

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 63

(Chair, Judicial Proceedings Committee)(By Request -
Maryland Judicial Conference)

Judicial Proceedings

**Real Property - Manufactured Homes - Recording of Affidavits of Affixation and
Severance - Fees**

This bill clarifies that fees collected by a clerk of a circuit court for recording an affidavit of affixation or an affidavit of severance for a manufactured home must be set by the State Court Administrator.

Fiscal Summary

State Effect: The bill does not directly impact State finances.

Local Effect: Any potential minimal increase or decrease in local recordation fee revenues due to the uniform application of a fee as set by the State Court Administrator does not materially impact local finances.

Small Business Effect: None.

Analysis

Current Law/Background: Chapters 546 and 547 of 2012 established requirements that must be met before a manufactured home may be converted to real property. A manufactured home is converted to real property when (1) the manufactured home is attached to a permanent foundation; (2) the ownership interests in the manufactured home and the parcel of real property to which the manufactured home is affixed are identical; and (3) an affidavit of affixation complying with specified requirements has been recorded with the clerk of the circuit court of the county in which the parcel of real property to which the manufactured home is affixed is located.

If a manufactured home for which an affidavit of affixation has been recorded is to be severed from real property, the owner must record and file an affidavit of severance complying with specified requirements with the clerk of the circuit court of the county in which the real property is located.

The State Court Administrator determines the amount of all court costs and charges for the circuit courts of the counties with the approval of the Board of Public Works. However, because Chapters 546 and 547 authorized a clerk of a circuit court to charge a reasonable fee for recording affidavits of attachment and affidavits of severance, the law allows variation among the circuit courts regarding the amount of the fee that is charged. In 2012, the Conference of Circuit Court Clerks approved a uniform fee of \$20, but, while honored by most clerks, that approval is nonbinding and still allows for variations. The Administrative Office of the Courts (AOC) also advises that there is variation among the clerks regarding the application of a \$40 surcharge that is applicable to some land records pursuant to statutory provisions. AOC further indicates that the Office of the Attorney General has advised that the recordings of affidavits regarding manufactured homes are not subject to the surcharge. Surcharge revenues are deposited into the Circuit Court Real Property Records Improvement Fund, a special fund which supports all personnel and operating costs within the land records offices of the clerks of the circuit court and various information technology development projects.

Additional Information

Prior Introductions: None.

Cross File: HB 53 (Chair, Judiciary Committee)(By Request - Maryland Judicial Conference) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2015
ncs/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510