

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1695

S.P. 602

March 23, 2007

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

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Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HASTINGS of Oxford.  
Cosponsored by Representative HAMPER of Oxford and Senators: MARTIN of Aroostook,  
NUTTING of Androscoggin, Representatives: HAYES of Buckfield, HOLMAN of Fayette,  
MILLETT of Waterford, ROBINSON of Raymond.

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

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

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

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

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

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

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

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

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

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

25 A person owning real estate and having a right of entry into it, whether seized of it or  
26 not, may convey it or all his interest in it, by a deed to be acknowledged and recorded as  
27 provided in this chapter. Down trees lying on land at the time of conveyance are real  
28 estate and pass by the deed; but such down trees as are cut into wood, logs or other  
29 lumber and hemlock bark peeled are personal property, and the owner may remove them  
30 in a reasonable time thereafter. Manufactured housing sold as new after January 1, 2008,  
31 as defined in Title 10, section 9002, subsection 7, paragraph A, upon installation, as  
32 defined in Title 10, section 9002, subsection 6, paragraph A, or upon conveyance to a  
33 consumer by deed as provided in section 459 if prior to the installation is real estate for  
34 purposes of this section, including transfer, whether voluntary or involuntary, and is  
35 conveyed, mortgaged or leased and is subject to attachment, other liens, foreclosure and  
36 execution in the same manner and with the same formality as real estate.

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

1 **§459. Conveyance of manufactured housing**

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

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

29 Form for Manufactured Housing Warranty Deed

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

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

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

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

1 Book ....., Page ..... in the ..... County Registry of Deeds. I.J., spouse of the  
2 grantor, releases all rights in the manufactured housing being conveyed.

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

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

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

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

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

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

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

28 Form for Manufactured Housing Quitclaim Deed With Covenant

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

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

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

39 The tract or parcel of land upon which the manufactured housing is situated is owned  
40 by E.F. by deed dated ..... and recorded at Book ....., Page ..... in the .....

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

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

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

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

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

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

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

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

24 Form for Manufactured Housing Quitclaim Deed Without Covenant or Release Deed

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

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

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

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

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

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

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

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

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

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

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

19 Form for Manufactured Housing Relocation Deed

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

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

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

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

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

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

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

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

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

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

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

20 Form for Out-of-State Relocation Statement

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

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

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

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

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

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

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

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



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

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

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

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

14 **SUMMARY**

15 This bill affects new HUD-code manufactured housing, providing for the conveyance  
16 of the manufactured housing by deed to the consumer, and the recording of the deeds in  
17 the applicable county registry of deeds. The bill also provides for deeds of relocation  
18 where there is no change of ownership and statements of relocation of the manufactured  
19 housing out of state. Forms for deeds and statements are included. The bill makes it clear  
20 that title passes to the new owner upon the installation of the manufactured housing and  
21 connection of the manufactured housing to the required utilities.