

# STATE OF NEW YORK

7042--A

2021-2022 Regular Sessions

## IN SENATE

May 25, 2021

Introduced by Sens. RYAN, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the real property law, in relation to manufactured home certificates of title, and the conveyance and encumbrance of manufactured homes as real property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. This act shall be known and may be cited as the "New York  
2 land-home property act".
- 3 § 2. Section 2107 of the vehicle and traffic law is amended by adding  
4 eleven new subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m)  
5 and (n) to read as follows:
- 6 (d) The commissioner shall not issue a certificate of title to a manu-  
7 factured home with respect to which there has been filed an affidavit of  
8 affixation pursuant to paragraph five of subdivision (a) of section  
9 twenty-one hundred seventeen-a of this article, paragraph five of subdi-  
10 vision (a) of section twenty-one hundred seventeen-b of this article,  
11 and paragraph five of subdivision (a) of section twenty-one hundred  
12 seventeen-c of this article.
- 13 (e) The commissioner shall file, upon receipt, each affidavit of affi-  
14 xation that is delivered in accordance with subdivision (b) of section  
15 three hundred thirty-nine-~~nn~~ of the real property law and each declara-  
16 tion that is delivered pursuant to paragraph six of subdivision (a) of  
17 section twenty-one hundred seventeen-c of this article when satisfied as  
18 to its genuineness and regularity.
- 19 (f) The commissioner shall maintain a record of each affidavit of  
20 affixation he or she files in accordance with subdivision (e) of this  
21 section. The record shall state the vehicle information or serial number

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

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1 of the manufactured home, the county of recordation, the date of recor-  
2 datation, the book and page number of each book of deeds where there has  
3 been recorded an affidavit of affixation pursuant to paragraph (iii) of  
4 subdivision (a) of section three hundred thirty-nine-nn of the real  
5 property law and this article, and if applicable, a statement that filed  
6 with the affidavit of affixation is a declaration pursuant to paragraph  
7 six of subdivision (a) of section twenty-one hundred seventeen-c of this  
8 article, and any other data the commissioner prescribes.

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

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

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

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

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

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

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

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

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

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

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

15 § 2117-a. Surrender of manufacturer's certificate of origin to a manu-  
16 factured home. (a) The owner or owners of a manufactured home who  
17 possess the manufacturer's certificate of origin to the manufactured  
18 home that is affixed to a permanent foundation as provided in subdivi-  
19 sion (a) of section three hundred thirty-nine-nn of the real property  
20 law, or which the owner or owners intend to affix to a permanent founda-  
21 tion, may surrender the manufacturer's certificate of origin to the  
22 manufacturer's certificate of origin to the commissioner by filing with the commissioner an  
23 application for surrender of the manufacturer's certificate of origin  
24 containing or accompanied by:

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

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

31 (3) the date of purchase by the owner of the manufactured home, the  
32 name and address of the person from whom the home was acquired and the  
33 names and addresses of any lienholders in the order of apparent priori-  
34 ty;

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

40 (5) the recorded original affidavit of affixation as provided by para-  
41 graph (iii) of subdivision (a) of section three hundred thirty-nine-nn  
42 of the real property law;

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

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

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

53 (b) When satisfied as to its genuineness and regularity of the surren-  
54 der of the manufacturer's certificate of origin to a manufactured home  
55 and upon satisfaction of the requirements of subdivision (a) of this  
56 section, the commissioner shall cancel the manufacturer's certificate of

1 origin and update his or her records in accordance with the provisions  
2 of subdivisions (g) and (h) of section twenty-one hundred seven of this  
3 article and provide written acknowledgment of compliance with the  
4 provisions of this section to each person identified in paragraph seven  
5 of subdivision (a) of this section.

6 (c) Upon satisfaction of the requirements of this section a manufac-  
7 tured home shall be conveyed and encumbered as provided in section three  
8 hundred thirty-nine-ss of the real property law.

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

11 § 2117-b. Surrender of title to a manufactured home. (a) The owner or  
12 owners of a manufactured home that is covered by a certificate of title  
13 and that is affixed to a permanent foundation as provided in section  
14 three hundred thirty-nine-mm of the real property law, or which the  
15 owner or owners intend to affix to a permanent foundation, may surrender  
16 the certificate of title to the manufactured home to the commissioner by  
17 filing with the commissioner an application for surrender of title  
18 containing or accompanied by:

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

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

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

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

34 (5) the recorded original affidavit of affixation as provided by para-  
35 graph (iii) of subdivision (a) of section three hundred thirty-nine-nn  
36 of the real property law;

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

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

42 (8) any release of lien required by subdivision (b) of this section;  
43 and

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

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

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

11 (d) Upon satisfaction of the requirements of this section a manufac-  
12 ured home shall be conveyed and encumbered as provided in section three  
13 hundred thirty-nine-ss of the real property law.

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

16 § 2117-c. Confirmation of conversion of a manufactured home. (a) The  
17 owner or owners of a manufactured home that is not covered by a certif-  
18 icate of title or a manufacturer's certificate of origin, or of a manu-  
19 factured home that is covered by a manufacturer's certificate of origin  
20 or certificate of title but which the owner or owners, after diligent  
21 search and inquiry, are unable to produce, and that is affixed to a  
22 permanent foundation, or which the owner intends to affix to a permanent  
23 foundation, may satisfy the requirements of subdivision (b) of section  
24 three hundred thirty-nine-nn of the real property law by filing with the  
25 commissioner an application for confirmation of conversion containing or  
26 accompanied by:

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

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

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

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

42 (5) the recorded original of the affidavit of affixation as provided  
43 by paragraph (iii) of subdivision (a) of section three hundred thirty-  
44 nine-nn of the real property law;

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

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



1 (8) any other information and documents the commissioner reasonably  
2 requires to identify the owner of the manufactured home and to determine  
3 the owner satisfied the applicable requirements of section three hundred  
4 thirty-nine-~~nn~~ of the real property law, and the existence or non-exis-  
5 tence of security interests in or liens on the manufactured home.

6 (b) When satisfied as to its genuineness and regularity of the confir-  
7 mation of conversion of a manufactured home and upon satisfaction of the  
8 requirements of subdivision (a) of this section, the commissioner shall  
9 update his or her records in accordance with the provisions of subdivi-  
10 sions (f), (k) and (l) of section twenty-one hundred seven of this arti-  
11 cle. The commissioner shall also provide written acknowledgment of  
12 compliance with the provisions of this section to each person identified  
13 on the application for confirmation of conversion under paragraph seven  
14 of subdivision (a) of this section.

15 (c) Upon satisfaction of the requirements of this section a manufac-  
16 tured home shall be conveyed and encumbered as provided in section three  
17 hundred thirty-nine-~~ss~~ of the real property law.

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

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

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

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

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

45 § 2123. Exclusiveness of procedure. The method provided in this arti-  
46 cle of perfecting and giving notice of security interests subject to  
47 this article is exclusive. Security interests subject to this article  
48 are hereby exempted from the provisions of law which otherwise relate to  
49 the perfection of security interests, [~~including but not limited to~~  
50 ~~section 9-313 of the uniform commercial code~~] provided, however, that  
51 with respect to a manufactured home that is or will be affixed to a  
52 permanent foundation, upon recordation of an affidavit of affixation  
53 pursuant to paragraph (iii) of subdivision (a) of section three hundred  
54 thirty-nine-~~nn~~ of the real property law and satisfaction of the require-  
55 ments of section twenty-one hundred seventeen-a, twenty-one hundred  
56 seventeen-~~b~~ or twenty-one hundred seventeen-~~c~~ of this article, any

1 perfection or termination of a security interest with respect to such  
2 manufactured home shall conform to the requirements of article nine-BB  
3 of the real property law.

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

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

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

#### 15 ARTICLE 9-BB

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

17 Section 339-mm. Manufactured home; affixed to a permanent foundation.

18 339-nn. Conversion procedure.

19 339-oo. Affidavit of affixation.

20 339-pp. Disposition of liens.

21 339-qq. Notice to commissioner of motor vehicles.

22 339-rr. Time of conversion.

23 339-ss. Conveyance and encumbrance as a real property.

24 339-tt. Manufactured homes that remain personal property.

25 339-uu. Documents in trust.

26 339-vv. Home warranty.

27 339-ww. Impairment of rights.

28 § 339-mm. Manufactured home; affixed to a permanent foundation. For  
29 purposes of this article, the term "manufactured home" means a "manufac-  
30 tured home" as defined in paragraph fifty-three of subsection (a) of  
31 section 9-102 of the uniform commercial code. For purposes of this  
32 section, article forty-six of the vehicle and traffic law, and the  
33 uniform commercial code, a manufactured home is "affixed to a permanent  
34 foundation" if it is anchored to real property by attachment to a perma-  
35 nent foundation, and connected to a residential utility, such as water,  
36 gas, electricity, sewer or septic service.

37 § 339-nn. Conversion procedure. (a) A manufactured home shall be  
38 deemed to be real property and shall be governed by the laws applicable  
39 thereto when the following conditions are satisfied:

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

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

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

52 (b) Upon receipt of the recorded original affidavit of affixation  
53 pursuant to section three hundred thirty-nine-qq of this article, any  
54 person designated therein for filing with the commissioner of motor

1 vehicles shall file the recorded original affidavit of affixation with  
2 the commissioner.

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

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

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

19 § 339-oo. Affidavit of affixation. (a) To convey or voluntarily encum-  
20 ber a manufactured home, an affidavit of affixation shall contain or be  
21 accompanied by:

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

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

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

37 (iv) as applicable, (A) if the manufactured home is not covered by a  
38 certificate of title, a statement by the owner or owners to that effect  
39 a statement that, the owner of the manufactured home shall surrender the  
40 original manufacturer's certificate of origin to the commissioner of  
41 motor vehicles;

42 (B) if the manufactured home is covered by a certificate of title, a  
43 statement by the owner of the manufactured home that the manufactured  
44 home is covered by a certificate of title, and that the owner or owners  
45 of the manufactured home shall surrender the original certificate of  
46 title to the commissioner of motor vehicles;

47 (C) if the manufactured home is covered by neither a manufacturer's  
48 certificate of origin nor a certificate of title, a statement by the  
49 owner of the manufactured home to that effect;

50 (v) a statement that the manufactured home is or shall be affixed to a  
51 permanent foundation to the real property;

52 (vi) the name and address of the person designated for filing the  
53 recorded original affidavit of affixation with the commissioner of motor  
54 vehicles, to whom the recording officer shall return the affidavit of  
55 affixation after it has been duly recorded in the real property records,  
56 as provided in this section.



1 (b) The affidavit of affixation shall be in the form set forth in  
 2 subdivision (c) of this section, duly acknowledged or proved in like  
 3 manner as to entitle a conveyance to be recorded and when so acknowl-  
 4 edged or proved, upon payment of the lawful fees therefor, the recording  
 5 officer shall immediately cause the affidavit of affixation and any  
 6 attachments thereto, to be duly recorded and indexed in the record of  
 7 deeds.

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

10 \_\_\_\_\_, 20\_\_\_\_\_

11 Date

12 \_\_\_\_\_  
 13 Place of Recording

14 Record & Return by  Mail  Pickup to:

15 \_\_\_\_\_  
 16 Name

17 \_\_\_\_\_  
 18 Address 1

19 \_\_\_\_\_  
 20 Address 2

21 MANUFACTURED HOME AFFIDAVIT OF AFFIXATION

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

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

24 \_\_\_\_\_  
 25 New/Used Year                      Manufacturer's Name                      Model Name or Model No.  
 26 \_\_\_\_\_  
 27 Manufacturer's Serial No.    Length / Width

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

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

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

32 \_\_\_\_\_  
 33 \_\_\_\_\_  
 34 \_\_\_\_\_

35 4. The Homeowner is the owner of the Land or, if not the owner of the  
 36 Land, is in possession of the real property pursuant to a lease in  
 37 recordable form, and the consent of the lessor is attached to this  
 38 Affidavit.

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

42 6. Homeowner intends that the Home be an immovable fixture and a  
 43 permanent improvement to the Land.

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

2 8. Homeowner shall initial only one of the following, as it applies to  
3 title to the Home.

4 ~~[ ]~~ The Home is not covered by a certificate of title. A copy of the  
5 manufacturer's certificate of origin, duly endorsed to the Homeowner,  
6 is attached to this Affidavit. The Homeowner shall surrender the  
7 original manufacturer's certificate of origin.

8 ~~[ ]~~ The Home is not covered by a certificate of title. After dili-  
9 gent search and inquiry, the Homeowner is unable to produce the  
10 original manufacturer's certificate of origin.

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

14 IN WITNESS WHEREOF, Homeowner(s) has executed this Affidavit in my  
15 presence and in the presence of the undersigned witnesses on this  
16 day of \_\_\_\_\_.

17 \_\_\_\_\_ (Seal) \_\_\_\_\_ (Seal)  
18 Homeowner #1 Witness

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

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

23 \_\_\_\_\_  
24 Printed Name Printed Name

25 STATE OF \_\_\_\_\_ )  
26 \_\_\_\_\_ ) ss.:  
27 COUNTY OF \_\_\_\_\_ )

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

31 \_\_\_\_\_,  
32 personally known to me or proved to me on the basis of satisfactory  
33 evidence to be the individual(s) whose name(s) is(are) subscribed to the  
34 within instrument and acknowledged to me that he/she/they executed the  
35 same in his/her/their capacity(ies), and that by his/her/their  
36 signature(s) on the instrument, the individual(s), or the person on  
37 behalf of which the individual(s) acted, executed the instrument.

38 \_\_\_\_\_  
39 Notary Signature

40 \_\_\_\_\_  
41 Notary Printed Name

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

4 Official Seal:

5 Lender's Statement of Intent:

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

8 \_\_\_\_\_  
9 Lender

10 By: \_\_\_\_\_  
11 Authorized Signature

12 STATE OF \_\_\_\_\_ )  
13 \_\_\_\_\_ ) ss.:  
14 COUNTY OF \_\_\_\_\_ )

15 On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the  
16 undersigned, a Notary Public in and for said State, personally appeared  
17 \_\_\_\_\_,  
18 personally known to me or proved to me on the basis of satisfactory  
19 evidence to be the individual(s) whose name(s) is(are) subscribed to the  
20 within instrument and acknowledged to me that he/she/they executed the  
21 same in his/her/their capacity(ies), and that by his/her/their  
22 signature(s) on the instrument, the individual(s), or the person on  
23 behalf of which the individual(s) acted, executed the instrument.

24 \_\_\_\_\_  
25 Notary Signature

26 \_\_\_\_\_  
27 Notary Printed Name

28 Notary Public; State of \_\_\_\_\_  
29 Qualified in the County of \_\_\_\_\_  
30 My commission expires: \_\_\_\_\_

31 Official Seal:

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

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

36 § 339-pp. Disposition of liens. Neither the act of affixing a manu-  
37 factured home to real property, nor the recording of the affidavit of  
38 affixation shall impair the rights of any holder of a security interest  
39 in a manufactured home perfected as provided in section twenty-one  
40 hundred eighteen of the vehicle and traffic law, unless and until the  
41 due filing with and acceptance by the commissioner of motor vehicles of

1 an application to surrender the title and a release of any lien as  
2 provided in section twenty-one hundred twenty-one of the vehicle and  
3 traffic law. Upon the filing of such a release, the security interest  
4 created under the vehicle and traffic law terminates. The recording of  
5 an affidavit of affixation does not change the character of the lien  
6 noted on a certificate of title, and no mortgage recording tax shall be  
7 imposed at the time an affidavit of affixation is recorded or upon any  
8 lien upon a manufactured home created under the vehicle and traffic law.

9 § 339-qq. Notice to commissioner of motor vehicles. Upon payment of  
10 the fees provided by law and recordation of the affidavit of affixation,  
11 the recording officer shall endorse the affidavit as "recorded in land  
12 records", setting forth thereon the indexing information for the affida-  
13 vit of affixation and the recording officer shall forthwith forward the  
14 recorded original affidavit of affixation to the person designated ther-  
15 ein for filing with the commissioner of motor vehicles.

16 § 339-rr. Time of conversion. (a) A manufactured home shall be  
17 considered real property as provided in section three hundred thirty-  
18 nine-ss of this article when an application to surrender a manufactur-  
19 er's certificate of origin pursuant to section twenty-one hundred seven-  
20 teen-a of the vehicle and traffic law, an application to surrender a  
21 certificate of title pursuant to section twenty-one hundred seventeen-b  
22 of the vehicle and traffic law, or an application for confirmation of  
23 conversion pursuant to section twenty-one hundred seventeen-c of the  
24 vehicle and traffic law is delivered to and accepted by the commissioner  
25 of motor vehicles.

26 (b) Notwithstanding subdivision (a) of this section, a manufactured  
27 home shall be considered real property as provided in section three  
28 hundred thirty-nine-ss of this article if an application to surrender a  
29 manufacturer's certificate of origin pursuant to section twenty-one  
30 hundred seventeen-a of the vehicle and traffic law, an application to  
31 surrender a certificate of title pursuant to section twenty-one hundred  
32 seventeen-b of the vehicle and traffic law, or an application for  
33 confirmation of conversion pursuant to section twenty-one hundred seven-  
34 teen-c of the vehicle and traffic law is delivered to the commissioner  
35 of motor vehicles within thirty days of recording the related affidavit  
36 of affixation with the recording officer in the county in which the real  
37 property to which the manufactured home is or shall be affixed and the  
38 application is thereafter accepted by the commissioner, the requirements  
39 of this section shall be deemed satisfied as of the date the affidavit  
40 of affixation is recorded.

41 § 339-ss. Conveyance and encumbrance as real property. Upon satisfac-  
42 tion of the conditions provided in section three hundred thirty-nine-nn  
43 of this article, any mortgage, lien or security interest which can  
44 attach to land, buildings erected thereon or fixtures affixed thereto,  
45 shall attach, as of the date of recording in the same manner as real  
46 property. Title to such manufactured home shall be transferred by deed  
47 or other form of conveyance that is effective to transfer an interest in  
48 real property, together with the land to which such structure is  
49 affixed. The manufactured home shall be deemed to be real property and  
50 shall be governed by the laws of this state applicable to real property.

51 § 339-tt. Manufactured homes that remain personal property. Except as  
52 provided in section three hundred thirty-nine-nn, section three hundred  
53 thirty-nine-oo, and section three hundred thirty-nine-qq, of this arti-  
54 cle, an affidavit of affixation is not necessary or effective to convey  
55 or encumber a manufactured home or to change the character of the manu-  
56 factured home to real property.

1 § 339-uu. Documents in trust. (a) Manufacturer's certificate of  
2 origin. The holder of a manufacturer's certificate of origin to a manu-  
3 factured home may deliver it to any person to facilitate conveying or  
4 encumbering the home. Any person receiving any such manufacturer's  
5 certificate of origin so delivered holds it in trust for the person  
6 delivering it.

7 (b) Certificate of title. The holder of a certificate of title to a  
8 manufactured home may deliver it to any person to facilitate conveying  
9 or encumbering the home. Any person receiving any such manufacturer's  
10 certificate of origin so delivered holds it in trust for the person  
11 delivering it.

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

16 § 339-vv. Home warranty. A warranty that applies to a manufactured  
17 home when it is sold and rights arising from a breach of the warranty  
18 are not affected by a subsequent change in the home's classification as  
19 real property pursuant to this article. No additional warranty applies  
20 to a manufactured home solely because of a subsequent change in the  
21 home's classification as real property.

22 § 339-ww. Impairment of rights. Nothing in this section shall impair  
23 any rights existing under law prior to the effective date of this  
24 section of anyone claiming an interest in a manufactured home.

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