



Sen. David Koehler

Filed: 4/5/2011

09700SB1227sam001

LRB097 07200 HLH 53886 a

1 AMENDMENT TO SENATE BILL 1227

2 AMENDMENT NO. _____. Amend Senate Bill 1227 on page 7,
3 immediately below line 13, by inserting the following:

4 "(c) An affidavit of affixation shall be in the form set
5 forth below:

6 MANUFACTURED HOME

7 AFFIDAVIT OF AFFIXATION

8 STATE OF

9)SS.

10 COUNTY OF

11 BEFORE ME, the undersigned Notary Public, on this day
12 personally appeared (type the
13 name(s) of each person signing this Affidavit) known to me to
14 be the person(s) whose name(s) is/are subscribed below (each a
15 "Homeowner"), and who, being by me first duly sworn, did each

1 on his or her oath state as follows:

2 1. Homeowner owns the manufactured home ("Home") described as
3 follows:

4

5

6 (New/Used; Year; Manufacturer's Name; Model Name and Model
7 No.; Manufacturer's VIN No(s).; Length/Width)

8 2. The Home was built in compliance with the federal
9 Manufactured Home Construction and Safety Standards (42
10 U.S.C.A. Ch. 70).

11 3. If Homeowner is the first retail buyer of the Home,
12 Homeowner is in receipt of (i) the manufacturer's warranty
13 for the Home, (ii) the Consumer Manual for the Home, (iii)
14 the Insulation Disclosure for the Home, (iv) the
15 formaldehyde health notice, and (v) the Dispute Resolution
16 Disclosure required by 24 C.F.R. 3288.5.

17 4. The street address of the real property to which the Home is
18 or shall be permanently affixed ("Property Address") is:

19

20 (Street or Route; City; County; State; Zip Code)

21 5. The legal description of the real property to which the Home
22 is or shall be permanently affixed ("Land") is:

23

1
 2
 3

4 6. Homeowner is the owner of the Land or, if not the owner of
 5 the Land, the Home is not located in a mobile home park, as
 6 defined in Section 2.5 of the Mobile Home Park Act, and
 7 Homeowner is in possession of the Land pursuant to a lease
 8 in recordable form that has a term that continues for at
 9 least 20 years after the date of the execution of this
 10 Affidavit, and the consent of the lessor is attached to
 11 this Affidavit.

12 7. The Home is or shall be assessed and taxed as an improvement
 13 to the Land.

14 8. As of the date of the execution of this Affidavit, or, if
 15 the Home is not yet located at the Property Address, upon
 16 the delivery of the Home to the Property Address:

17 (a) All permits required by governmental authorities have
 18 been obtained;

19 (b) The Home [] is [] shall be permanently affixed as
 20 defined in Section 5-5 of the Conveyance and Encumbrance of
 21 Manufactured Homes as Real Property and Severance Act;

22 (c) The wheels, axles, towbar, or hitch were removed when
 23 the Home was placed on the Property Address; and

24 (d) The Home has the characteristics of site-built housing
 25 and is part of the Land.

1 9. The Home [] was [] was not permanently affixed before
2 January 1, 2011.

3 10. If Homeowner is the owner of the Land, any conveyance or
4 financing of the Home and the Land shall be a single
5 transaction under applicable State law.

6 11. The Home is subject to the following security interests or
7 liens:

8 Name of Lienholder:

9 Address:

10 Original Principal Amount Secured:

11 Name of Lienholder:

12 Address:

13 Original Principal Amount Secured:

14 12. Other than those disclosed in this Affidavit, Homeowner is
15 not aware of (i) any other security interest, claim, lien,
16 or encumbrance affecting the Home or (ii) any other facts
17 or information that could reasonably affect the validity of
18 the title of the Home or the existence or non-existence of
19 security interests in it.

20 13. A release of lien from each of the lienholders identified
21 in paragraph 11 of this Affidavit [] has been [] shall be
22 delivered to the Secretary of State.

23 14. Homeowner shall initial only one of the following, as it

1 applies to the Home:

2 [] The Home is not covered by a certificate of title. The
3 Home is covered by a Manufacturer's Statement of Origin,
4 issued on the of,, manufacturer's
5 vehicle identification number, which
6 Homeowner shall surrender. The original Manufacturer's
7 Statement of Origin, duly endorsed to Homeowner, is attached
8 to this Affidavit.

9 [] The Home is covered by a certificate of title issued
10 on the day of,, title number
11, which Homeowner shall surrender.

12 15. Homeowner designates the following person to file a
13 certified copy of this Affidavit with the Secretary of
14 State, and the person to whom the Recorder shall return a
15 certified copy of this Affidavit after it has been duly
16 recorded in the real property records:

17 Name:.....

18 Address:

19 16. This Affidavit is executed by Homeowner pursuant to Section
20 5-15 of the Conveyance and Encumbrance of Manufactured
21 Homes as Real Property and Severance Act.

22
23 IN WITNESS WHEREOF, Homeowner(s) has/have executed this
24 Affidavit in my presence and in the presence of the
25 undersigned witnesses on this day of,

1 MANUFACTURED HOME
2 AFFIDAVIT OF SEVERANCE

3 STATE OF)
4) SS.
5 COUNTY OF

6 BEFORE ME, the undersigned notary public, on this day
7 personally appeared (type the name(s) of
8 each person signing this Affidavit) known to me to be the
9 person(s) whose name(s) is/are subscribed below (each an
10 "Affiant"), and who, being by me first duly sworn, did each on
11 his or her oath state as follows:

12 1. The owner(s) of the manufactured home described below
13 reside(s) at the following address:
14
15 (Street or Route; City; County; State; Zip Code)

16 Mailing address, if different:
17
18 (Street or Route; City; County; State; Zip Code)

19 2. The manufactured home that is the subject of this Affidavit
20 ("Home") is described as follows:
21

1 (New/Used; Year; Manufacturer's Name; Model Name and Model
2 No.; Manufacturer's VIN No(s).; Length/Width)

3 3. The Home was severed from the following address ("Land"):
4
5 (Street or Route; City; County; State; Zip Code)

6 4. An Affidavit of Affixation was duly recorded in the land
7 records of the county in which the Land is located on
8 (date), in book number at page
9 number

10 5. Affiant is the owner of the Land or, if not the owner of
11 the Land, is in possession of the Land pursuant to a
12 lease in recordable form, and the consent of the lessor
13 is attached to this Affidavit.

14 6. The Home is subject to the following security interests:

15 Name of Lienholder:
16 Address:
17 Original Principal Amount Secured:

18 Name of Lienholder:
19 Address:
20 Original Principal Amount Secured:

21 7. Other than those disclosed in this Affidavit, Affiant is

1 not aware of (i) any other security interest, claim,
 2 lien, or encumbrance affecting the Home or (ii) any other
 3 facts or information that could reasonably affect the
 4 validity of the title of the Home or the existence or
 5 non-existence of security interests in it.

6 8. A release of lien from each of the lienholders identified
 7 in paragraph 6 of this Affidavit [] has been [] shall be
 8 delivered to the Secretary of State.

9 9. Affiant designates the following person to file a
 10 certified copy of this Affidavit with the Secretary of
 11 State, and the person to whom the Recorder shall return a
 12 certified copy of this Affidavit after it has been duly
 13 recorded in the real property records:

14 Name:.....
 15 Address:

16 10. This Affidavit is executed by Affiant pursuant to Section
 17 5-50 of the Conveyance and Encumbrance of Manufactured
 18 Homes as Real Property and Severance Act.

19
 20 IN WITNESS WHEREOF, Affiant(s) has/have executed this
 21 Affidavit in my presence and in the presence of the
 22 undersigned witnesses on this day of
 23,

24
 25 (SEAL)

1 Homeowner #1 Witness

2

3 Printed Name

4 (SEAL)

5 Homeowner #2 Witness

6

7 Printed Name

8 (SEAL)

9 Homeowner #3 Witness

10

11 Printed Name

12 (SEAL)

13 Homeowner #4 Witness

14

15 Printed Name

16 STATE OF

17) SS.

18 COUNTY OF

19 The foregoing instrument was acknowledged before me this
20 (date) by (name(s) of person(s) who acknowledged).

21 Notary Public

1 Signature

2 My commission expires:

3 Official Seal:

4 ATTENTION RECORDER: This instrument covers goods that had been
5 fixtures on the Property described herein and is to be filed
6 for record in the records where conveyances of real estate are
7 recorded."; and

8 on page 12, line 22, by replacing "Section 55" with "Section
9 5-55"; and

10 by deleting everything from line 10 on page 13 through line 14
11 on page 14; and

12 on page 16, by replacing line 6 with "not those mobile homes or
13 manufactured homes are permanently affixed"; and

14 on page 16, lines 9 and 10, by replacing "the mobile home or
15 manufactured home is" with "those mobile homes or manufactured
16 homes are"; and

17 on page 16, line 18, by replacing "County Assessor's office"
18 with "chief county assessment officer"; and

- 1 on page 19, line 20, after "parks", by inserting "and"; and
- 2 on page 23, line 14, by replacing "file" with "record file";
3 and
- 4 on page 37, line 5, by replacing "of the" with "of Section
5 9-102 of the"; and
- 6 on page 62, line 24, by replacing "manufactured home" with "a
7 manufactured home"; and
- 8 on page 80, line 26, after "and", by inserting "each"; and
- 9 on page 83, line 7, by replacing "of the house trailer" with
10 "~~of the house trailer~~"; and
- 11 on page 91, line 15, after "Severance", by inserting "Act"; and
- 12 on page 95, line 11, by replacing "its" with "the"; and
- 13 on page 96, line 7, after "by", by inserting "a"; and
- 14 on page 103, line 11, by changing "Sections" to "Section"; and
- 15 on page 104, line 4, by replacing "time" with "time,"; and

1 on page 138, line 1, by replacing "9-102, which" with "9-102
2 of the Uniform Commercial Code that"; and

3 on page 138, line 6, by replace "Code, which" with "Code that";
4 and

5 on page 158, immediately below line 24, by inserting the
6 following:

7 "ARTICLE 99. EFFECTIVE DATE

8 Section 99-999. Effective date. This Act takes effect upon
9 becoming law.".