

**55-3-138. Manufactured home affixed to real property. —**

(a) If a manufactured home is affixed to a parcel of real property, as provided in the affidavit of affixation, and the legal ownership of the manufactured home and real property is identical, the owner may surrender the certificate of the title of such manufactured home to the department of safety for cancellation by providing the following documentation:

(1) The certificate of the title to the manufactured home, or each separate certificate of title if the manufactured home consists of more than one (1) unit, duly endorsed or otherwise showing the release of any lienholders noted on the certificate of title; or if the manufactured home is a new home not covered by a certificate of title, the manufacturer's statement or certificate of origin;

(2) A copy of the deed or other instrument of conveyance of legal ownership to the real property to which the manufactured home has become affixed conveying a fee simple or other legal ownership interest in the subject real property and which has been certified by the office of the register of deeds of the county in which the real property is located; and

(3) A certified copy of an affidavit of affixation executed by all persons who have such a legal ownership interest in the manufactured home and the real property to which the manufactured home has become affixed stating that the manufactured home is affixed to the real property described in the deed or other instrument which has been duly recorded in the office of the register of deeds of the county in which the real property and manufactured home is located.

(b) The affidavit of affixation shall contain the following information:

(1) The names of all of the legal owners of the manufactured home and real property to which the manufactured home has become affixed;

(2) The year built, manufacturer's name, model name or model number, serial number, length and width of the manufactured home;

(3) The physical address of the real property to which the manufactured home has become affixed;

(4) The legal description of the real property to which the manufactured home has become affixed;

(5) A statement that the manufactured home is to be taxed as an improvement to the real property;

(6) The name and mailing addresses of any lienholders holding consensual security interests in the manufactured home or whose liens have been noted upon any certificate of title covering the manufactured home;

(7) The decal number of the permit decal affixed to the manufactured home by virtue of § 68-126-406 or any successor statute, indicating that the manufactured home has been set up in accordance with the uniform standards code adopted in title 68, chapter 126, part 2, or if no decal has been affixed to the manufactured home, a statement that:

(A) All permits required by applicable governmental authorities have been obtained;

(B) The foundation system for the manufactured home complies with all laws, rules, regulations and codes and manufacturer's specifications applicable to the manufactured home becoming a permanent structure upon the real property; and

(C) The wheels and axles have been removed;

(8) A statement that the manufactured home is permanently connected to a septic or sewer system and other utilities such as electricity, water and gas;

(9) A statement of the preparer of the affidavit of affixation as required by § 66-24-115 or any successor statute; and

(10) Due acknowledgement of the signature of each affiant as required by title 66, chapter 22 or any successor statute.

Any affidavit of affixation containing the foregoing shall be recorded by the appropriate county register of deeds. A copy of the affidavit shall be filed with the assessor of property in order to assist in locating and identifying the manufactured home for property tax purposes.

(c) Recordation of the affidavit of affixation containing the terms set forth in subsection (b) shall be prima facie evidence that the manufactured home has become affixed to the real property as an improvement to real property and shall satisfy the requirements of 11 U.S.C. § 1322(b)(2) or any successor statute, to the extent the manufactured home constitutes the owner's principal residence.

(d) The affidavit of affixation required pursuant to the provisions of this section shall be in substantially the following form:

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<http://michie.lexisnexis.com/tennessee/lpext.dll?f=templates&fn=main-h.htm>