

## NON-UNIFORM UCC3 REQUIREMENTS UNDER ARTICLE 9

Under Article 9, some central filing offices require additional information to identify the original filing on UCC3 amendments. In the model act, for filings other than real estate-related/fixture filings, **the file number of the original financing statement is the only information you need to identify the UCC1 to which the amendment relates [§9-512(a)(1)].** Some states have adopted non-uniform provisions and/or administrative rules that add additional requirements for identifying the original filing.

Below is a list of states that require or prefer additional identifying information for central filing office filings. (This list does **not** include additional information that may be required on UCC3s for fixture and real estate related filings, which varies greatly). Please note that failure to include the information listed may not result in rejection, but could make your UCC3 filing legally ineffective.

**DISTRICT OF COLUMBIA** - Must include the name of the debtor. (*We suggest putting it in Box 10 on the UCC3 form.*)

**FLORIDA** - The name of the debtor and secured party of record must be included on UCC3 filings. (*We suggest putting the additional info in Box 10 on the UCC3 form.*) Also, Florida will reject an assignment that does not indicate whether it is a “full” or “partial” assignment despite the fact that Florida’s Article 9 statute does not include this as an allowable reason for rejection. Circle the word “full” or “partial” in box 3 of the IACA national UCC Amendment Form (or cross one of those words out).

**GEORGIA** - We highly recommend that you include the name of the debtor in Box 6 whenever filing a UCC3 in Georgia - even though failure to do so will not result in rejection. Due to what we would describe as a “quirk” in their system, failure to include the name may result in Georgia indexing the filing in their alphabetical index under the name “NO DEBTOR NAME GIVEN” resulting in the filing not being found on a search.

**NEW YORK** - requires the date of the original filing as well as the file number for UCC3’s that relate to original filings recorded **prior to** November 15, 2002. (*We suggest including the date with the file number in Box 1a on the UCC3 form.*) UCC3’s that relate to original filings dated on or after November 15, 2002, need only refer to the UCC1 by file number since the state’s numbering system for filings on or after that date includes the date.

**OKLAHOMA** - While it is not in their statute or rules, the Oklahoma County Clerk’s office, which is the central filing office in Oklahoma, needs the debtor name and/or date of the original filing in order to file a UCC3 *if the original filing was filed before July 1, 2001*. This is because prior to Revised Article 9, file numbers did not contain the year so the number alone would not be enough to identify a UCC filed under “old” Article 9.

**RHODE ISLAND** - While it is not in their statute or rules, Rhode Island requires the debtor’s name in Box 6 of the UCC3. They will reject if the name is not in Box 6. Since Rhode Island has a manual, paper-based filing system, they need the name in order to connect UCC3s to the UCC1 being changed.

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## OUR OVERALL RECOMMENDATIONS FOR PREPARING UCC3S UNDER ARTICLE 9:

- 1) Include the date as well as the file number in box 1a. (It will NOT cause rejection in filing offices that don't require it.)
- 2) Include the debtor name on each filing you prepare and make sure it appears in Box 6 for GA and RI. This will not only help some of the filing offices, it will also make it easier for you to identify the transaction in your records.
- 3) Indicate the jurisdiction (use Box 10), especially when you are not filing in the debtor's location state.

From time to time, filing offices change their procedures, statute and rules. We will continue to keep you advised as we learn of additional non-uniform practices.

**Please note that the information in this memo is not intended as legal advice. As always, we urge you to seek competent legal counsel when making decisions on how to prepare your filings under Article 9.**

If you have any questions, please feel free to contact your service specialist.

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