to~~  
13 ~~section 9-313 of the uniform commercial code]~~ provided, however, that  
14 with respect to a manufactured home that is or will be affixed to a  
15 permanent foundation, upon recordation of an affidavit of affixation  
16 pursuant to paragraph (c) of subdivision two of section two hundred  
17 ninety-six-a of the real property law and satisfaction of the require-  
18 ments of section twenty-one hundred seventeen-a, twenty-one hundred  
19 seventeen-b or twenty-one hundred seventeen-c of this article, any  
20 perfection or termination of a security interest with respect to such  
21 manufactured home shall conform to the requirements of article nine of  
22 the real property law.

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

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

32 § 16. The real property law is amended by adding a new section 296-a  
33 to read as follows:

34 § 296-a. Conveyance and encumbrance of manufactured homes as real  
35 property. 1. Manufactured home; permanently affixed to real property.  
36 For purposes of this section, the term "manufactured home" means a  
37 "manufactured home" as defined in paragraph fifty-three of subsection  
38 (a) of section 9-102 of the uniform commercial code. Notwithstanding the  
39 foregoing, for the purposes of 11 USC § 1322(b)(2), a manufactured home  
40 shall be deemed to be real property. For purposes of this section, arti-  
41 cle forty-six of the vehicle and traffic law, and the uniform commercial  
42 code, a manufactured home is "affixed to a permanent foundation" if it  
43 is anchored to real property by attachment to a permanent foundation,  
44 and connected to a residential utility, such as water, gas, electricity,  
45 sewer or septic service.

46 2. Conversion procedure. To convey or voluntarily encumber a manufac-  
47 tured home as real property, the following conditions must be met:

48 (a) The manufactured home shall be affixed to a permanent foundation;  
49 (b) The ownership interests in the manufactured home and the real  
50 property to which the manufactured home is or shall be affixed shall be  
51 identical, provided, however, that the owner of the manufactured home,  
52 if not the owner of the real property, is in possession of the real  
53 property under the terms of a lease in recordable form, and owner has  
54 the consent of the lessor of the real property; and

55 (c) Each person having an ownership interest in such home shall  
56 execute and record with the recording officer of the county or counties

1 in which the real property is located an affidavit of affixation as  
2 provided in subdivision three of this section, and satisfy the other  
3 applicable requirements of this section.

4 (d) Upon receipt of the recorded original affidavit of affixation  
5 pursuant to subdivision five of this section, any person designated  
6 therein for filing with the commissioner of motor vehicles shall file  
7 the recorded original of affidavit of affixation with the commissioner.  
8 In the case where the home is covered by a manufacturer's certificate of  
9 origin, the recorded original affidavit of affixation and the original  
10 manufacturer's certificate of title shall be filed with the commissioner  
11 pursuant to section twenty-one hundred seventeen-a of the vehicle and  
12 traffic law. In the case the home is covered by a certificate of title,  
13 the recorded original affidavit of affixation and the original certif-  
14 icate of title shall be filed with the commissioner in accordance with  
15 section twenty-one hundred seventeen-b of the vehicle and traffic law.  
16 In the case the home is not covered by a manufacturer's certificate of  
17 origin or a certificate of title, or where a manufactured home that is  
18 covered by a manufacturer's certificate of origin or certificate of  
19 title but which the owner or owners, after diligent search and inquiry,  
20 are unable to produce, the recorded original affidavit of affixation  
21 shall be filed with the commissioner in accordance with section twenty-  
22 one hundred seventeen-c of the vehicle and traffic law.

23 3. Affidavit of affixation. (a) An affidavit of affixation shall  
24 contain or be accompanied by:

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

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

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

40 (iv) as applicable, (A) if the manufactured home is not covered by a  
41 certificate of title, a statement by the owner or owners to that effect;  
42 and

43 (1) a copy of the original manufacturer's certificate of origin for  
44 the manufactured home, duly endorsed to the owner or owners of the manu-  
45 factured home; a statement that annexed to the affidavit of affixation  
46 is a copy of the original manufacturer's certificate of origin for the  
47 manufactured home, duly endorsed to the owner of the manufactured home  
48 and that the owner of the manufactured home shall surrender the original  
49 manufacturer's certificate of origin to the commissioner of motor vehi-  
50 cles; or

51 (2) a statement that the owner or owners of the home, after diligent  
52 search and inquiry, are unable to produce the original manufacturer's  
53 certificate of origin for the manufactured home and that the owner of  
54 the manufactured home shall apply to the commissioner of motor vehicles  
55 for a confirmation of conversion of the manufactured home;

1 (B) if the manufactured home is covered by a certificate of title,  
2 either:

3 (1) a statement by the owner of the manufactured home that the manu-  
4 factured home is covered by a certificate of title, the date the title  
5 was issued, the title number, a copy of the certificate of title for the  
6 manufactured home, naming or duly endorsed to the owner or owners of the  
7 manufactured home; a statement that annexed to the affidavit of affixa-  
8 tion is a copy of the certificate of title for the manufactured home,  
9 naming or duly endorsed to the owner or owners of the manufactured home;  
10 and that the owner or owners of the manufactured home shall surrender  
11 the original certificate of title to the commissioner of motor vehicles;  
12 or

13 (2) a statement by the owner of the manufactured home, after diligent  
14 search and inquiry, is unable to produce the certificate of title for  
15 the manufactured home and that the owner of the manufactured home shall  
16 apply to the commissioner of motor vehicles for a confirmation of  
17 conversion of the manufactured home; or

18 (C) if the manufactured home is covered by neither a manufacturer's  
19 certificate of origin nor a certificate of title, a statement by the  
20 owner of the manufactured home to that effect and that the owner of the  
21 manufactured home shall apply to the commissioner of motor vehicles for  
22 a confirmation of conversion;

23 (v) a statement whether or not the manufactured home is subject to one  
24 or more security interests or liens, and;

25 (1) if the manufactured home is subject to one or more security inter-  
26 ests, the name and address of each party holding a security interest in  
27 or lien on the manufactured home, including but not limited to, those  
28 shown on any certificate of title issued by the commissioner of motor  
29 vehicles, if any, and a statement that the security interest or lien  
30 shall be released; or

31 (2) a statement that each security interest in or lien on the manufac-  
32 tured home, if any, has been released, together with due proof of each  
33 such release, if any;

34 (vi) a statement that the manufactured home is or shall be affixed to  
35 a permanent foundation;

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

41 (b) The affidavit of affixation shall be in the form set forth in  
42 paragraph (c) of this subdivision, duly acknowledged or proved in like  
43 manner as to entitle a conveyance to be recorded and when so acknowl-  
44 edged or proved, upon payment of the lawful fees therefor, the recording  
45 officer shall immediately cause the affidavit of affixation and any  
46 attachments thereto, to be duly recorded and indexed in the record of  
47 deeds.

48 (c) The affidavit of affixation shall conform to the requirements of  
49 this subdivision. An affidavit of affixation shall be in the form set  
50 forth below:

51 \_\_\_\_\_, 20\_\_\_\_

52 Date

53 \_\_\_\_\_  
54 Place of Recording





[ ] The Home is covered by a certificate of title. A copy of the certificate of title is attached to this Affidavit. The Homeowner shall surrender the original certificate of title.

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) (Seal)  
Homeowner #1 Witness

\_\_\_\_\_  
Printed Name Printed Name

\_\_\_\_\_  
(Seal) (Seal)  
Homeowner #2 Witness

\_\_\_\_\_  
Printed Name 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:

Lender's Statement of Intent:

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

1 \_\_\_\_\_  
2 Lender

3 By:

4 Authorized Signature

5 STATE OF \_\_\_\_\_ )

6 \_\_\_\_\_ ) ss.:

7 COUNTY OF \_\_\_\_\_ )

8 On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the  
9 undersigned, a Notary Public in and for said State, personally appeared

10 \_\_\_\_\_  
11 personally known to me or proved to me on the basis of satisfactory  
12 evidence to be the individual(s) whose name(s) is(are) subscribed to the  
13 within instrument and acknowledged to me that he/she/they executed the  
14 same in his/her/their capacity(ies), and that by his/her/their  
15 signature(s) on the instrument, the individual(s), or the person on  
16 behalf of which the individual(s) acted, executed the instrument.

17 \_\_\_\_\_  
18 Notary Signature

19 \_\_\_\_\_  
20 Notary Printed Name

21 Notary Public; State of \_\_\_\_\_

22 Qualified in the County of \_\_\_\_\_

23 My commission expires: \_\_\_\_\_

24 Official Seal:

25 (d) The fee for recording an affidavit of affixation shall be twenty-  
26 five dollars.

27 4. Disposition of liens. Neither the act of affixing a manufactured  
28 home to real property, nor the recording of the affidavit of affixation  
29 shall impair the rights of any holder of a security interest in a manu-  
30 factured home perfected as provided in section twenty-one hundred eigh-  
31 teen of the vehicle and traffic law, unless and until the due filing  
32 with and acceptance by the commissioner of motor vehicles of an applica-  
33 tion to surrender the title and a release of any lien as provided in  
34 section twenty-one hundred twenty-one of the vehicle and traffic law.  
35 Upon the filing of such a release, the security interest created under  
36 the vehicle and traffic law terminates. The recording of an affidavit  
37 of affixation does not change the character of the lien noted on a  
38 certificate of title, and no mortgage recording tax shall be imposed at  
39 the time an affidavit of affixation is recorded or upon any lien upon a  
40 manufactured home created under the vehicle and traffic law.

41 5. Notice to commissioner of motor vehicles. Upon payment of the fees  
42 provided by law and recordation of the affidavit of affixation or affi-  
43 davit of severance, the recording officer shall endorse the affidavit as  
44 "recorded in land records", setting forth thereon the indexing informa-  
45 tion for the affidavit of affixation or the affidavit of severance and  
46 the recording officer shall forthwith forward the recorded original  
47 affidavit of affixation or the affidavit of severance to the person  
48 designated therein for filing with the commissioner of motor vehicles.

1     6. Time of conversion: A manufactured home shall be deemed to be real  
2 property and shall be governed by the laws applicable thereto, upon the  
3 occurrence of all of the following events:

4     (a) the manufactured home is affixed to a permanent foundation as  
5 provided in subdivision one of this section,

6     (b) an affidavit of affixation conforming to the requirements of  
7 subdivision three of this section has been duly recorded,

8     (c) the recorded original of the affidavit of affixation is delivered  
9 to the commissioner of motor vehicles as provided in subdivision five of  
10 this section,

11     (d) the requirements of section twenty-one hundred seventeen-a, twenty-  
12 one hundred seventeen-b, or section twenty-one hundred seventeen-c of  
13 the vehicle and traffic law, as applicable, are satisfied.

14     (e) Notwithstanding the provisions of paragraphs (a), (b), (c), and  
15 (d) of this subdivision, if an application to surrender a manufacturer's  
16 certificate of origin pursuant to section twenty-one hundred seventeen-a  
17 of the vehicle and traffic law, an application to surrender a certifi-  
18 cate of title pursuant to section twenty-one hundred seventeen-b of the  
19 vehicle and traffic law, or an application for confirmation of conver-  
20 sion pursuant to section twenty-one hundred seventeen-c of the vehicle  
21 and traffic law is delivered to the commissioner of motor vehicles with-  
22 in thirty days of recording the related affidavit of affixation with the  
23 recording officer in the county in which the real property to which the  
24 manufactured home is or shall be affixed and the application is there-  
25 after accepted by the commissioner, the requirements of this section  
26 shall be deemed satisfied as of the date the affidavit of affixation is  
27 recorded.

28     7. Conveyance and encumbrance as real property. When a manufactured  
29 home is deemed to be real property as provided in subdivision six of  
30 this section, any mortgage, lien or security interest which can attach  
31 to land, buildings erected thereon or fixtures affixed thereto, shall  
32 attach, as of the date of recording in the same manner as real property.  
33 Title to such manufactured home shall be transferred by deed or other  
34 form of conveyance that is effective to transfer an interest in real  
35 property, together with the land to which such structure is affixed. The  
36 manufactured home shall be deemed to be real property and shall be  
37 governed by the laws of this state applicable to real property.

38     8. Manufactured homes that remain personal property or a fixture.  
39 Except as provided in subdivisions three, five, six and seven of this  
40 section, an affidavit of affixation is not necessary or effective to  
41 convey or encumber a manufactured home or to change the character of the  
42 manufactured home to real property.

43     9. Affidavit of severance. (a) If and when a manufactured home for  
44 which an affidavit of affixation has been recorded, is detached or  
45 severed from the real property where it is affixed, any person having an  
46 interest in the real property may record an affidavit of severance in  
47 the land records of the county where the affidavit of affixation with  
48 respect to the home is recorded. The affidavit of severance shall  
49 contain or be accompanied by:

50     (i) the name, residence and mailing address of the owner of the manu-  
51 factured home;

52     (ii) a description of the manufactured home including, so far as the  
53 following data exists: the name of the manufacturer, the make, the model  
54 name, the model year, the dimensions, and the vehicle identification  
55 number or numbers of the manufactured home and whether it is new or  
56 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 liens on 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 security interests, 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 or liens on 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 shall be in the form set forth below:

\_\_\_\_\_, 20 \_\_\_\_\_ FILING INSTRUCTIONS: \_\_\_\_\_,  
Date \_\_\_\_\_.

\_\_\_\_\_  
Place of Recording

Prepared by: \_\_\_\_\_ Record & Return by ☐ Mail ☐ Pickup  
to: \_\_\_\_\_

\_\_\_\_\_  
Name Bar No. (if applicable)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address 1

\_\_\_\_\_  
Address 1

\_\_\_\_\_  
Address 2

\_\_\_\_\_  
Address 2

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

#### MANUFACTURED HOME AFFIDAVIT OF SEVERANCE

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

BEFORE ME, the undersigned notary public, on this day personally appeared Homeowner(s) 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 legal description of the real property from which the manufactured home ("Home"), described below, is or will be severed ("Land") is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. 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

3. Homeowner owns the Home described as follows:

\_\_\_\_\_  
New/Used Manf. Model Name Manf. Length/Width  
Year Name/Make and Model No. Serial No.

4. The Home is or was located at the following "Property Address":

\_\_\_\_\_  
Street or Route City County State Zip Code

5. An Affidavit of Affixation was duly recorded in the land records of \_\_\_\_\_ County on \_\_\_\_\_, with an instrument number of \_\_\_\_\_ and/or in the Deed Book in book number \_\_\_\_\_ at page number \_\_\_\_\_. A copy of the recorded Affidavit of Affixation is attached to this Affidavit.

6. The Home is subject to the following security interest (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, (i) the Homeowner is not aware of 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 or liens on it or (ii) that no such facts or information are known to the Homeowner.



1 8. The sworn statement of an attorney at law, duly admitted to practice  
2 in the courts of the state of New York, or an agent of a title insur-  
3 ance company duly licensed to issue policies of title insurance in  
4 the state of New York is attached ("Severance Certification"). The  
5 Severance Certification states that the manufactured home is free and  
6 clear of all security interests, liens and encumbrances or all secu-  
7 rity interests, liens and encumbrances will be released, and (A) any  
8 facts or information known to him that could reasonably affect the  
9 validity of the title of the manufactured home or the existence or  
10 non-existence of security interests in or liens on it; or (B) that no  
11 such facts or information are known to him.

12 9. The Homeowner designates the following person to file the recorded  
13 copy of this Manufactured Home Affidavit of Severance with the  
14 Department of Motor Vehicles. After recording of this Affidavit, the  
15 county clerk court shall return the recorded copy to this designated  
16 person:

17 Name: \_\_\_\_\_

18 Address: \_\_\_\_\_

19 10. This Affidavit is executed by Homeowner(s) pursuant to applicable  
20 state law.

21 IN WITNESS WHEREOF, Homeowner(s) has executed this Affidavit in my pres-  
22 ence on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

23 (SEAL)

24 Homeowner #1

25 \_\_\_\_\_  
26 Printed Name

27 (SEAL)

28 Homeowner #2

29 \_\_\_\_\_  
30 Printed Name

31 STATE OF \_\_\_\_\_ )  
32 \_\_\_\_\_ ) ss.:  
33 COUNTY OF \_\_\_\_\_ )

34 On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before  
35 me, the undersigned, a Notary Public in and for said State, personally  
36 appeared

37 \_\_\_\_\_  
38 personally known to me or proved to me on the basis of satisfactory  
39 evidence to be the individual(s) whose name(s) is(are) subscribed to the

1 within instrument and acknowledged to me that he/she/they executed the  
2 same in his/her/their capacity(ies), and that by his/her/their  
3 signature(s) on the instrument, the individual(s), or the person on  
4 behalf of which the individual(s) acted, executed the instrument.

5 \_\_\_\_\_  
6 Notary Signature

7 \_\_\_\_\_  
8 Notary Printed Name

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

12 Official Seal:

13 (d) The fee for recording an affidavit of severance shall be twenty-  
14 five dollars.

15 (e) Upon receipt from the recording officer of the affidavit of sever-  
16 ance by the person presenting the affidavit for recording, such person  
17 shall forthwith deliver for filing to the commissioner of motor vehicles  
18 the affidavit of severance and other documents provided in this subdivi-  
19 sion.

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

25 (b) The holder of a certificate of title to a manufactured home may  
26 deliver it to any person to facilitate conveying or encumbering the  
27 home. Any person receiving any such manufacturer's certificate of origin  
28 so delivered holds it in trust for the person delivering it.

29 (c) The holder of a security interest in a manufactured home may  
30 deliver lien release documents to any person to facilitate conveying or  
31 encumbering the home. Any person receiving any such documents so deliv-  
32 ered holds the documents in trust for the lienholder.

33 11. Impairment of rights. Nothing in this section shall impair any  
34 rights existing under law prior to the effective date of this section of  
35 anyone claiming an interest in a manufactured home.

36 § 17. Regulations. The commissioner of motor vehicles is hereby  
37 authorized and directed to promulgate rules and regulations necessary  
38 for the implementation of this act.

39 § 18. This act shall take effect January 1, 2020; provided, however,  
40 that effective immediately, the addition, amendment and/or repeal of any  
41 rule or regulation necessary for the implementation of this act on its  
42 effective date are authorized to be made and completed on or before such  
43 date.