Article - Real Property

[Previous][Next]

§8B–202.

(a) An affidavit of affixation shall contain or be accompanied by:

(1) A description of the manufactured home, including:

(i) The name of the manufacturer, make, model name, model year, dimensions, and manufacturer's serial number; and

(ii) A statement whether the manufactured home is new or used;

(2) The street address and legal description of the parcel of real property to which the manufactured home is or will be affixed;

(3) A statement that the ownership interests in the manufactured home and the parcel of real property to which the manufactured home is or will be affixed are identical or will be identical after filing the affidavit of affixation in the land records; and

(4) A statement that the manufactured home is or will be attached to the real property described at the time of the filing of the affidavit of affixation in the land records.

(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 on the manufactured home, is accompanied by a release from each party that 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 on the manufactured home, is accompanied by a release from each party that 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) 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 on the manufactured home; or

2. Any 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 on the manufactured home; or

2. Any 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 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.

(d) An affidavit of affixation shall be signed under penalty of perjury and acknowledged.

(e) The clerk of the circuit court of the county in which the parcel of real property to which a manufactured home is or will be affixed is located:

(1) Shall accept an affidavit of affixation and any attachments for recordation and indexing; and

(2) May charge a reasonable fee for the recordation.

(f) The recordation of an affidavit of affixation does not represent a sale or transfer of real property for the purpose of the collection of any tax or fee charged by the State or any county or municipality.

(g) (1) Immediately after filing an affidavit of affixation with the clerk of the circuit court, the owner of the property to which a manufactured home has been affixed shall send a certified copy of the affidavit and any attachments to the Motor Vehicle Administration.

(2) On receipt of a certified copy of an affidavit of affixation and any attachments under paragraph (1) of this subsection, the Motor Vehicle Administration shall record the affidavit and attachments in the Administration's records.

[Previous][Next]