

Chapter 640

(House Bill 794)

AN ACT concerning

Manufactured Homes – Affixation to Real Property – Liens

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

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

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

Article – Real Property

8B–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Attached to a permanent foundation” means anchored to real property by attachment to a permanent foundation and connected to utilities, including water, gas, electricity, or sewer or septic service.
- (c) “Certificate of origin” has the meaning stated in § 13–101 of the Transportation Article.
- (d) “Certificate of title” means a title issued by the Motor Vehicle Administration for a manufactured home under Title 13 of the Transportation Article.
- (e) “Convert” means to make a manufactured home that is attached to a permanent foundation considered as permanently affixed to a parcel of real property and treated as an integral part of the parcel.
- (f) **(1) “LIEN” MEANS AN INTEREST IN A MANUFACTURED HOME, WHETHER AS PERSONAL PROPERTY OR REAL PROPERTY, OR IN THE PARCEL OF**

REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS OR WILL BE AFFIXED, THAT SECURES PAYMENT OF A DEBT OR PERFORMANCE OF AN OBLIGATION.

(2) “LIEN” INCLUDES:

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

(II) AN ENCUMBRANCE ARISING BY OPERATION OF LAW.

(G) “Manufactured home” has the meaning stated in § 9–102(a) of the Commercial Law Article.

[(g)] (H) “Owner” means a person that has an ownership interest in a manufactured home.

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

8B–102.

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

(1) A manufactured home shall be:

(i) Converted to real property; and

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

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

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

8B–202.

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

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

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

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

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

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

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

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

(i) Identifies the party preparing the report;

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

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

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

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

1. THE NAME OF THE LIEN HOLDER;

2. THE NATURE OF THE LIEN;

3. THE DATE THE LIEN WAS CREATED; AND**4. THE AMOUNT OF THE LIEN.**

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

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

(ii) A statement that:

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

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

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

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

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

(iii) A statement that:

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

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

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

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

(ii) A statement [that:

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

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

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

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

Approved by the Governor, May 16, 2013.