

2016 Filing Office Fun Facts
Provided by Corporation Service Company

Jesse James, Frank James, Cole Younger and Bob Younger all have one thing in common – each is an individual debtor on one or more unexpired UCC records filed in California. 1/8/16.

Georgia is the only state where an initial UCC financing statement might lapse less than five years after the date of filing. Ga. Code § 11-9-502(a)(4) and § 11-9-515(a). 1/15/16.

North Dakota is the only state where the mailing addresses of the debtor and secured party are required as a condition of sufficiency for a UCC financing statement. N.D. Cent. Code § 41-09-73(1)(e) and (f), (9-502). 1/22/16.

To encourage use of its electronic filing system the Office of the Vermont Secretary of State does not post UCC forms anywhere on its website. It must work. The e-file rate is over 90%. 1/29/16.

Louisiana's version of UCC § 9-501 designates 3 different filing offices for UCC records: parish clerks (default office for most UCCs and fixture filings), the Department of Public Safety and Corrections (non-inventory titled motor vehicles), and the Department of Wildlife and Fisheries (certain non-inventory titled vessels and outboard motors). 2/5/16.

Searching for a security interest that covers growing crops in Georgia? Better look in the real estate records. Unlike other states, the office in which to file a UCC record that covers growing crops in Georgia is the office where a record of mortgage would be recorded on the related real property. Ga. Code Ann. § 11-9-501(a)(1)(A). 2/12/16.

At least 10 states enacted statutes to prohibit the filing of non-consensual common law liens and to provide remedies for the victims of such liens. The statutes were enacted during the 1990s following the widely-reported use of bogus liens by the Montana Freemen and similar anti-government groups. The definition of "non-consensual common law lien" used in most of the state statutes generally covers fraudulent UCC records. However, it appears that these statutes have rarely been used to address fraudulent UCC filing. 2/19/16.

There are more than 3200 filing offices for UCC records in the United States. 2/26/16.

Based on the most recent numbers, prior to February 23rd, less than 20% of UCC records were filed electronically with the North Dakota Secretary of State. Starting this week, that rate has increased to 100%. 3/4/16.

At least 6 state-level UCC filing offices allow the filing of a master amendment to change the secured party information or make a full assignment rather than require a separate UCC3 record for each changed financing statement. However, using a master amendment may not be easy or more cost effective. Acceptance of master amendments is generally left to the filing office's discretion. Filing offices that accept master amendments often charge the full filing fee for each record changed. Others require a separate master amendment for each variation of the secured party name currently on file. 3/18/16.

Delaware is the only state where a secured party's failure to sufficiently provide the name of an individual debtor on a UCC financing statement does not necessarily render the record seriously misleading, even if a 9-506(c) search fails to disclose the record. See Del. Code Ann. § 9-506(b). 3/25/16.

Despite Wild Bill Hickok's famous connection to Deadwood, South Dakota, there are only 2 debtors with organization names that contain "Wild Bill" or "Hickok" listed on UCC records currently filed with the South Dakota Secretary of State. 4/1/16.

Eight states currently have approved their own UCC form designs that filing offices must accept in addition to the forms set forth in UCC § 9-521. 4/8/16.

A UCC1 filed in Washington State lists Queen Elizabeth II as a debtor with a mailing address of Buckingham Palace in London. The UCC sets forth various claims, including an "Admiralty Maritime Lien" for \$152 Billion. The UCC is, of course, completely bogus. Her Majesty is not amused. 4/22/16.

A small German anti-government movement called the "Reichsbürgers" shares many characteristics with the Sovereign Citizen movement in the U.S., apparently including the filing of bogus UCCs. Germany has no direct equivalent of a UCC filing system, so at least one alleged Reichsbürger elected to file his bogus "Redemption" UCC with the Washington Department of Licensing. The bogus UCC record is very similar to those filed by Sovereign Citizens, except that its contents are all in German. 4/29/16.

The IRS filed 1780 notices of federal tax lien on personal property with the Oklahoma County Clerk during 2015. 5/6/16.

At least 60 debtor names in the California Secretary of State UCC index misspell the word "California." 5/13/16.

In the last 16 months, at least 19 UCC1 financing statements that name a Delaware registered organization as debtor have been filed with the Illinois Secretary of State. These were easy to identify because in each case the filer added "A DELAWARE CORPORATION" (or, LLC, BUSINESS TRUST, LP, etc.) to the end of the debtor name. 5/20/16.

The International Association of Commercial Administrators (IACA) has long been known as an organization for filing officers from the U.S. and Canada. In fact, IACA has a growing international membership. Filing office representatives from approximately 20 countries are expected to attend the 2016 IACA Annual Conference in June. 5/27/16.

The foregoing "Fun Facts" were extracted from weekly legislative update emails sent by CSC during 2016 and were compiled by Paul Hodnefield, Associate General Counsel, (800) 927-9801, ext. 61730, email: paul.hodnefield@cscglobal.com, who is solely responsible for this content.