

# HOUSE BILL 794

N1

3lr2089  
CF SB 696

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By: **Delegate Niemann**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Manufactured Homes – Affixation to Real Property – Liens**

3 FOR the purpose of altering certain lien information that must be included in certain  
4 statements that accompany the recordation of an affidavit of affixation for a  
5 manufactured home under certain circumstances; making stylistic changes;  
6 defining a certain term; and generally relating to the affixation to real property  
7 of manufactured homes.

8 BY repealing and reenacting, with amendments,  
9 Article – Real Property  
10 Section 8B–101, 8B–102(a), and 8B–202(b) and (c)  
11 Annotated Code of Maryland  
12 (2010 Replacement Volume and 2012 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Real Property**

16 8B–101.

17 (a) In this title the following words have the meanings indicated.

18 (b) “Attached to a permanent foundation” means anchored to real property  
19 by attachment to a permanent foundation and connected to utilities, including water,  
20 gas, electricity, or sewer or septic service.

21 (c) “Certificate of origin” has the meaning stated in § 13–101 of the  
22 Transportation Article.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) "Certificate of title" means a title issued by the Motor Vehicle  
2 Administration for a manufactured home under Title 13 of the Transportation Article.

3 (e) "Convert" means to make a manufactured home that is attached to a  
4 permanent foundation considered as permanently affixed to a parcel of real property  
5 and treated as an integral part of the parcel.

6 (f) (1) **"LIEN" MEANS AN INTEREST IN A MANUFACTURED HOME,  
7 WHETHER AS PERSONAL PROPERTY OR REAL PROPERTY, OR IN THE PARCEL OF  
8 REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS OR WILL BE AFFIXED,  
9 THAT SECURES PAYMENT OF A DEBT OR PERFORMANCE OF AN OBLIGATION.**

10 (2) **"LIEN" INCLUDES:**

11 (I) **A MORTGAGE, DEED OF TRUST, SECURITY AGREEMENT,  
12 OR OTHER INSTRUMENT CREATING AN ENCUMBRANCE ON THE PROPERTY; OR**

13 (II) **AN ENCUMBRANCE ARISING BY OPERATION OF LAW.**

14 (G) "Manufactured home" has the meaning stated in § 9-102(a) of the  
15 Commercial Law Article.

16 [(g)] (H) "Owner" means a person that has an ownership interest in a  
17 manufactured home.

18 [(h)] (I) "Sever" means to separate a manufactured home that has been  
19 converted to real property from the parcel of real property to which it has been affixed.

20 8B-102.

21 (a) Except as provided in subsection (b) of this section, on satisfaction of the  
22 requirements of Subtitle 2 of this title:

23 (1) A manufactured home shall be:

24 (i) Converted to real property; and

25 (ii) Governed by the laws applicable to real property and not  
26 subject to Title 13 of the Transportation Article;

27 (2) Any [mortgage, deed of trust, lien, or security interest] **LIEN** that  
28 can attach to real property shall attach in the same manner to a manufactured home  
29 that is converted to real property as to the parcel of real property to which the  
30 manufactured home has been affixed; and

1           (3) The title and all rights to a manufactured home shall be  
2 transferred by deed with the transfer of the parcel of real property to which the  
3 manufactured home has been affixed.

4 8B-202.

5           (b) (1) Except as provided in paragraph (2) of this subsection, an affidavit  
6 of affixation shall be accompanied by:

7                   (i) An original certificate of title issued by the Motor Vehicle  
8 Administration for the manufactured home that:

9                           1. Has the word “surrendered” clearly written on its  
10 face; and

11                           2. If the certificate of title indicates that there is a [lien,  
12 encumbrance, or other security interest for] **LIEN ON** the manufactured home, is  
13 accompanied by a release from each party that [has a security interest in] **IS**  
14 **INDICATED TO HAVE A LIEN ON** the manufactured home; or

15                   (ii) A manufacturer’s certificate of origin for the manufactured  
16 home that:

17                           1. Has the word “surrendered” clearly written on its  
18 face; and

19                           2. If the manufacturer’s certificate of origin indicates  
20 that there is a [lien, encumbrance, or other security interest for] **LIEN ON** the  
21 manufactured home, is accompanied by a release from each party that [has a security  
22 interest in] **IS INDICATED TO HAVE A LIEN ON** the manufactured home.

23           (2) If the owner is unable to locate an original certificate of title or a  
24 manufacturer’s certificate of origin, the affidavit of affixation shall be accompanied by  
25 a report prepared and acknowledged by an attorney licensed to practice in the State or  
26 a title insurance producer licensed to do business in the State that:

27                   (i) Identifies the party preparing the report;

28                   (ii) States that a search has been conducted of:

29                           1. The land records of the county in which the parcel of  
30 real property to which the manufactured home is or will be affixed is located; and

31                           2. The records maintained by the Motor Vehicle  
32 Administration; and

1 (iii) [States that no lien, encumbrance, or other security interest  
2 has been found for the manufactured home] **IDENTIFIES ALL LIENS ON THE**  
3 **MANUFACTURED HOME, INCLUDING FOR EACH LIEN:**

- 4 1. **THE NAME OF THE LIEN HOLDER;**  
5 2. **THE NATURE OF THE LIEN;**  
6 3. **THE DATE THE LIEN WAS CREATED; AND**  
7 4. **THE AMOUNT OF THE LIEN.**

8 (c) (1) If an affidavit of affixation is accompanied by an original certificate  
9 of title, the affidavit shall be accompanied by:

10 (i) A statement that it is the intent of the owner to surrender  
11 the certificate of title; and

12 (ii) A statement that:

13 1. There is no [lien, encumbrance, or other security  
14 interest for] **LIEN ON** the manufactured home; or

15 2. Any [lien, encumbrance, or other security interest for]  
16 **LIEN ON** the manufactured home has been satisfied and the appropriate releases are  
17 attached and made a part of the affidavit of affixation.

18 (2) If an affidavit of affixation is accompanied by a manufacturer's  
19 certificate of origin, the affidavit shall be accompanied by:

20 (i) A statement that a certificate of title has not been issued for  
21 the manufactured home;

22 (ii) A statement that it is the intent of the owner to surrender  
23 the manufacturer's certificate of origin; and

24 (iii) A statement that:

25 1. There is no [lien, encumbrance, or other security  
26 interest for] **LIEN ON** the manufactured home; or

27 2. Any [lien, encumbrance, or other security interest for]  
28 **LIEN ON** the manufactured home has been satisfied and the appropriate releases are  
29 attached and made a part of the affidavit of affixation.

1                   (3) If an affidavit of affixation is accompanied by a statement from an  
2 attorney or title insurance producer, the affidavit also shall be accompanied by:

3                   (i) A statement that the owner is unable to locate a certificate  
4 of title or a manufacturer's certificate of origin for the manufactured home; and

5                   (ii) A statement [that:

6                                 1. There is no lien, encumbrance, or other security  
7 interest for the manufactured home; or

8                                 2. Any lien, encumbrance, or other security interest for  
9 the manufactured home has been satisfied and the appropriate releases are attached  
10 and made a part of the affidavit of affixation] **THAT IDENTIFIES ALL LIENS ON THE**  
11 **MANUFACTURED HOME, INCLUDING FOR EACH LIEN:**

12   **1. THE NAME OF THE LIEN HOLDER;**

13   **2. THE NATURE OF THE LIEN;**

14   **3. THE DATE THE LIEN WAS CREATED; AND**

15   **4. THE AMOUNT OF THE LIEN.**

16                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 June 1, 2013.