

186A.298 Filing of affidavit of severance from real estate for manufactured home previously converted to real estate.

- (1) The owner of a manufactured home that has been converted to real estate in accordance with KRS 186A.297 may detach or sever the home from the real property only by filing an affidavit of severance with the clerk of the county in which the affidavit of conversion originally took place and in which the real estate is located. The affidavit of severance shall include the following information:
 - (a) The manufacturer and, if applicable, the model name of the manufactured home;
 - (b) The legal description of the real property on which the manufactured home is or was placed, with the source of title setting forth the book and page number of how the owner of the real estate acquired the property;
 - (c) The book and page number where the previous affidavit of conversion was filed of record;
 - (d) A Class B1 or B2 Seal as required under KRS 227.600;
 - (e) Certification of an attorney that, as of the date of the titling of the severance, there are no security interests or liens in the manufactured home that have not been released by the secured party and that the title to the real estate is marketable, free, and clear of liens, or certification of any holder of a security interest in the manufactured home of:
 1. The amount of any existing security interest; and
 2. The secured party's consent to issuance of a title;
 - (f) The owner's affidavit that the manufactured home has previously been or will be removed from the described real estate within thirty (30) days of the date of filing the affidavit of conversion, and that, before moving the manufactured home the owner will apply for and receive:
 1. A certificate of title as required under KRS 186A.070; and
 2. A manufactured home registration as required under KRS 186.675; and
 - (g) There shall be a limit of one (1) affidavit of severance issued to an owner on a property.
- (2) When the county clerk files the affidavit of severance, the county clerk shall provide a copy to:
 - (a) The property valuation administrator for adjustment of the real property tax rolls of the county; and
 - (b) The Transportation Cabinet, Department of Vehicle Regulation.
- (3) An owner who fails to file an affidavit of severance prior to removal of the manufactured home shall be liable for actual damages or five hundred dollars (\$500), whichever is greater, payable to any first lien holder of record, or if no such lien holder exists, to be payable to the clerk of the county in which the affidavit of conversion first took place, upon notice to the clerk that the manufactured home was not removed within thirty (30) days of the date of filing of the affidavit of severance.

- (4) The county clerk shall receive a fee of sixteen dollars (\$16) for the service provided under this section.
- (5) If the owner of the manufactured home provides inaccurate or fraudulent information to the county clerk, the clerk shall not be held liable in any subsequent action relating to the severance of the manufactured home from the real estate.
- (6) For the purposes of this section, "owner" means the party who holds the legal title to the real estate where the manufactured home is located prior to being moved. It shall not include the party who is acquiring the manufactured home.

Effective: June 29, 2017

History: Created 2017 Ky. Acts ch. 98, sec. 1, effective June 29, 2017.