

Senate Bill No. 426

(By Senator Snyder)

[Introduced March 4, 2013; referred to the Committee on
Interstate Cooperation; and then to the Committee on the
Judiciary.]

11 A BILL to amend and reenact §46-9-510, §46-9-516 and §46-9-521 of
12 the Code of West Virginia, 1931, as amended; and to amend said
13 code by adding thereto a new section, designated §46-9-516a,
14 all relating to the Uniform Commercial Code and the
15 effectiveness of filed records; creating additional authority
16 to refuse to accept a record; creating circumstances under
17 which a record filing is false; creating criminal penalties
18 for filing or attempting to file a false record; creating
19 civil penalties for filing or attempting to file a false
20 record; setting an administrative procedure initiated by the
21 Secretary of State or a person identified as a debtor on a
22 record; requiring party to an adverse administrative decision
23 by the Secretary of State to file action in Kanawha County

1 Circuit Court if the party wishes to have the Secretary of
2 State's decision reversed; exempting the filing office and its
3 employees from liability; exempting filings by a regulated
4 financial institution or its representatives from certain
5 provisions; clarifying the applicability of provisions to
6 records filed prior to the effective date of this article; and
7 providing for a uniform format for current forms.

8 *Be it enacted by the Legislature of West Virginia:*

9 That §46-9-510, §46-9-516 and §46-9-521 of the Code of West
10 Virginia, 1931, as amended, be amended and reenacted; and that said
11 code be amended by adding thereto a new section, designated
12 §46-9-516a, all to read as follows:

13 **ARTICLE 9. SECURED TRANSACTIONS; SALES OF ACCOUNTS AND CHATTEL**
14 **PAPER.**

15 **§46-9-510. Effectiveness of filed record.**

16 (a) *Filed record effective if authorized.*-- A filed record is
17 effective only to the extent that it was filed by a person that may
18 file it under ~~section 9-509.~~ section five hundred nine of this
19 article.

20 (b) *Authorization by one secured party of record.*-- A record
21 authorized by one secured party of record does not affect the
22 financing statement with respect to another secured party of

1 record.

2 (c) *Continuation statement not timely filed.*-- A continuation
3 statement that is not filed within the six-month period prescribed
4 by ~~section 9-515(d)~~ subsection (d), section five hundred fifteen of
5 this article is ineffective.

6 (d) A filed record ceases to be effective if the filing office
7 terminates the record pursuant to section five hundred sixteen-a of
8 this article.

9 **§46-9-516. What constitutes filing; effectiveness of filing.**

10 (a) *What constitutes filing.* -- Except as otherwise provided
11 in subsection (b) of this section, communication of a record to a
12 filing office and tender of the filing fee or acceptance of the
13 record by the filing office constitutes filing.

14 (b) *Refusal to accept record; filing does not occur.* -- Filing
15 does not occur with respect to a record that a filing office
16 refuses to accept because:

17 (1) The record is not communicated by a method or medium of
18 communication authorized by the filing office;

19 (2) An amount equal to or greater than the applicable filing
20 fee is not tendered;

21 (3) The filing office is unable to index the record because:

22 (A) In the case of an initial financing statement, the record
23 does not provide a name for the debtor;

1 (B) In the case of an amendment or information statement, the
2 record:

3 (i) Does not identify the initial financing statement as
4 required by ~~9-512 or 9-518~~, section five hundred twelve or section
5 five hundred eighteen of this article, as applicable; ~~or~~

6 (ii) Identifies an initial financing statement whose
7 effectiveness has lapsed under section ~~9-515~~; five hundred fifteen
8 of this article; ~~or~~

9 (iii) Identifies an initial financing statement which was
10 terminated pursuant to section five hundred sixteen-a of this
11 article;

12 (C) In the case of an initial financing statement that
13 provides the name of a debtor identified as an individual or an
14 amendment that provides a name of a debtor identified as an
15 individual which was not previously provided in the financing
16 statement to which the record relates, the record does not identify
17 the debtor's surname; ~~or~~

18 (D) In the case of a record filed or recorded in the filing
19 office described in ~~section 9-501(a)(1)~~, subdivision (1),
20 subsection (a), section five hundred one of this article, the
21 record does not provide a sufficient description of the real
22 property to which it relates; or

23 (E) In the case of a record submitted to the filing office

1 described in subdivision (1), subsection (a), section five hundred
2 one of this article, the filing office has reason to believe, from
3 information contained in the record or from the person that
4 communicated the record to the office, that:

5 (i) If the record indicates that the debtor is a transmitting
6 utility, the debtor does not meet the definition of a transmitting
7 utility as described in subdivision (81), subsection (a), section
8 one hundred two of this article;

9 (ii) If the record indicates that the transaction relating to
10 the record is a manufactured home transaction, the transaction does
11 not meet the definition of a manufactured home transaction as
12 described in subdivision (54), subsection (a), section one hundred
13 two of this article; or

14 (iii) If the record indicates that the transaction relating to
15 the record is a public finance transaction, the transaction does
16 not meet the definition of a public finance transaction as
17 described in subdivision (70), subsection (a), section one hundred
18 two of this article;

19 (4) In the case of an initial financing statement or an
20 amendment, if the filing office believes in good faith that the
21 record was communicated to the filing office in violation of
22 section five hundred sixteen-a of this article;

23 ~~(4)~~ (5) In the case of an initial financing statement or an

1 amendment that adds a secured party of record, the record does not
2 provide a name and mailing address for the secured party of record;

3 ~~(5)~~ (6) In the case of an initial financing statement or an
4 amendment that provides a name of a debtor which was not previously
5 provided in the financing statement to which the amendment relates,
6 the record does not:

7 (A) Provide a mailing address for the debtor;

8 (B) Indicate whether the name provided as the name of the
9 debtor is the name of an individual or an organization;

10 ~~(6)~~ (7) In the case of an assignment reflected in an initial
11 financing statement under ~~section 9-514(a)~~ subsection (a), section
12 five hundred fourteen of this article or an amendment filed under
13 ~~section 9-514(b)~~, subsection (b), section five hundred fourteen of
14 this article, the record does not provide a name and mailing
15 address for the assignee; or

16 ~~(7)~~ (8) In the case of a continuation statement, the record is
17 not filed within the six-month period prescribed by ~~section~~
18 ~~9-515(d)~~. subsection (d), section five hundred fifteen of this
19 article.

20 (c) *Rules applicable to subsection (b).* -- For purposes of
21 subsection (b):

22 (1) A record does not provide information if the filing office
23 is unable to read or decipher the information; and

1 (2) A record that does not indicate that it is an amendment or
2 identify an initial financing statement to which it relates, as
3 required by ~~section 9-512, 9-514 or 9-518,~~ sections five hundred
4 twelve, five hundred fourteen or five hundred eighteen of this
5 article, is an initial financing statement.

6 (d) *Refusal to accept record; record effective as filed*
7 *record.* -- A record that is communicated to the filing office with
8 tender of the filing fee, but which the filing office refuses to
9 accept for a reason other than one set forth in subsection (b) of
10 this section, is effective as a filed record except as against a
11 purchaser of the collateral which gives value in reasonable
12 reliance upon the absence of the record from the files.

13 ~~(e) *Administrative review.* -- If the Secretary of State~~
14 ~~determines that a financing statement which identifies a public~~
15 ~~official or employee as a debtor is fraudulent or that an~~
16 ~~individual debtor and an individual secured party would appear to~~
17 ~~be the same individual on the financing statement or that the~~
18 ~~individual debtor claims to be a transmitting utility, without~~
19 ~~supporting documents, the Secretary may commence administrative~~
20 ~~proceedings to remove the statement from its records in accordance~~
21 ~~with the provisions of article five, chapter twenty-nine-a of this~~
22 ~~code.~~

23 ~~(1) Upon the commencement of proceedings pursuant to this~~

1 ~~subsection, the Secretary of State shall identify the financing~~
2 ~~statement in its records as subject to administrative review and~~
3 ~~publish a notice in the *West Virginia Register* regarding the~~
4 ~~proceedings.~~

5 ~~(2) A financing statement may be found to be fraudulent only~~
6 ~~if, based upon clear and convincing evidence, no good faith basis~~
7 ~~exists upon which to conclude that the secured party was authorized~~
8 ~~to file the statement and the statement was submitted for the~~
9 ~~purpose of harassment or intimidation or fraudulent intent of the~~
10 ~~alleged debtor.~~

11 ~~(3) If upon the completion of administrative review, it is~~
12 ~~determined that the filing of a financing statement was fraudulent,~~
13 ~~the filing party shall be assessed all costs incurred by the~~
14 ~~Secretary in reaching a final determination, including~~
15 ~~reimbursement for all costs of the hearing. The filing party may~~
16 ~~also be subject to a civil penalty not exceeding \$500 per~~
17 ~~fraudulent filing. If upon completion of administrative review or~~
18 ~~any subsequent appeal of a decision of the Secretary of State, it~~
19 ~~is determined that a filing subject to appeal is not fraudulent,~~
20 ~~the secretary or court may award the prevailing party reasonable~~
21 ~~costs and expenses, including attorney fees.~~

22 ~~(4) The Secretary of State shall annually submit a report to~~
23 ~~the Legislature regarding actions taken against fraudulent filings~~

~~1 pursuant to this section which identifies the number and
2 characteristics of such proceedings, identifies any creditors found
3 to have made fraudulent filings, describes proceedings initiated by
4 the secretary in which it is ultimately determined that fraudulent
5 filings did not occur, describes the number and type of complaints
6 received by the secretary in which it is alleged that fraudulent
7 filings have occurred, and describes the actions taken by the
8 secretary to investigate complaints concerning allegedly fraudulent
9 filings and the results of the investigations.~~

~~10 (5) A decision by the secretary to remove a financing
11 statement determined to have been fraudulently filed subject to
12 appeal de novo to the circuit court of Kanawha County. Pending the
13 outcome of an appeal, the financing statement may not be removed
14 from the records of the Secretary, but shall be identified in the
15 records as having been adjudicated to be fraudulent, subject to a
16 pending appeal by the putative creditor.~~

~~17 (6) A financing statement filed by a regulated financial
18 institution is not subject to the provisions of this section. For
19 the purposes of this section, a regulated financial institution is
20 a bank, bank and trust company, trust company, savings bank,
21 savings association, building and loan association, credit union,
22 consumer finance company, insurance company, investment company,
23 mortgage lender or broker, securities broker, dealer or~~

1 ~~underwriter, or other institution chartered, licensed, registered~~
2 ~~or otherwise authorized under federal law, the law of this state or~~
3 ~~any other state, to engage in secured lending.~~

4 **§46-9-516a. Fraudulent records.**

5 (a) No person may cause to be communicated to the filing
6 office for filing a false record the person knows or reasonably
7 should know:

8 (1) Is not authorized or permitted under sections five hundred
9 nine, seven hundred eight or eight hundred eight of this article;

10 (2) Is not related to a valid existing or potential commercial
11 or financial transaction, an existing agricultural or other lien or
12 a judgment of a court of competent jurisdiction; and

13 (3) Is filed with the intent to harass or defraud the person
14 identified as debtor in the record or any other person.

15 (b) A person who violates subsection (a) of this section
16 shall, for a first offense, be guilty of a misdemeanor and, upon
17 conviction thereof, shall be fined not less than \$100 nor more than
18 \$1000 or, in the discretion of the court, be confined in jail not
19 exceeding twelve months, or both fined and confined; and, for a
20 second or subsequent offense, shall be guilty of a felony and, upon
21 conviction thereof, shall be confined in a state correctional
22 facility not less than one nor more than five years.

23 (c) A person who violates subsection (a) of this section is

1 liable in a civil action to each injured person for:

2 (1) The greater of the actual damages caused by the violation
3 or up to \$10,000 in lieu of actual damages;

4 (2) Reasonable attorney fees;

5 (3) Court costs and other related expenses of bringing an
6 action including reasonable investigative expenses; and

7 (4) In the discretion of the court, exemplary damages in an
8 amount determined by the court or jury.

9 (d) A person identified as a debtor in a filed record the
10 person believes was caused to be communicated to the filing office
11 in violation of subsection (a) of this section may, under penalty
12 of perjury, file with the Secretary of State an affidavit to that
13 effect. The Secretary of State shall adopt and make available a
14 form affidavit for use under this section.

15 (e) Upon receipt of an affidavit filed under this section, or
16 upon administrative action by the Secretary of State, the Secretary
17 of State shall communicate to the secured party of record on the
18 record to which the affidavit or administrative action relates and
19 to the person that communicated the record to the filing office, if
20 different and known to the office, a request for additional
21 documentation supporting the effectiveness of the record. The
22 Secretary of State shall review all such documentation received
23 within thirty days after the first request for additional

1 documentation is sent if the Secretary of State has a reasonable
2 basis for concluding that the record was communicated to the filing
3 office in violation of subsection (a) of this section.

4 The Secretary of State may initiate an administrative action
5 under this subsection with regard to a filed record if the
6 Secretary of State has reason to believe, from information
7 contained in the record or obtained from the person that
8 communicated the record to the filing office, that the record was
9 communicated to the filing office in violation of subsection (a) of
10 this section. The Secretary of State may give heightened scrutiny
11 to a record that indicates the debtor is a transmitting utility or
12 that indicates the transaction to which the record relates is a
13 manufactured home transaction or a public finance transaction.

14 (f) The Secretary of State may not charge a fee to file an
15 affidavit under this section and may not return a fee paid for
16 filing a record terminated under this section.

17 (g) The Secretary of State shall promptly communicate to the
18 secured party of record a notice of the termination of a record
19 under subsection (e) of this section. A secured party of record
20 that believes in good faith the record was not communicated to the
21 filing office in violation of subsection (a) of this section may
22 file an action to require that the record be reinstated by the
23 filing office. A person that communicated a record to the filing

1 office that the filing office rejected in reliance on subdivision
2 (4), subsection (b), section five hundred sixteen of this article,
3 who believes in good faith that the record was not communicated to
4 the filing office in violation of subdivision (4), subsection (b),
5 section five hundred sixteen of this article, may file an action to
6 require that the record be accepted by the filing office. The
7 jurisdiction for the action is the circuit court of Kanawha County.

8 (h) If a court determines that a record terminated under this
9 section or rejected in reliance on subdivision (4), subsection (b),
10 section five hundred sixteen of this article should be reinstated
11 or accepted, the court shall provide a copy of an order to that
12 effect to the Secretary of State. On receipt of an order
13 reinstating a terminated record, the Secretary of State shall
14 refile the record along with a notice indicating that the record
15 was refiled pursuant to this section and its initial filing date.
16 On receipt of an order requiring that a rejected record be
17 accepted, the Secretary of State shall promptly file the record
18 along with a notice indicating that the record was filed pursuant
19 to this section and the date on which it was communicated for
20 filing. A rejected record that is filed pursuant to an order of a
21 court shall have the effect described in subsection (d), section
22 five hundred sixteen of this article for a record the filing office
23 refuses to accept for a reason other than one set forth in

1 subsection (b), section five hundred sixteen of this article.

2 (i) A terminated record that is refiled under subsection (h)
3 of this section is effective as a filed record from the initial
4 filing date. If the period of effectiveness of a refiled record
5 would have lapsed during the period of termination, the secured
6 party may file a continuation statement within thirty days after
7 the record is refiled and the continuation statement has the same
8 effect as if it had been filed during the six-month period
9 described in subsection (d), section five hundred fifteen of this
10 article. A refiled record is considered never to have been
11 ineffective against all persons and for all purposes except that it
12 is not effective as against a purchaser of the collateral that gave
13 value in reasonable reliance on the absence of the record from the
14 files.

15 (j) Neither the filing office nor any of its employees incur
16 liability for the termination or failure to accept a record for
17 filing in the lawful performance of the duties of the office or
18 employee.

19 (k) This section does not apply to a record communicated to
20 the filing office by a regulated financial institution or by a
21 representative of a regulated financial institution except that the
22 Secretary of State may request from the secured party of record on
23 the record or from the person that communicated the record to the

1 filing office, if different and known to the office, additional
2 documentation supporting that the record was communicated to the
3 filing office by a regulated financial institution or by a
4 representative of a regulated financial institution. The term
5 "regulated financial institution" means a financial institution
6 subject to regulatory oversight or examination by a state or
7 federal agency and includes banks, savings banks, savings
8 associations, building and loan associations, credit unions,
9 consumer finance companies, industrial banks, industrial loan
10 companies, investment funds, installment sellers, mortgage
11 servicers, sales finance companies and leasing companies.

12 (l) If a record was communicated to the filing office for
13 filing before the effective date of this section, and its
14 communication would have constituted a violation of subsection (a)
15 of this section if it had occurred on or after the effective date
16 of this section:

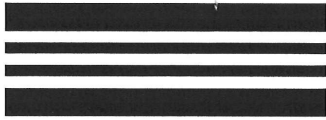
17 (i) Subsections (b) and (c) are not applicable; and

18 (ii) The remaining subsections of this section are applicable.

19 **§46-9-521. Uniform form of written financing statement and**
20 **amendment.**

21 (a) *Initial financing statement form.* -- A filing office that
22 accepts written records may not refuse to accept a written initial
23 financing statement in the following form and format except for a

1 reason set forth in ~~section 9-516(b)~~: subsection (b), section five
2 hundred sixteen of this article:



UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]
B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> debtor name (1a or 1b) - do not abbreviate or combine names					
1a. ORGANIZATION'S NAME					
OR					
1b. INDIVIDUAL'S LASTNAME		FIRST NAME		MIDDLE NAME	
1c. MAILING ADDRESS		CITY		STATE	POSTAL CODE
1d. SEE INSTRUCTIONS		ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID #, if any
					<input type="checkbox"/> NONE
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> debtor name (2a or 2b) - do not abbreviate or combine names					
2a. ORGANIZATION'S NAME					
OR					
2b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME	
2c. MAILING ADDRESS		CITY		STATE	POSTAL CODE
2d. SEE INSTRUCTIONS		ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any
					<input type="checkbox"/> NONE
3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/IP) - insert only <u>one</u> secured party name (3a or 3b)					
3a. ORGANIZATION'S NAME					
OR					
3b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME	
3c. MAILING ADDRESS		CITY		STATE	POSTAL CODE
4. This FINANCING STATEMENT covers the following collateral:					

5. ALTERNATIVE DESIGNATION [if applicable]:	LESSEE/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAILOR	SELLER/BUYER	AG. LIEN	NON-UCC FILING
6. <input type="checkbox"/> This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach Addendum	<input type="checkbox"/> [for record] (or recorded) in the REAL ESTATE RECORDS. Attach Addendum	<input type="checkbox"/> [if applicable]	7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) [OPTIONAL]	<input type="checkbox"/> All Debtors	<input type="checkbox"/> Debtor 1	<input type="checkbox"/> Debtor 2
8. OPTIONAL FILER REFERENCE DATA						

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one name (11a or 11b) - do not abbreviate or combine names

11a. ORGANIZATION'S NAME

OR

11b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

11c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

11d. **SEE INSTRUCTIONS** ADD'L INFO RE ORGANIZATION DEBTOR 11e. TYPE OF ORGANIZATION 11f. JURISDICTION OF ORGANIZATION 11g. ORGANIZATIONAL ID #, if any NONE

12. ADDITIONAL SECURED PARTY'S or ASSIGNOR S/P/S NAME - insert only one name (12a or 12b)

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

12c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

13. This FINANCING STATEMENT covers timber to be cut or as-extracted collateral, or is filed as a fixture filing.

14. Description of real estate:

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):

16. Additional collateral description:

17. Check only if applicable and check only one box.
 Debtor is a Trust or Trustee acting with respect to property held in trust or Decedent's Estate

18. Check only if applicable and check only one box.
 Debtor is a TRANSMITTING UTILITY
 Filed in connection with a Manufactured-Home Transaction
 Filed in connection with a Public-Finance Transaction

UCC FINANCING STATEMENT ADDITIONAL PARTY

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

19. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT		
19a. ORGANIZATION'S NAME		
OR		
19b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX

20. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

21. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> name (21a or 21b) - do not abbreviate or combine names				
21a. ORGANIZATION'S NAME				
OR				
21b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
21c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
21d. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR	21e. TYPE OF ORGANIZATION	21f. JURISDICTION OF ORGANIZATION	21g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE

22. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> name (22a or 22b) - do not abbreviate or combine names				
22a. ORGANIZATION'S NAME				
OR				
22b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
22c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
22d. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR	22e. TYPE OF ORGANIZATION	22f. JURISDICTION OF ORGANIZATION	22g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE

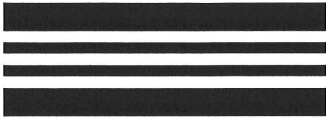
23. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> name (23a or 23b) - do not abbreviate or combine names				
23a. ORGANIZATION'S NAME				
OR				
23b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
23c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
23d. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR	23e. TYPE OF ORGANIZATION	23f. JURISDICTION OF ORGANIZATION	23g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE

24. ADDITIONAL SECURED PARTY'S NAME (or Name of TOTAL ASSIGNEE) - insert only <u>one</u> name (24a or 24b)				
24a. ORGANIZATION'S NAME				
OR				
24b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
24c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY

25. ADDITIONAL SECURED PARTY'S NAME (or Name of TOTAL ASSIGNEE) - insert only <u>one</u> name (25a or 25b)				
25a. ORGANIZATION'S NAME				
OR				
25b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
25c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY

1 (b) *Amendment form.* -- A filing office that accepts written
2 records may not refuse to accept a written record in the following
3 form and format except for a reason set forth in ~~section 9-516(b):~~
4 subsection (b), section five hundred sixteen of this article:

2013R2445



UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]
B. SEND ACKNOWLEDGMENT TO: (Name and Address)
<div style="border: 1px solid black; width: 80%; margin: 0 auto; height: 80%;"></div>

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #	1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. <input type="checkbox"/>
2. <input type="checkbox"/> TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.	
3. <input type="checkbox"/> CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.	
4. <input type="checkbox"/> ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.	
5. AMENDMENT (PARTY INFORMATION): This Amendment affects <input type="checkbox"/> Debtor or <input type="checkbox"/> Secured Party of record. Check only <u>one</u> of these two boxes. Also check <u>one</u> of the following three boxes and provide appropriate information in items 6 and/or 7. <input type="checkbox"/> CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party. <input type="checkbox"/> DELETE name: Give record name to be deleted in item 6a or 6b. <input type="checkbox"/> ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).	
6. CURRENT RECORD INFORMATION:	
6a. ORGANIZATION'S NAME	
OR	
6b. INDIVIDUAL'S LAST NAME	FIRST NAME
MIDDLE NAME	SUFFIX
7. CHANGED (NEW) OR ADDED INFORMATION:	
7a. ORGANIZATION'S NAME	
OR	
7b. INDIVIDUAL'S LAST NAME	FIRST NAME
MIDDLE NAME	SUFFIX
7c. MAILING ADDRESS	
CITY	STATE
POSTAL CODE	COUNTRY
7d. SEE INSTRUCTIONS	7e. TYPE OF ORGANIZATION
ADD'L INFO RE ORGANIZATION DEBTOR	7f. JURISDICTION OF ORGANIZATION
7g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE	
8. AMENDMENT (COLLATERAL CHANGE): check only <u>one</u> box. Describe collateral <input type="checkbox"/> deleted or <input type="checkbox"/> added, or give entire <input type="checkbox"/> restated collateral description, or describe collateral <input type="checkbox"/> assigned.	

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here <input type="checkbox"/> and enter name of DEBTOR authorizing this Amendment.			
9a. ORGANIZATION'S NAME			
OR			
9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

10. OPTIONAL FILER REFERENCE DATA

UCC FINANCING STATEMENT AMENDMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

11. INITIAL FINANCING STATEMENT FILE # (same as item 1a on Amendment form)		
12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)		
12a. ORGANIZATION'S NAME		
OR		
12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX
13. Use this space for additional information		

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

UCC FINANCING STATEMENT AMENDMENT ADDITIONAL PARTY
 FOLLOW INSTRUCTIONS (front and back) CAREFULLY

14. INITIAL FINANCING STATEMENT FILE # (same as item 1a on Amendment form)

15. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

15a. ORGANIZATION'S NAME

OR

15b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX
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16. MISCELLANEOUS

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

17. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one name (17a or 17b) - do not abbreviate or combine names

17a. ORGANIZATION'S NAME

OR

17b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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17c. MAILING ADDRESS

CITY	STATE	POSTAL CODE	COUNTRY
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17d. **SEE INSTRUCTIONS**

ADD'L INFO RE ORGANIZATION DEBTOR	17e. TYPE OF ORGANIZATION	17f. JURISDICTION OF ORGANIZATION	17g. ORGANIZATIONAL ID #, if any	<input type="checkbox"/> NONE
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18. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one name (18a or 18b) - do not abbreviate or combine names

18a. ORGANIZATION'S NAME

OR

18b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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18c. MAILING ADDRESS

CITY	STATE	POSTAL CODE	COUNTRY
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18d. **SEE INSTRUCTIONS**

ADD'L INFO RE ORGANIZATION DEBTOR	18e. TYPE OF ORGANIZATION	18f. JURISDICTION OF ORGANIZATION	18g. ORGANIZATIONAL ID #, if any	<input type="checkbox"/> NONE
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19. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one name (19a or 19b) - do not abbreviate or combine names

19a. ORGANIZATION'S NAME

OR

19b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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19c. MAILING ADDRESS

CITY	STATE	POSTAL CODE	COUNTRY
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19d. **SEE INSTRUCTIONS**

ADD'L INFO RE ORGANIZATION DEBTOR	19e. TYPE OF ORGANIZATION	19f. JURISDICTION OF ORGANIZATION	19g. ORGANIZATIONAL ID #, if any	<input type="checkbox"/> NONE
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20. ADDITIONAL SECURED PARTY'S NAME (or Name of TOTAL ASSIGNEE) - insert only one name (20a or 20b)

20a. ORGANIZATION'S NAME

OR

20b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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20c. MAILING ADDRESS

CITY	STATE	POSTAL CODE	COUNTRY
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21. ADDITIONAL SECURED PARTY'S NAME (or Name of TOTAL ASSIGNEE) - insert only one name (21a or 21b)

21a. ORGANIZATION'S NAME

OR

21b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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21c. MAILING ADDRESS

CITY	STATE	POSTAL CODE	COUNTRY
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NOTE: The purpose of this bill relates to filings under the Uniform Commercial Code. The bill clarifies false or fraudulent filings, provides civil and criminal penalties for such filings, provides administrative and legal recourse for such filings, and provides for the use and acceptance of the most recent version of filing and amendment forms.

§46-9-516a is new; therefore, strike-throughs and underscoring have been omitted.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.

§46-9-521 contains six forms. Of these, forms UCC1, UCC1Ad and UCC3 are revised versions of forms in existing code. Form UCC3Ad is the identical form as in existing code and forms UCC1AP and UCC3AP are new.