

# Carolina Update

NCLTA's Exclusive Report to its Members

## President's Message

*William B. Webb, Jr.*

This has been an exciting year to serve as President of your association. We have had important legislative issues to address, budgetary issues, and a changing industry. The real joy for me has been the opportunity to work with folks I did not know well before and whose opinions and trust I value. Bob Rascoe, Nancy Ferguson, Chris Burti, Bryan Rosenberg, Clark Brewer, and Joe Parker have been a wonderful Board and I look forward to continuing to work with them through our annual meeting.

In a recent conversation with one of my "friendly" competitors, it was reported to me that this person had telephoned another of our competitors to inquire about something affecting the industry as a whole. He reportedly started the conversation by introducing himself as a "friendly competitor." The response he got was that the person had no "friendly" competitors. Perhaps they will attend the NCLTA Annual Convention and be able to share a lighter moment or two over a beverage or round of golf. Our industry can survive with fierce competition – in fact it has to have competition to survive. An industry such as ours that is dominated by one company will be perceived, and rightfully so, as unnecessary.

Speaking of friendly competitors, Bill Pittman retired effective May 1, 2001. Bill will be remembered for his gentlemanly handling of all issues and for his contributions to the industry over many years. We all wish him well.

Others, particularly Nancy Ferguson and Chris Burti, have worked well together and spearheaded the way for the manufactured housing bill now working its way through the legislature. Their joint efforts will help to make financing and insuring manufactured housing much easier and more efficient.

Please let us know what we need to do to serve you and the industry.

I look forward to seeing each of you in Charleston.

## Contents

- 2  
Manufactured Home Legislation
- 3  
Summary of Insurance Information Privacy: S.B. 461 PCS
- 4  
Government relations, convention, volunteer recognition discussed by Executive Committee
- 4  
Welcome New Members
- 5  
Sam Mann Memorial Award criteria developed
- 5  
Calendar of Conventions
- 9  
Five reasons to plan to attend the NCLTA 2001 annual convention

## Nominations Sought

The NCLTA Nominating Committee is seeking nominations for Secretary on the Executive Committee of the Association. Please send your nominations to any member of the Nominations Committee: Robert Rascoe, Commonwealth Land Title of NC; David Bennington, Investors Title Insurance Co.; or William Webb, Jr., First American of the Carolinas.

# Manufactured Home Legislation

*Carolina Update* is the official publication of the North Carolina Land Title Association. It is distributed quarterly to title insurance company members, attorney members, and other persons interested in the title insurance industry. Readers are encouraged to submit articles to the newsletter. The opinions and statements of guest writers do not necessarily reflect the policies or opinions of NCLTA.

**North Carolina  
Land Title Association**  
1500 Sunday Drive  
Suite 102  
Raleigh, NC 27607-5163  
(919) 787-5181  
(919) 787-4916 Fax  
www.nclta.org

## Executive Staff

Penney De Pas, CAE  
*Executive Director*  
pdepas@olsonmgmt.com  
Lauren Copan  
*Membership Services  
and Convention*  
lcopan@olsonmgmt.com

©2001. NC Land Title  
Association. All rights  
reserved.

The proposed amendments have been drafted by Chris Burti, discussed with others, and revised based on those discussions. The Statewide Title newsletter and the *Campbell Law Observer* included an article by Chris Burti on the proposed legislation. Nancy Ferguson met with the counsel for the NC Manufactured Housing Institute, Frank Gray, and the lender's committee chair, Wally Tyser of Oakwood Acceptance. Input from many attorneys and other interested parties has been sought statewide. Representative Harold Brubaker of Asheboro had already proposed H253 which has passed the House of Representatives. Through the assistance of Ricky Cox, attorney in Asheboro and Legislative Chair of the Real Property Section of the N.C. Bar Association, Representative Brubaker has agreed to support inclusion of the NCLTA proposal in the Senate version of his bill, and to shepherd the revised version back through the House as revised. Therefore, our proposal has made "crossover" on 4-26-01. More discussions will be needed to assure that we are addressing all of Representative Brubaker's concerns. But no conflicts are apparent.

So far the bill itself has been heartily supported. No opposition or resistance has surfaced. Ultimately, a second "technical corrections" proposal will be needed to cover issues such as correcting defective or uncanceled titles (for example, where the DMV title is in a prior landowner's name or the MCO cannot be located) and converting homes back to personal property (with severance from the real estate).

All comments and suggestions are welcome. Please contact either Christ Burti at [chris@statewidetitle.com](mailto:chris@statewidetitle.com) or Nancy Ferguson at [fergusonn@ctt.com](mailto:fergusonn@ctt.com).

The redrafted proposal provides as follows:

**House Bill 253 already covers the following:** 105-273(13) "Real property," "real estate," and "land" mean not only the land itself, but also buildings, structures, improvements, and permanent fixtures thereon, and all rights and privileges belonging or in any wise appertaining thereto. These terms also mean a manufactured home as defined in G.S. [NCMHI suggests using G.S. 143-145(7)] if it is a residential structure; has the moving

*hitch, wheels, and axles removed; is placed upon a permanent enclosed foundation on land owned by the owner of the manufactured home; for which a recorded Declaration, pursuant to G.S. 47-18.4, has been duly recorded in the county real estate records.*

**Proposed items to be added or changed:** G.S. 47-18.4. Declaration of intent to permanently affix personal property to real property

*The owners of real property may record a "Declaration of Intention to Affix Manufactured Home to Real Property" ("Declaration") regarding their intention to permanently affix a manufactured home as defined by G.S. 143-145(7) to their land in the office of the register of deeds where the property is located. The declaration shall be in form substantially as provided below and shall include the following:*

- a. *a description of the manufactured home to be affixed, as follows: (i) if the manufactured home is new and has no certificate of title, but only a manufacturer's certificate of origin, a statement that the manufactured home is new and that no certificate of title has been issued, the manufacturer of the manufactured home, the serial number(s) of the manufactured home, with a copy of the manufacturer's certificate of origin attached. The original manufacturer's certificate of origin shall be handled in accordance with G.S. 20-58.7; (ii) if the manufactured home is subject to an issued certificate of title under G.S. 20-58, a statement that this is the case, the serial number(s) and the certificate of title number(s) of the manufactured home, with a copy of the certificate of title of the manufactured home issued by the Division of Motor Vehicles of the Department of Transportation attached; such certificate of title shall be canceled in accordance with G.S. 20-58.7.*
- b. *a description of the real property to which the manufactured home is or is to be affixed;*
- c. *a statement that (i) the owners own both the manufactured home and the real property, or that all owners of the manufactured home intend that it be and be-*

*continued on page 6*

# Summary of Insurance Information Privacy: S.B. 461 PCS

The Department of Insurance is proposing to amend the current Insurance Information and Privacy Protection Act (“the Act”) in three general ways. First, certain amendments are necessary to bring the Act into compliance with the privacy protection mandates of the federal Gramm-Leach-Bliley Act, P.L. 106-102. Second, the Department is proposing to enhance insurance consumer protections currently found in the Act. Third, where doing so does not reduce consumer protections, certain burdens can be lifted off of the industry. According to Don Lampe as of about April 24, 2001, no opposition had surfaced to the title insurance proposals submitted on behalf of NCLTA.

**Proposed G.S. 58-39-10(a)(2)(c) and (b)(2)(b).** Clarifies that mortgage guaranty insurers are subject to the Act. This amendment is supported by the mortgage guaranty insurance industry.

**Proposed G.S. 58-39-15(9)(g).** Extends the protections of G.S. 58-39-75 (limitations on insurer disclosure of personal information) to the homeowner who pays for mortgage guaranty insurance even though that person is not an applicant or insured under the policy. This amendment is supported by the mortgage guaranty insurance industry.

**Proposed G.S. 58-39-25(a)(2).** Requires insurers or agents to send notices of their information practices to insureds every 12 months. Current law says every 24 months. The proposed annual notice requirement is required by Section 503(a) of the Gramm-Leach-Bliley Act.

**Proposed G.S. 58-39-25(a)(3).** Strikeouts are required by the Gramm-Leach-Bliley Act because that federal Act requires notices be sent to all insurance customers.

**Proposed G.S. 58-39-25(b)(3).** Strikeouts reflect proposed repeal of G.S. 58-39-75(11) and (12).

**Proposed G.S. 58-39-25(b)(6), (7), and (8).** These are additions to what must be included in the notice of information practices, as required by Sections 502 and 503 of the Gramm-Leach-Bliley Act.

**Proposed G.S. 58-39-25(c).** The strikeouts delete the abbreviated notice of information

practices allowed under current law. An abbreviated notice does not comply with the notice requirements required by Sections 502 and 503 of the Gramm-Leach-Bliley Act.

The new language extends the notice protections to group certificate holders, who currently have no right to notice unless their policies are individually underwritten. However, notice only need be given certificate holders if the insurer or agent intends to share their personal information. Otherwise, an insurer can comply with the notice requirements of G.S. 58-39-25 by giving notice to the group master policyholder (typically an employer). This proposed amendment has wide industry backing, and gives something to group certificate holders that they do not have under current law.

**Proposed G.S. 58-39-25(e).** Allows a holding company to provide a joint notice of information practices on behalf of all of its subsidiaries. Included at industry’s request.

**Proposed G.S. 58-39-25(f).** Allows an insurer or agent to provide one notice to co-policyholders, such as a husband and wife insured under the same auto policy. Included at industry’s request.

**Proposed G.S. 58-39-25(g).** Allows an insurer or agent to send out notices required by G.S. 58-39-25 and Title V of the federal Gramm-Leach-Bliley Act as either two separate notices or one combined notice. Included at industry’s request.

**Proposed G.S. 58-39-25(h).** Relieves an insurer or agent of providing notices to persons who do not keep their addresses current or whose policies have lapsed. Included at industry’s request.

**Proposed G.S. 58-39-25(i).** Relieves an agent of notice requirements when (1) the agent is not sharing the insured’s information with anyone but his or her principal (the insurer) and (2) where that principal gives the insured the notice required by G.S. 58-39-25. Included at industry’s request.

**Proposed G.S. 58-39-25(j).** Requires an insurer or agent to give any notices required by the Gramm-Leach-Bliley Act in addition

*continued on page 5*

# Government relations, convention, volunteer recognition discussed by Executive Committee

## Around the State

Congratulations to *William B. Pittman* on his retirement from **Fidelity National Title Insurance Co. of New York**. Pittman has been an active member of NCLTA for many years, serving as President in 1973-74 and an unprecedented three-year term as General Counsel from 1987-90. *Bryan Rosenberg* will replace Pittman as the head of the Fidelity National office in North Carolina.

*Thomas Harris* has opened Attorney Title of North Carolina, an agency for **First American Title Insurance** in Greensboro. Harris was formerly with **Chicago Title Insurance Co.** in Raleigh.

*Judith Farrell* has joined **First American Title of the Carolinas, LLC**. She was formerly with the Charlotte branch of **Commonwealth Land Title of NC**.

Correction: In the last issue it was announced that *Kirkwood Otey* had joined Stewart Title of the Piedmont in Charlotte. The correct name of the agency is **Stewart Title of the Carolinas**.

During its February 13, 2001, meeting, the NCLTA Executive Committee focused on issues surrounding proposed legislation for 2001, the annual convention, and recognition of past volunteer leaders during its February 13 meeting. Chip Killian, the association's lobbyist, attended the meeting for a report on legislative activity thus far into the General Session. The year-end financial review was presented along with reports on membership renewals and other financial matters.

Nancy Ferguson, 2001 convention chair, presented her proposed program of speakers and ideas for publicizing the event. The speaker lineup includes:

- Sheldon Hochberg on Changes Affecting Real Estate from Washington, DC—RESPA, Vendor Management Corporations, Guaranteed Settlement Services, MDP and Beyond. (Thanks to special efforts of Joe Parker of Parker Title Insurance Agency.)
- Charles Kovaleski—ALTA Report
- Rob McNeill—Claims: Outside Counsel's Perspective

- Patrick Hetrick—Case Law Update
- Legislative update
- Nick Long—Real Property Section Report
- Frank McCormick, Fidelity National—Title Insurance Workshop: Coverage and claims questions
- Laura Keever—Personnel Issues: Facing Hard Issues in Changing Employment Times

Six hours of Continuing Legal Education (CLE) will be available.

See the enclosed "Five Reasons to Plan to Attend the NCLTA 2001 Annual Convention" memo. Invite your fellow underwriters and attorneys to join us at the seminar. For an email version, contact Penney De Pas at [pdepas@olsonmgmt.com](mailto:pdepas@olsonmgmt.com) or refer to our web site at <http://www.nclta.org/convreasons.html>. This convention should be most relevant to practicing attorneys as well as to title insurance personnel.

## Welcome New Members

During its February 13, 2001, meeting, the Executive Committee of the North Carolina Land Title Association approved several new members. We are pleased to welcome to membership the following:

### Agency Members

Tara G. Eudy  
Greg L. Eudy  
**Carolina Title Company, Inc.**  
111 East Wade St.  
P.O. Box 882  
Wadesboro, NC 28170  
(704) 694-5966  
(800) 625-6836  
FAX (704) 694-5970  
FAX (800) 990-2344  
Email:  
[carolinatitle@peedeeworld.net](mailto:carolinatitle@peedeeworld.net)

Linda D. Stanley  
**HomeFocus Services, LLC**  
1831 Chestnut St., 6th floor  
St. Louis, MO 63103  
(314) 465-5100  
(877) 405-2820  
FAX (314) 465-5174  
Email:  
[Linda.Stanley@BankofAmerica.com](mailto:Linda.Stanley@BankofAmerica.com)

### Attorney Members

**T. Alfred Gardner**  
Carruthers & Roth, PA  
235 N. Edgeworth St.  
P.O. Box 540  
Greensboro, NC 27402  
(336) 379-8651  
FAX (336) 273-7885  
Email: [tag@crlaw.com](mailto:tag@crlaw.com)

**Mark S. Hartman**  
Carruthers & Roth, PA  
235 N. Edgeworth St.  
P.O. Box 540  
Greensboro, NC 27402  
(336) 379-8651  
FAX (336) 273-7885  
Email: [msh@crlaw.com](mailto:msh@crlaw.com)

**Donald C. Lampe**  
Smith, Helms, Mullis & Moore  
P.O. Box 21927  
Greensboro, NC 27420  
(336) 378-5216  
FAX (336) 378-4000  
Email: [Don\\_Lampe@shmm.com](mailto:Don_Lampe@shmm.com)

### N. Wayne Stephenson, Jr.

Lawyers Mutual Liability Ins. Co. of NC  
P.O. Box 1929  
Cary, NC 27512-1929  
(919) 677-8900  
Fax (919) 677-0131

### Christopher J. Vaughn

Carruthers & Roth, PA  
235 N. Edgeworth St.  
P.O. Box 540  
Greensboro, NC 27402  
(336) 379-8651  
FAX (336) 273-7885  
Email: [cjv@crlaw.com](mailto:cjv@crlaw.com)

### Affiliate Member

#### Ron Free

Data Tree  
550 West C St., Suite 2040  
San Diego, CA 92101  
(619) 231-3300  
(800) 789-7244  
Fax (619) 231-3301  
Email: [sales@datatree.com](mailto:sales@datatree.com)  
[www.datatree.com](http://www.datatree.com)

# Sam Mann Memorial Award criteria developed

The NCLTA Executive Committee has approved the following criteria for the Sam Mann Memorial Award. Sam Mann served on the Executive Committee beginning in 1996 and for a short time as NCLTA President in 1999 before his death that year at the age of 39.

The purpose of this award is to recognize a new generation of leaders in the title industry. The award winner will demonstrate the special qualities of Sam Mann in terms of contributions, encouragement, and support of the title industry.

- Put people at ease, inclusive, and caring; willing to listen
- Approach life with wisdom, dignity, courage, and a sense of humor
- Be dependable, honest, loyal, and trustworthy
- Seek leadership opportunities willingly

The award will honor a person new to the title industry. Candidates will be considered annually by the Nominations Committee and those selected presented with a plaque at the annual meeting.

## Calendar of Conventions

**ALTA/LTI's  
"How to Use  
Technology for  
Effective Marketing"  
Seminar**  
July 23-24, 2001  
Bellagio  
Las Vegas, NV

**NCLTA 2001  
Annual Convention**  
August 9-11, 2001  
Charleston Place  
Charleston, SC

**ALTA 2001  
Annual Convention**  
October 10-13, 2001  
Marriott Desert Springs  
Palm Desert, CA

**ALTA 2002  
Tech Forum**  
February 17-19, 2002  
Fairmont Hotel  
New Orleans, LA

**NCLTA 2002  
Annual Convention**  
August 8-10, 2002  
Sheraton Atlantic Beach  
Atlantic Beach, NC

---

## Summary of Insurance Information Privacy: S.B. 461 PCS

*continued from page 3*

to the notice required by G.S. 58-39-25. This amendment is required by Title V of the Gramm-Leach-Bliley Act. This amendment has industry support.

**Proposed G.S. 58-39-26.** Relieves title insurers and mortgage guaranty insurers of the annual notices required by proposed G.S. 58-39-25(a)(2). The rationale is that in the title insurance context, the insured's only contact with the company is when the policy is purchased with a single premium payment at the closing. The only information held by the title insurer comes from public records. Thus, an annual notice seems expensive and does not appear to offer the insured any protections. In the mortgage insurance context, the homeowner paying the mortgage insurance premium is not the insured and is not entitled to any notice under current law. The lending institution is the insured. Requiring annual notices to sophisticated lending institutions seems burdensome and does nothing for the individual paying for the policy. The title insurers and mortgage guaranty insurers support this amendment.

**Proposed G.S. 58-39-76(a).** Limits the sharing of an individual's account number information. This is required by Section 502(d) of the Gramm-Leach-Bliley Act.

**Proposed G.S. 58-39-76(b).** Creates limited exceptions to the restrictions imposed on account sharing information by proposed

G.S. 58-39-76(a). These exceptions are taken verbatim from rules promulgated by the federal banking regulatory agencies in addressing Section 502(d) of the Gramm-Leach-Bliley Act. Included at industry's request.

**Repeal of G.S. 58-39-75(11) and (12).** Current law imposes a general requirement that no individual's personal information can be shared by an insurer or agent without that individual's written consent. This is known as an "opt in" standard. There are two marketing exceptions to the basic "opt in" standard. G.S. 58-39-75(11) currently allows an insurer or agent to share a consumer's personal information with others, both affiliates and non-affiliates, for general marketing purposes if the insured is given notice of the proposed sharing and an opportunity to say "no". This is known as the "opt out" standard. G.S. 58-39-75(12) currently allows an insurer or agent to share a consumer's personal information with affiliates for insurance marketing purposes without the consumer's permission and even if the consumer does not want his or her information shared. DOI believes that no sharing of a consumer's personal information for marketing purposes should occur unless the insurer agent obtains the permission of the consumer.

For more information, please contact Bill Hale, Legislative Counsel, Department of Insurance, at 919-733-4529.

# Manufactured Home Legislation

continued from page 2

come affixed to the real property as a permanent improvement thereto and become owned solely by the owners of said real property; (ii) it is the intention of the owners to affix the manufactured home to the real property or that the manufactured home is already so affixed; and (iii) the wheels, axles and moving hitch will be or have been removed; and (iv) the manufactured home will be or has been placed on a permanent enclosed foundation on said real property;

- d. a statement as to whether any person has a security interest or lien interest in the manufactured home or the real property, identifying the lender and the place of filing and type of lien; and
- e. such Declaration shall be signed by all owners of the land and of the manufactured home before a notary public or other official authorized to acknowledge signatures, in form satisfactory for recordation in the office of the Register of Deeds of the county in which the real property is located.

*If any person is listed on the Declaration as having a security interest or lien on the manufactured home, or, in the case where the manufactured home is subject to an issued certificate of title, if any person is shown on the copy of the certificate of title which is attached to the Declaration, either (1) the written consent of such person, executed before a notary public or other official authorized to acknowledge signatures, shall be required to release their security interest, or (2) the attachment and priority of their security interest shall be unaffected by conversion of the manufactured home to real property by recordation of the Declaration.*

*The Declaration shall be indexed upon recording and if a certificate of title has been issued it may be canceled pursuant to G.S. 20-58.7(b). Upon the later of (1) recordation of the Declaration, (2) cancellation of the manufacturer's certificate of origin or certificate of title, as the case may be, pursuant to G.S. 20-58.7(b), and (c) affixation of the manufactured home on a permanent foundation pursuant to the terms of the Declara-*

*tion, said home shall be considered a real property interest and a permanent improvement included with the title to the land upon which it is permanently affixed. All existing liens upon the real property shall be deemed to include the home, and, thereafter no conveyance of any interest or encumbrance (including but not limited to G.S. 25-9-311) shall attach to the title of the manufactured home unless applicable to the real estate upon which the home is located and properly recorded in the records affecting title to land where the property is located pursuant to G.S. 47-18 or 47-20, or until a declaration of intent to sever personally, containing the same information, is recorded.*

*The following "Declaration of Intention to Affix Manufactured Home to Real Property" shall be deemed sufficient, but shall not exclude other forms which would be deemed sufficient in law and contain the required information above:*

### **Declaration of Intent to Affix Manufactured Home to Real Property:**

Date \_\_\_\_\_

To be filed with the Office of the Register of Deeds of \_\_\_\_\_ County

[Owners] hereby declare and state that he/she/they is/are the owner(s) of the following described manufactured home ("Manufactured Home"), which has been or shall be sited on and affixed to the following described real property ("Real Property"), which is owned said Owners [or if other parties, so state], and that it is his/her/their intention that the Manufactured Home for all purposes be treated and considered as part of the Real Property, and any conveyance of or encumbrances upon the Real Property shall include the Manufactured Home as a permanent improvement thereto.

### **Description of Manufactured Home:**

[ ] New/ subject to Manufacturer's Certificate of Origin OR

[ ] Certificate of Title No(s). \_\_\_\_\_

continued on page 7

# Manufactured Home Legislation

continued from page 6

Vehicle Identification No(s). \_\_\_\_\_

Manufacturer \_\_\_\_\_

Year \_\_\_\_\_ Body Style \_\_\_\_\_

(A copy of the MCO(s) or Certificate(s) of Title, as appropriate, is to be attached.)

## Description of Real Property:

The Real Property is owned by \_\_\_\_\_  
\_\_\_\_\_ [all of owners of

Real Property, or Owners of manufactured home, if same] located in the County where this Declaration is filed and is more particularly described as follows:

[Set forth legal description]

Parcel Id or Tax Parcel No. \_\_\_\_\_

Which currently has the address of \_\_\_\_\_  
\_\_\_\_\_, North Carolina \_\_\_\_\_.

Existing Security Interest(s) on Manufactured Home and/or Real Property Liens on Real Property:

The Manufactured Home is subject to the following security interest(s):

Lien holder: \_\_\_\_\_

Recording information: \_\_\_\_\_

The Real Property is subject to the following real property lien(s):

Lien holder: \_\_\_\_\_

Recording information: \_\_\_\_\_

[If the lienholder is shown, execution of release of lien may be submitted separately or included in the Declaration, in form as otherwise required by law.]

Executed the date(s) set forth below.

[Execution by all parties and acknowledgment by each party before officer authorized to take acknowledgments required.]

## 20-51. Exempt from registration

The following shall be exempt from the requirement of registration and certificate of title:

(1) Any such vehicle driven or moved upon a highway in conformance with the pro-

visions of this Article relating to manufacturers, dealers, or nonresidents. This provision shall include (a) structures certified pursuant to G.S. 143-139.1 and (b) manufactured homes as defined in G.S. 143-145(7) which are intended for permanent affixation to real property as defined in G.S. 105-273(13) pursuant to duly recorded Declaration recorded under G.S. 47-18.4 and filed under G.S. 20-58.7(b).

## 20-58.7. Cancellation of certificate

- (a) The cancellation of a certificate of title shall not, in and of itself, affect the validity of a security interest noted on it.
- (b) A certificate of title or manufacturer's certificate of origin on a manufactured home as defined in G.S. 143-145(7) may be canceled by the filing with the Division of a copy of the Declaration of Intent to Affix manufactured home to Real Property as set forth in G.S. 47-18.4 as duly filed with the Register of Deeds of the county in which the Real Property to which the home is permanently affixed is located. The request for cancellation shall be accompanied by an original, or certified copy, of the recorded declaration provided for in G.S. 47-18.4 and no replacement certificate shall be subsequently issued. The Division shall provide any person, upon the payment of such fee as may be established by the Division, a copy of the certificate of title on any manufactured home, certified as canceled by the Division. The Division shall index canceled certificates of title by Vehicle Identification Number and name of owner canceling the title. The Division shall index manufacturer's certificates of origin for which no certificate is issued by both serial number and manufacturer name and notation in its records that such manufactured home is not subject to a certificate of title. Any such title shall be noted as "Real Property" pursuant to G.S. 47-18.4.

continued on page 8

# Manufactured Home Legislation

continued from page 7

## **20-58.8. Applicability of §§ 20-58 to 20-58.8; use of term "lien"**

- (a) *The provisions of G.S. 20-58 through 20-58.8 apply to the perfection of security interests pursuant to G.S. 25-9-303.*
- (b) *The provisions of G.S. 20-58 through 20-58.8 inclusive shall not apply to or affect:*
  - (1) *A lien given by statute or rule of law for storage of a motor vehicle or to a supplier of services or materials for a vehicle;*
  - (2) *A lien arising by virtue of a statute in favor of the United States, this State or any political subdivision of this State; or*
  - (3) *A security interest in a vehicle created by a manufacturer or by a dealer in new or used vehicles who holds the vehicle in his inventory. Such security interests shall be perfected by filing a financing statement under Article 9 of the Uniform Commercial Code.*
  - (4) *A deed of trust given to secure the balance of the purchase price of a modular, or manufactured, home to be permanently affixed to real property as defined in G.S. 105-273(13) and for which a Declaration is filed pursuant to G.S. 47-18.4.*
- (c) *When the term "lien" is used in other sections of this Chapter, or has been used prior to October 1, 1969, with reference to transactions governed by G.S. 20-58 through 20-58.8, to describe contractual agreements creating security interests in personal property, the term "lien" shall be construed to refer to a "security interest" as the term is used in G.S. 20-58 through 20-58.8 and the Uniform Commercial Code.*

## **20-79.2. Transporter plates**

- (a) *Who Can Get a Plate.—A person engaged in a business requiring the limited operation of a motor vehicle for any of the following purposes may obtain a transporter plate authorizing the movement of the vehicle for the specific purpose:*
  - (7) *To move a mobile office, a mobile classroom, or a mobile, manufactured or modular home.*

## **47-20.2. Place of registration; personal property**

### **47-20. Deeds of trust, mortgages, conditional sales contracts, assignments of leases and rents; effect of registration**

- a. *No deed of trust or mortgage of real or personal property, or of a leasehold interest or other chattel real, or conditional sales contract of personal property in which the title is retained by the vendor, shall be valid to pass any property as against lien creditors or purchasers for a valuable consideration from the grantor, mortgagor or conditional sales vendee, but from the time of registration thereof as provided in this Article; provided however that any transaction subject to the provisions of the Uniform Commercial Code (Chapter 25 of the General Statutes) is controlled by the provisions of that act and not by this section.*

**§ 29-303** Add at the end of subparagraph (a): *This section does not apply to a manufactured home as defined in G.S. 143.145(7) for which a Declaration of Intent to Affix Manufactured Home has been filed with an Office of the Register of Deeds pursuant to G.S. 47-18.4, unless the manufactured home is later the subject of a declaration of intent to sever personalty, pursuant to said G.S. 47-18.4.*





## Five reasons to plan to attend the NCLTA 2001 annual convention

### **National Changes in Closings From Two Perspectives – Get a chance to talk with the experts!**

- The closing of real estate transactions is changing at a national level, in Congress and at HUD – from RESPA to Vendor Management Corporations to Guaranteed Settlement Services and beyond. Do you know what is happening, who the power brokers are and how you will need to adapt? Hear from and talk with the experts:
  - Nationally recognized RESPA expert Sheldon Hochberg – The “Big Picture”
  - Charles Kovaleski, CEO of an attorney-owned title underwriter, Attorneys’ Title Insurance Fund, Inc., (the nation’s seventh largest title insurance company and the leading underwriter in the state of Florida – [www.thefund.com](http://www.thefund.com))

### **Claims – how they really affect you**

- Many title insurance claims arise from a title problem which is “insured over” rather than addressed at closing. Do you know what the real cost to your client is – the part that is not covered by title insurance – and, therefore, the potential exposure for you and your law firm?

### **Problem Employees**

- Everyone has had problems with employees of all kinds. Do you know what to do, when and how to address these problems before you start losing clients and your own peace of mind?

### **North Carolina cases and legislation**

- Do you know the latest legislative initiatives and cases that affect you and your practice, such as access to prior policies under the new privacy regulations, conversion of manufactured homes to real property, enforceability of liens of foreign or unlicensed contractors and interpretations of restrictive covenants?

### **Your Source for Information**

- The place to get the answers to these questions is ... the NCLTA Annual Convention. Learn about these crucial issues in a non-threatening environment, with people who understand the business, complete with opportunities for informal networking (receptions, golf) as well as formal CLE education.

**You should come to the North Carolina Land Title Association  
Annual Convention, August 9-11, 2001.**

**Join us in Charleston!**

---

1500 Sunday Drive, Suite 102 • Raleigh, NC 27607  
(919) 787-5181 • Fax (919) 787-4916 • E-mail: [info@nclta.org](mailto:info@nclta.org) • [www.nclta.org](http://www.nclta.org)