

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2187

S.P. 843

In Senate, February 2, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Business Legislation suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

Cosponsored by Senator TUTTLE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT to Create a Manufactured Housing Deed.

1
2

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

5 33 MRSa c. 9, sub-c. III is enacted to read:

6

SUBCHAPTER III

7

BUILDINGS ON LAND OF ANOTHER

1 §554. Buildings; manufactured housing

2 1. Application of real estate laws. A building
3 situated on land not belonging to the owners of the
4 building shall be deemed real estate for purposes of
5 transfer, whether voluntary or involuntary, shall be
6 conveyed, mortgaged or leased and shall be subjected
7 to attachment, other liens, foreclosure and execution
8 in the same manner and with the same formality as real
9 estate.

10 §555. Manufactured housing

11 Manufactured housing, as defined in Title 30,
12 section 4965, shall be deemed a building for the
13 purpose of section 554, when that manufactured housing
14 is placed on a site and tied into required utilities.
15 Any deed conveying manufactured housing or evidencing
16 relocation of manufactured housing within this State
17 shall be substantially in the form provided in
18 subsections 1 and 2. If a deed for any manufactured
19 housing is recorded in the registry of deeds of one
20 county of this State and if that manufactured housing
21 is relocated to another site in that county or to a
22 site in another county of this State, a deed
23 evidencing the change of location shall be recorded in
24 the registry of deeds of the county in which the
25 manufactured housing was originally located and a
26 duplicate original deed shall also be recorded in the
27 registry of deeds of the county to which the
28 manufactured housing was relocated. If the
29 manufactured housing is relocated to a site outside of
30 this State, a statement evidencing the change of
31 location substantially in the form provided in
32 subsection 3 shall be recorded in the registry of
33 deeds of the county in this State in which the
34 manufactured housing was previously located. An
35 attachment, lien or other encumbrance on manufactured
36 housing, when properly created and recorded as
37 required by law, shall continue to be enforceable
38 until released or discharged, notwithstanding the
39 relocation of the manufactured housing within or
40 outside of this State.

1 1. Deed. A deed in substance following the form
2 provided in this subsection, when duly executed and
3 delivered, shall have the force and effect of a deed
4 in fee simple to the grantee, heirs, successors and
5 assigns, to the grantee's and their own use, with
6 covenant on the part of the grantor, for the grantor,
7 the grantor's heirs, executors and administrators of
8 the grantor that, at the time of the delivery of the
9 deed, the grantor was lawfully seized in fee simple of
10 the manufactured housing; that such manufactured
11 housing was free from all encumbrances, except as
12 stated; that the grantor had good right to sell and
13 convey the manufactured housing to the grantee, the
14 heirs, successors and assigns of the grantor; and that
15 the grantor and the grantor's heirs, executors and
16 administrators of the grantor shall warrant and defend
17 that good right to sell to the grantee and the heirs,
18 successors and assigns of the grantor, against the
19 lawful claims and demands of all persons. An owner of
20 land shall not unreasonably withhold the consent
21 required by this statutory form.

22 Form for Manufactured Housing Warranty Deed

23 _____, of _____
24 County, State of _____, for consideration
25 paid, grant to _____
26 of _____ Street, Town (City)
27 of _____
28 County, State of _____, with warranty
29 covenants, the _____
30 (Description of manufactured housing being conveyed:
31 name of manufacturer, model and serial number and
32 encumbrances, exceptions, reservations, if any) which
33 manufactured housing is situated, or is to be
34 situated, at _____ (state name of
35 park, if any, and street address), Town (City)
36 of _____
37 County, State of Maine.

38 The tract or parcel of land upon which the
39 manufactured housing is situated, or is to be
40 situated, is owned by _____ by _____

1 deed dated _____ and recorded at
2 Book _____,
3 Page _____ in
4 the _____ County Registry of
5 Deeds.
6 _____ (wife) (husband) of the grantor,
7 release to the grantee all rights and other interests
8 therein.

9 _____ Witness _____ hand this _____ day
10 of _____ 19

11 Witness:
12 _____ (Here add acknowledgement)

13 _____, owner of the tract or
14 parcel of land upon which the aforesaid manufactured
15 housing is situated, or is to be situated, hereby
16 consents to the conveyance of the manufactured housing.

17 _____ Witness _____ hand
18 this _____ day of _____ 19

19 Witness:
20 _____ (Here add acknowledgement)

21 _____ Check box if the manufactured housing has been
22 relocated from one site to another within Maine. The
23 manufactured housing was previously located
24 at _____ (state name of park, if
25 any, and street address), Town _____ (City)
26 of _____,
27 County, State of Maine and title, if any, to the same
28 was recorded at Book _____,
29 Page _____, in the
30 County Registry of Deeds. If the relocation is to a
31 county of the State of Maine other than the county in
32 which the deed to the grantor was recorded, a
33 duplicate original of the deed must be recorded in the
34 registry of deeds of that county at the same time this
35 deed is recorded.

36 2. Deed. A deed in substance following the form
37 provided in this paragraph shall have, when duly
38 executed and delivered, the force and effect of a deed
39 in fee simple to the grantee, heirs, successors and
40 assigns, to the grantee or their own use, with
41 covenants on the part of the grantor, for the grantor,
42 the heirs, executors and administrators of the grantor

1 with the grantee, the grantee's heirs, successors and
2 assigns that at the time of the delivery of the deed
3 the manufactured housing was free from all
4 encumbrances made by the grantor, except as stated,
5 and that the grantor and the grantor's heirs,
6 executors and administrators of the grantor shall
7 warrant and defend the same to the grantee and of the
8 grantor's heirs, successors and assigns forever
9 against the lawful claims and demands of all persons
10 claiming, by, through or under the grantor, but
11 against no other. An owner of land shall not
12 unreasonably withhold the consent required by this
13 statutory form.

14 Form for Manufactured Housing Quitclaim Deed

15 _____, of _____
16 _____, County,
17 State of _____, for
18 consideration paid, grant to
19 of _____ Street, Town (City)
20 of _____, County,
21 State of _____, with quitclaim
22 covenants, the
23 (Description of manufactured housing being conveyed:
24 name of manufacturer, model and serial number and
25 encumbrances, exceptions, reservations, if any) which
26 manufactured housing is situated, or is to be
27 situated, at _____ (state name of
28 park, if any, and street address), Town (City)
29 of _____,
30 County, State of Maine.

31 The tract or parcel of land upon which the
32 manufactured housing is situated, or is to be
33 situated, is owned by _____ by
34 deed dated _____ and recorded at
35 Book _____, Page _____,
36 in the _____ County Registry of
37 Deeds. _____ (wife) (husband)
38 of the grantor, release to the grantee all rights and
39 other interest therein.

40 Witness _____ hand this
41 day of _____ 19____

1 Witness:

2 (Here add acknowledgement)

3 _____, owner of the tract or
4 parcel of land upon which the aforesaid manufactured
5 housing is situated, or is to be situated, hereby
6 consents to the conveyance of the manufactured housing.

7 Witness _____ hand
8 this _____ day of _____
9 19_____

10 Witness:

11 (Here add acknowledgement)

12 Check box if the manufactured housing has been
13 relocated from one site to another within Maine. The
14 manufactured housing was previously located
15 at _____ (state name of park, if
16 any, and street address), Town _____ (City)
17 of _____
18 County, State of Maine and title, if any, to the same
19 was recorded at Book _____,
20 Page _____, in the
21 County Registry of Deeds. If the relocation is to a
22 county of the State of Maine other than the county in
23 which the deed to the grantor was recorded, a
24 duplicate original of the deed must be recorded in the
25 registry of deeds of that county at the same time this
26 deed is recorded.

27 3. Out-of-state transfer statement. An
28 out-of-state transfer statement in substance following
29 the form appended to this paragraph shall, when duly
30 executed and recorded in the registry of deeds of the
31 county in which the manufactured housing was
32 previously located, shall have the force and effect of
33 transferring title of the manufactured housing to the
34 grantee, the grantee's heirs, successors and assigns
35 and terminating the record title of the manufactured
36 housing in the registry of deeds under circumstances
37 by which the manufactured housing is relocated to a
38 site outside of this State. No owner of land may
39 unreasonably withhold the consent required by this _____

1 statutory form. No manufactured housing may be
2 relocated to a site outside of this State unless all
3 holders of liens, attachments or encumbrances, if any,
4 consent thereto in writing on the transfer statement.

5 Form for Out-of-State Transfer Statement

6 _____, of _____,
7 _____ County, State of _____,
8 for consideration paid, grant to _____ of
9 _____ Street, Town (City) of _____
10 _____,
11 _____ County, State of _____
12 _____, the
13 _____ (Description of
14 manufactured housing being conveyed: name of
15 manufacturer, model and serial number and
16 encumbrances, exceptions, reservations, if any) which
17 manufactured housing, was situated
18 at _____ (state name of
19 park, if any, and street address), Town (City)
20 _____
21 of _____ County, State of Maine.

22 The tract or parcel of land upon which the
23 manufactured housing was situated is owned
24 by _____ by deed
25 _____
26 dated _____ and recorded at
27 Book _____, Page _____ in
28 the _____ County
29 Registry of Deeds.
30 _____ (wife) (husband) of the grantor, release
31 to the grantee all rights and other interest therein.

32 _____ Witness _____ hand
33 this _____ day of _____ 19____
34 Witness: _____

35 (Here add acknowledgement)

36 _____, owner of the tract or
37 parcel of land upon which the aforesaid manufactured
38 housing was situated, hereby consents to the
39 conveyance of the manufactured housing.

40 _____ Witness _____ hand this _____

1 homestead rights are not waived, a secured party
2 foreclosing upon a security interest created under
3 this paragraph shall first pay to the debtor an amount
4 equal to that which a person is entitled to under
5 Title 14, section 4422, and the same amount to his or
6 her spouse, if any, out of the proceeds of the sale of
7 the manufactured housing, which payment shall
8 extinguish all homestead rights therein.

9

STATEMENT OF FACT

10 This bill establishes a deed for manufactured
11 housing similar to the provisions in New Hampshire law.

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