

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §702, sub-§6 is enacted to read:

6. Alternative perfection of security interests. As an alternative to the methods prescribed in section 2, for mortgages of and foreclosures and executions upon manufactured housing, security interests in manufactured housing may be created in the manner prescribed in Title 11, Article 9-A, Part 1, subpart 1. A security interest, properly perfected in the manner prescribed in Title 11, section 9-1301 is entitled to priority over any other interests in the manufactured housing arising after the perfection. A person holding a security interest in manufactured housing has all the rights, remedies and obligations provided in Title 11.

Sec. 2. 32 MRSA §13002, sub-§3, as amended by PL 1999, c. 129, §2 and affected by §16, is further amended to read:

3. Exception. Any person licensed as an auctioneer under chapter 5, hired to call bids at an auction, if the person employed does not prepare contracts or otherwise control the actual sale or take custody of any part of the purchase price; and

Sec. 3. 32 MRSA §13002, sub-§4, as enacted by PL 1999, c. 129, §3 and affected by §16, is amended to read:

4. Time share. Real estate transaction services subject to the provisions of Title 33, chapter 10-A; and

Sec. 4. 32 MRSA §13002, sub-§5 is enacted to read:

5. Transactions by manufactured housing dealers. Transactions in manufactured housing subject to the provisions of Title 10, chapter 951.

Sec. 5. 33 MRSA §151, first ¶, as amended by PL 1983, c. 433, is further amended to read:

A person owning real estate and having a right of entry into it, whether seized of it or not, may convey it or all his interest in it, by a deed to be acknowledged and recorded as provided in this chapter. Down trees lying on land at the time of conveyance are real estate and pass by the deed; but such down trees as are cut into wood, logs or other lumber and hemlock bark peeled are personal property, and the owner may remove them in a reasonable time thereafter. Manufactured housing sold as new after January 1, 2008, as defined in Title 10, section 9002, subsection 7, paragraph A, upon installation, as defined in Title 10, section 9002, subsection 6, paragraph A, or upon conveyance to a consumer by deed as provided

in section 459 if prior to the installation is real estate for purposes of this section, including transfer, whether voluntary or involuntary, and is conveyed, mortgaged or leased and is subject to attachment, other liens, foreclosure and execution in the same manner and with the same formality as real estate.

Sec. 6. 33 MRSA §459 is enacted to read:

§ 459. Conveyance of manufactured housing

1. Conveying manufactured housing. A deed conveying manufactured housing as defined in Title 10, section 9002, subsection 7, paragraph A or evidencing its relocation inside this State must be substantially in the form provided in paragraphs A and D as applicable. If a deed for the manufactured housing is recorded in the registry of deeds of one county of this State and if the manufactured housing is relocated to another site in that county or to a site in another county of this State, a deed evidencing the change of location and conveyance, if any, must be recorded in the registry of deeds of the county from which it was relocated and a duplicate original must also be recorded in the registry of deeds of the county to which it was relocated. If the manufactured housing is relocated to a site outside of this State, a statement evidencing the change of location and conveyance, if any, substantially in the form provided in paragraph E must be recorded in the registry of deeds of the county in this State from which it was relocated. An attachment, lien or other encumbrance on manufactured housing, when properly created and recorded as required by law, continues to be enforceable until released or discharged notwithstanding the relocation of the manufactured housing inside or outside of this State.

A. A deed conveying manufactured housing in substance following the form provided in this paragraph when duly executed has the force and effect of a deed in fee simple to the grantee, the grantee's heirs and assigns, the grantee and their use and behoof forever, with covenants on the part of the grantor, for the grantor, with the grantee, the grantee's heirs and assigns, that, at the time of the delivery of the deed, the grantor was lawfully seized in fee of the manufactured housing, that the manufactured housing was free of all encumbrances except as stated, that the grantor had good right to sell and convey the same to the grantee to hold as aforesaid and that the grantor and the grantor's heirs shall and will warrant and defend the same to the grantee, the grantee's heirs and assigns forever, against the lawful claims and demands of all persons. No owner of land may unreasonably withhold the consent required by this statutory form.

Form for Manufactured Housing Warranty Deed

A.B. of, County,, (being unmarried), for consideration paid, grant to C.D. of,County,, with Warranty Covenants, the manufactured housing situated, or to be situated, at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

(description of manufactured housing being conveyed: name of manufacturer, model year and serial number and encumbrances, exceptions, reservations, if any)

which manufactured housing is to be situated at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

The tract or parcel of land upon which the manufactured housing is situated is owned by E.F. by deed dated and recorded at Book, Page in the County Registry of Deeds. The tract or parcel of land upon which the manufactured housing is to be situated, if any, is owned by G.H. by deed dated and recorded at Book, Page in the County Registry of Deeds. I.J., spouse of the grantor, releases all rights in the manufactured housing being conveyed.

Witness hand and seal this day of (here add acknowledgment)

E.F., owner of the tract or parcel of land upon which the manufactured housing is situated, consents to the conveyance and relocation, if any, of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

G.H., owner of the tract or parcel of land upon which the manufactured housing is to be situated, consents to the conveyance and relocation of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

[] Check box if the manufactured housing has been relocated from one site to another inside Maine. The manufactured housing was previously located at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine and the deed of the same to the grantor, if any, was recorded at Book, Page, in the County Registry of Deeds. If the relocation is to a county of the State of Maine other than the county in which the deed to the grantor was recorded, duplicate originals of the deed must be recorded in the registry of deeds of each county.

B. A deed conveying manufactured housing in substance following the form provided in this paragraph when duly executed has the force and effect of a deed in fee simple to the grantee, the grantee's heirs and assigns forever, with covenant on the part of the grantor, for the grantor, with the grantee, the grantee's heirs and assigns forever, that at the time of the delivery of the deed the grantor covenants with the grantee, the grantee's heirs and assigns, that the grantor warrants and forever defends the manufactured housing to the grantee, the grantee's heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under the grantor. An owner of land may not unreasonably withhold the consent required by this statutory form.

Form for Manufactured Housing Quitclaim Deed With Covenant

A.B. of, County,, (being unmarried) for consideration paid, grant to C.D. of, County,, with quitclaim covenant the manufactured housing situated, or to be situated, at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

(description of manufactured housing being conveyed: name of manufacturer, model year and serial number and encumbrances, exceptions, reservations, if any)

which manufactured housing is to be situated at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

The tract or parcel of land upon which the manufactured housing is situated is owned by E.F. by deed dated and recorded at Book, Page in the County Registry of Deeds. The tract or parcel of land upon which the manufactured housing is to be situated, if any, is owned by G.H. by deed dated and recorded at Book, Page in the County Registry of Deeds. I.J., spouse of the grantor, releases all rights in the manufactured housing being conveyed.

Witness hand and seal this day of (here add acknowledgment)

E.F., owner of the tract or parcel of land upon which the manufactured housing is situated, consents to the conveyance and relocation, if any, of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

G.H., owner of the tract or parcel of land upon which the manufactured housing is to be situated, consents to the conveyance and relocation of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

[] Check box if the manufactured housing has been relocated from one site to another inside Maine. The manufactured housing was previously located at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine and the deed of the same to the grantor, if any, was recorded at Book, Page, in the County Registry of Deeds. If the relocation is to a county of the State of Maine other than the county in which the deed to the grantor was recorded, duplicate originals of the deed must be recorded in the registry of deeds of each county.

C. A deed conveying manufactured housing in substance following the form provided in this paragraph when duly executed has the force and effect of a deed in fee simple to the grantee, the grantee's heirs and assigns forever. An owner of land may not unreasonably withhold the consent required by this statutory form.

Form for Manufactured Housing Quitclaim Deed Without Covenant or Release Deed

A.B. of, County,, (being unmarried) for consideration paid, release to C.D. of, County,, the manufactured housing situated, or to be situated, at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

(description of manufactured housing being conveyed: name of manufacturer, model year and serial number and encumbrances, exceptions, reservations, if any)

which manufactured housing is to be situated at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

The tract or parcel of land upon which the manufactured housing is situated is owned by E.F. by deed dated and recorded at Book, Page in the County Registry of Deeds. The tract or parcel of land upon which the manufactured housing is to be situated, if any, is owned by G.H. by deed dated and recorded at Book, Page in the County Registry of Deeds. I.J., spouse of the grantor, releases all rights in the manufactured housing being conveyed.

Witness hand and seal this day of (here add acknowledgment)

E.F., owner of the tract or parcel of land upon which the manufactured housing is situated, consents to the conveyance and relocation, if any, of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

G.H., owner of the tract or parcel of land upon which the manufactured housing is to be situated, consents to the conveyance and relocation of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

[] Check box if the manufactured housing has been relocated from one site to another inside Maine. The manufactured housing was previously located at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine and the deed of the same to the grantor, if any, was recorded at Book, Page, in the County Registry of Deeds. If the relocation is to a county of the State of Maine other than the county in which the deed to the grantor was recorded, duplicate originals of the deed must be recorded in the registry of deeds of each county.

D. A deed evidencing the relocation within this State of manufactured housing, but not the conveyance of the manufactured housing, must in substance follow the form provided in this paragraph. An owner of land may not unreasonably withhold the consent required by this statutory form.

Form for Manufactured Housing Relocation Deed

A.B. of, County,, the owner of manufactured housing situated at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

(description of manufactured housing being relocated: name of manufacturer, model year and serial number and encumbrances, exceptions, reservations, if any)

declares that the manufactured housing is to be relocated to (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

The tract or parcel of land upon which the manufactured housing is situated is owned by C.D. by deed dated and recorded at Book, Page in the County Registry of Deeds. The tract or parcel of land upon which the manufactured housing is to be situated, if any, is owned by E.F. by deed dated and recorded at Book, Page in the County Registry of Deeds.

Witness hand and seal this day of (here add acknowledgment)

C.D., owner of the tract or parcel of land upon which the manufactured housing is situated, consents to the relocation of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

E.F., owner of the tract or parcel of land upon which the manufactured housing is to be situated, consents to the relocation of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

[] Check box if the manufactured housing has been relocated from one site to another inside Maine. The manufactured housing was previously located at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine and the deed of the same to the grantor, if any, was recorded at Book, Page, in the County Registry of Deeds. If the relocation is to a county of the State of Maine other than the county in which the deed to the grantor was recorded, duplicate originals of the deed must be recorded in the registry of deeds of each county.

E. An out-of-state relocation statement in substance following the form provided in this paragraph when duly executed and recorded in the registry of deeds of the county in which the manufactured housing was previously located has the force and effect of terminating the record ownership of the manufactured housing in the registry of deeds and, if a conveyance of the manufactured housing, transferring ownership of the manufactured housing to the grantee, the grantee's heirs and assigns. An owner of land may not unreasonably withhold the consent required by this statutory form. Manufactured housing may not be relocated to a site outside of this State unless all holders of liens, attachments or encumbrances, if any, consent to the relocation in writing on the transfer statement.

Form for Out-of-State Relocation Statement

A.B. of, County,, the owner of manufactured housing situated at (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine.

(description of manufactured housing being relocated: name of manufacturer, model year and serial number and encumbrances, exceptions, reservations, if any)

declares that the manufactured housing is to be relocated from (state name of land lease community, if any, and street address), Town (City) of, County, State of Maine to a site outside of the State of Maine, and A.B. (being unmarried) for consideration paid, grant to C.D. of, County,, the manufactured housing.

The tract or parcel of land upon which the manufactured housing is situated is owned by E.F. by deed dated and recorded at Book, Page in the County Registry of Deeds. G.H., spouse of the grantor, releases all rights in the manufactured housing being conveyed.

Witness hand and seal this day of (here add acknowledgment)

E.F., owner of the tract or parcel of land upon which the manufactured housing is situated, consents to the relocation of the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

G.H., holder of (lien, attachment or encumbrance) consents to the conveyance of the manufactured housing, subject to the condition that the (lien, attachment or encumbrance) remains in force and effect on the manufactured housing.

Witness hand and seal this day of (here add acknowledgment)

2. Deed required. A deed substantially in the form prescribed by subsection 1, paragraphs A, B and C, duly executed and delivered, is required to transfer title to any manufactured housing in a transaction occurring prior to installation of the manufactured housing as defined in Title 10, section 9002, subsection 6, paragraph A and the connection of the manufactured housing to the required utilities.

3. Signing of deed. Any manufactured housing land lease community owner required to sign a deed under this section shall sign the deed no later than 15 days after the new tenant is approved and the land lease community owner is requested to do so. The tenant shall deliver the deed to the manufactured housing land lease community owner's place of business for signature. The fee for any signature on a deed may not exceed \$25 and must be paid by the tenant.

Sec. 7. Effective date. This Act takes effect January 1, 2008.

SUMMARY

This bill affects new HUD-code manufactured housing, providing for the conveyance of the manufactured housing by deed to the consumer, and the recording of the deeds in the applicable county registry of deeds. The bill also provides for deeds of relocation where there is no change of ownership and statements of relocation of the manufactured housing out of state. Forms for deeds and statements

are included. The bill makes it clear that title passes to the new owner upon the installation of the manufactured housing and connection of the manufactured housing to the required utilities.