

**ARTICLE 9 – PERFECTION, PRIORITIES, AND OTHER
UNIQUE ISSUES TO BE AWARE OF**

STEPHANIE E. KAISER, *Fort Worth*
Doerner Saunders Daniel & Anderson, L.L.P.

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CHAPTER 6

Stephanie E. Kaiser is a *Partner* with the law firm of Doerner, Saunders, Daniel & Anderson, L.L.P. and has represented various entities and other persons in numerous industries and professions for 19 years. Stephanie previously served as the General Counsel and Chief Legal Officer of a \$1.5 billion lending institution and has been a partner with the law firms of Kelly Hart & Hallman, LLP and McGinnis, Lochridge & Kilgore, LLP. Stephanie has extensive experience in representing clients in a wide variety of litigation, bankruptcy, regulatory and compliance, and corporate matters, including standards of conduct, breach of fiduciary duty matters, and criminal referrals. Stephanie has successfully represented several clients in cases of first impression, bet the company-type cases, cases involving an extensive Ponzi scheme and check kite, and a record-setting case involving the shooting death of an immigrant on a Webb County ranch, has served as outside General Counsel to several of her clients, and has been called upon to consult or present alongside regulators. Stephanie also serves as a consultant and advisor to Board members and management on various topics, including corporate governance. Stephanie was a Member of the Robert W. Calvert American Inn of Court for approximately 13 years, where she also served as President and served on the Executive Committee (2010 –2016), is a Fellow of the Texas Bar Foundation, has been recognized by *Texas Law & Politics* as a “Texas Rising Star” in business litigation (2006-2012), has been recognized as a “Top Attorney” by *Fort Worth, Texas* magazine (2012 and 2016), and was named as one of the Top 40 under 40 by the *Fort Worth Business Press* (2013).

EXAMPLES OF EXPERIENCE

Stephanie routinely advises and trains Boards, management, and non-management employees on various regulatory, compliance, litigation, bankruptcy, administrative, standards of conduct, professional liability, labor and employment, and consumer law matters; represents clients in handling special assets and resolving issues involving distressed debt; served as sole arbitrator and mediator in matter involving two financing institutions; represented a lending institution in seeking declaratory relief in multi-state dispute over real estate and non-judicial foreclosure in case of first impression; advises and prepares documents on various financing projects, including syndication, participation, and custom loans; develops policies, procedures, and programs for various clients; performs loan reviews and Standards of Conduct investigations; served as ECOA expert for lending institution in action involving a regulator; represents associations in complaints made with regulators; currently serves as Standards of Conduct Official for lending institutions.

EDUCATION

Texas Christian University, B.A., *summa cum laude*, 1996
University of Texas School of Law, J.D., 1999

ADMISSIONS

State Bar of Texas, 1999
United States District Court, Eastern, Northern, Southern, and Western Districts of Texas

COMMITTEE INVOLVEMENT

Texas State Bar, Creditors’ Rights and Collections Section Planning Committee (2016 – Present)
Texas State Bar, Agricultural Law Section Planning Committee (2014 – 2016)
American Agricultural Law Association, Planning Committee (2016 – Present)

SPEECHES AND PRESENTATIONS

Stephanie frequently speaks and presents at national conferences, state bar continuing legal education, workshops, and in-house programs on various topics, such as fiduciary duties, ethics, internal investigations, standards of conduct, compliance, unlawful harassment and workplace violence, litigation, creditor’s rights, borrower rights, and distressed assets.

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Article 9 – Perfection, Priorities, and Other Unique Issues to be Aware Of

Article 9 of the Uniform Commercial Code relates to Secured Transactions and establishes a framework under which a creditor can take a security interest in personal property, *e.g.*, to secure a loan or other extension of credit. Because Article 9 addresses numerous types of personal property, and because certain property made subject of Article 9 is also made subject of other laws, the issues a creditor can face with regard to taking a security interest in the property made subject of Article 9 are vast and can be incredibly complicated. This article provides an overview of Article 9 and some of the perfection, priority, and other unique issues of which creditors (and their counsel) should be aware when engaging in secured transactions.

I. An Overview of Article 9

A. Article 9 in a Nutshell

Article 9 of the Uniform Commercial Code (Secured Transactions) may be the most complex section of the Uniform Commercial Code and perhaps one of the most oversimplified and underappreciated. Article 9, as adopted in Texas, is found in Texas Business and Commerce Code and is currently set forth in Sections 9.101 through 9.809 (“Article 9”). *See generally* Tex. Bus. & Comm. Code §§ 9.101 – 9.809.

As a general matter, Article 9 relates to the creation and enforceability of security interests in personal property and fixtures; it governs the ability of a creditor to take a security interest in personal property that has been pledged by the property owner to secure a loan made by a creditor to a borrower. A creditor who makes a loan that is secured by property is a “secured creditor,” and the property that secures such a loan is called “collateral.” The party who pledges property as collateral for a loan is called the “debtor” or “grantor” and does not have to be the borrower on the loan.

In order for a creditor to become a secured creditor, a debtor must grant a security interest in personal property to the creditor, such that the security interest becomes enforceable by the creditor against the debtor – *i.e.*, when the creditor’s security interest attaches to the property.

Attachment generally requires three things:

- (1) the debtor must have rights in the property pledged as collateral or the power to convey such rights;
- (2) value must be given (consideration); and
- (3) the debtor must sign a security agreement that sufficiently describes the collateral.

With attachment, however, does not necessarily come priority. In order for a secured creditor to have priority over another creditor or other claimant, its security interest in the collateral must be “perfected.” Some security interests are automatically perfected upon attachment; however, security interests are most often perfected by filing a financing statement,

referred to as a UCC-1, in the appropriate state office, such as the Texas Secretary of State. *See, e.g.,* Tex. Bus. & Comm. Code §§ 9.301, 9.309, & 9.310. Some security interests may be established through a deed of trust or mortgage, which should be filed in each county where the real property is located. These and other topics are addressed below.

B. Amendments to Article 9 in Texas

Article 9 has been amended from time to time, with the most recent uniform amendments being proposed in 2010. Texas adopted a version of the proposed 2010 uniform amendments in 2011, and such amendments became effective in Texas on July 1, 2013; however, not all of the amendments adopted in Texas conform to the proposed 2010 uniform amendments. *See generally* Tex. Bus. & Comm. Code §§ 9.801 – 9.809.

The amendments to Article 9 adopted by Texas in 2011 included:

(1) a revised definition of “registered organization” in Section 9.102(71) to substitute the term “public organic record” (as defined in Section 9.102(68-a)) for “public record” to clarify the scope of entities covered by the definition, including certain business trusts; *see, e.g.,* Tex. Bus. & Comm. Code §§ 9.307 & 9.503;

(2) amendments to Section 9.316 concerning the effect of a change in governing law in the event of a change in a debtor’s location or a new debtor; *see* Tex. Bus. & Comm. Code §§ 9.316(h) & (i); *see also* Tex. Bus. & Comm. Code § 9.326; and

(3) amendments relating to Sections 9.102(7), 9.102(10), 9.102(50), 9.105, 9.307(f), 9.317, 9.406, 9.408, 9.502(c), 9.503(a)(2), 9.507(c), 9.515(f), 9.516, 9.518, and 9.607(b).

Prior to the amendments adopted in Texas in 2011, Texas also adopted amendments to Article 9 in 1999 that became effective July 1, 2001. *See generally* Tex. Bus. & Comm. Code §§ 9.701 – 9.709.

Other non-uniform amendments have also been made Article 9, such as a non-uniform amendment made to Section 9.503(a)(4). *See* Tex. Bus. & Comm. Code § 9.503(a)(4) (“A financing statement sufficiently provides the name of the debtor:...if the debtor is an individual to whom this state has issued a driver’s license that has not expired or to whom the agency of this state that issues driver’s licenses has issued, in lieu of a driver’s license, a personal identification card that has not expired, only if the financing statement provides the name of the individual that is indicated on the driver’s license or personal identification card”); *but see* Tex. Bus. & Comm. Code § 9.502(c)(3)(B) (“A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:...the record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and the first personal name of the debtor, even if the debtor is an individual to whom Section 9.503(a)(4) or (5) applies....”).

II. Creating an Enforceable Security Interest in Collateral

In order for a secured creditor to benefit from the rights and remedies available under Article 9, the creditor must be sure that a security interest has been created in its favor and that: (1) its security interest attaches to the collateral; and (2) the attached interest has been properly perfected in the collateral. If a secured creditor's security interest in the collateral has attached and is properly perfected, then the secured creditor will want to confirm – or at least be aware of – the priority of its security interest in the collateral, which is discussed below.

As a general matter, the following three requirements must be met in order for a creditor's security interest to attach to the property pledged as collateral:

- (1) the debtor must have rights in the property pledged as collateral or the power to convey such rights;
- (2) value must be given (consideration); and
- (3) the debtor must sign a security agreement that sufficiently describes the collateral.

See Tex. Bus. & Comm. Code § 9.203(b).

Specifically, Section 9.203(b) provides that:

- (b) Except as otherwise provided in Subsections (c)-(j), a security interest is enforceable against the debtor and third parties with respect to the collateral only if:
 - (1) value has been given;
 - (2) the debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and
 - (3) one of the following conditions is met:
 - (A) the debtor has authenticated a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;
 - (B) the collateral is not a certificated security and is in the possession of the secured party under Section 9.313 pursuant to the debtor's security agreement;
 - (C) the collateral is a certificated security in registered form and the security certificate has been delivered to the

secured party under Section 8.301 pursuant to the debtor's security agreement; or

- (D) the collateral is deposit accounts, electronic chattel paper, investment property, letter-of-credit rights, or electronic documents, and the secured party has control under Section 7.106, 9.104, 9.105, 9.106, or 9.107 pursuant to the debtor's security agreement.

Id.

Attachment allows for a secured creditor to enforce its rights in the collateral as against the debtor. *See* Tex. Bus. & Comm. Code § 9.203(a) (“A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment”).

In order for a secured creditor to create its security interest, the security agreement, which serves as the primary instrument that reflects the granting of the security interest by the debtor (or grantor) to the secured creditor, must create or provide for the interest.¹ The granting of the security interest is typically set forth in the “granting clause” of the security agreement. The security agreement must describe the obligations secured by the security interest in the collateral and must contain a description of the property that reasonably identifies the collateral. *See generally* Tex. Bus. & Comm. Code § 9.108; Tex. Bus. & Comm. Code 9.108(a) (“Except as otherwise provided in (c), (d), and (e), a description of personal or real property is sufficient, whether or not it is specific, if it reasonably identifies what is described.”); Tex. Bus. & Comm. Code 9.108(c) (“A description of collateral as ‘all the debtor’s assets’ or ‘all the debtor’s personal property’ or using words of similar import does not reasonably identify the collateral.”). The security agreement should be authenticated by the debtor, which is often accomplished by the debtor’s signature on the security agreement. *See also* Tex. Bus. & Comm. Code § 9.102(7); Tex. Bus. & Comm. Code § 9.203(b)(3)(A).

III. Perfecting a Security Interest in Collateral

A. Means of Perfection

Attachment allows for a secured creditor to enforce its rights in the collateral against the debtor. Perfection of that security interest allows the secured party to enforce its rights against the debtor and collateral with regard to third parties (*e.g.*, other creditors or claimants). “Perfection” is determined, at least in part, by the type of collateral and the law applicable to the transaction.

Generally, a secured creditor may perfect its security interest in certain property made subject of Article 9 by one of four main methods of perfection:

¹ A debtor may also grant a security interest through a deed of trust, which may contain granting language similar to that found in a security agreement.

- Filing a UCC-1 with regard to the collateral
- Possession of the collateral
- Control of the collateral
- Automatic perfection

However, depending upon the type of collateral, there may be only one method of perfection applicable, and some types of perfection may allow for better priority over other creditors when more than one method of perfection applies. Further, some collateral may allow for temporary perfection; in such cases, a secured creditor should pursue other means or methods of perfection and not rely on temporary perfection alone.

Security interests in most collateral may be perfected by filing a properly completed UCC-1 in the appropriate office (*e.g.*, the Office of the Texas Secretary of State).² Section 9.502(a) provides that: “Subject to Subsection (b), a financing statement is sufficient only if it: (1) provides the name of the debtor; (2) provides the name of the secured party or a representative of the secured party; and (3) indicates the collateral covered by the financing statement.” Tex. Bus. & Comm. Code § 9.502(a). The financing statement must also satisfy any other requirement under Article 9, including the name and mailing address of the secured party and the mailing address and type of debtor (*i.e.*, whether the debtor is an individual or an organization). *See generally* Tex. Bus. & Comm. Code §§ 9.502, 9.503, & 9.516.

For purposes of illustration, the chart below summarizes the methods by which security interests in certain collateral may be perfected under current Texas law and some statutory references to review in connection with such property type or perfection method:

Collateral Type	Filing	Possession	Control	TEX. BUS. & COM. CODE
Accounts	✓			9.310(a) (default provision)
General intangibles	✓			9.310(a) (default provision)
Payment intangibles	✓			9.310(a) (default provision)
Instruments	✓	✓		9.312(a), 9.313(a)
Goods (including goods covered by a nonnegotiable document)	✓	✓		9.312(d), 9.313(a), 9.313(b), 9.316(d)
Negotiable documents (including negotiable documents covering goods)	✓	✓		9.312(a), 9.312(c), 9.313(a)
Tangible chattel paper	✓	✓		9.312(a), 9.313(a)
Electronic chattel paper	✓		✓	9.312(a), 9.314(a)

² Some exceptions do apply, however. For example, security interests in deposit accounts, money, and letters-of-credit may not be perfected by filing a UCC-1; instead, security interests in deposit accounts and letters-of-credit may be perfected only by control and a security interest in money may be perfected only by possession. *See, e.g.*, Tex. Bus. & Comm. Code § 9.312(b); *see also* Tex. Bus. & Comm. Code §§ 9.313 & 9.314.

Investment property (other than certificated securities)	✓		✓	9.312(a), 9.314(a)
Certificated securities	✓	✓	✓	9.313(a), 9.314(c)(2)(A)
Deposit accounts			✓	9.312(b)(1), 9.314(a)
Letter-of-credit rights			✓	9.312(b)(2), 9.314(a)
Money		✓		9.312(b)(3), 9.313(a)
Electronic documents			✓	9.314(a)

The chart above is based on current Texas law and is not exhaustive. For example, it does not address automatic or temporary perfection, proceeds, a change in jurisdiction related to perfection under the law of the jurisdiction of a bank or similar entity for deposit accounts, letter-of-credit rights, or investment property, or a record of mortgage related to as-extracted collateral or timber to be cut. However, it provides a good illustration of the various types of collateral addressed by Article 9 and some methods of perfection relating to each, without distinguishing priority, which is further discussed below.

B. Law Governing Perfection

The method (or means) of perfection is not the only consideration a secured creditor must make with regard to perfecting its security interest. The choice of law plays a critical role in determining whether a secured creditor has perfected its security interest, the effect of whether the security interest has been perfected, and the priority of the secured creditor's security interest.

Generally, the local law of where the debtor (or grantor) is located will determine the perfection of a security interest. *See* Tex. Bus. & Comm. Code § 9.301. Specifically, Section 9.301 provides that:

Except as otherwise provided in Sections 9.303 through 9.306, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

- (1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.
- (2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.
- (3) Except as otherwise provided in Subdivision (4), while tangible negotiable documents, goods, instruments, money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

- (A) perfection of a security interest in the goods by filing a fixture filing;
 - (B) perfection of a security interest in timber to be cut; and
 - (C) the effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.
- (4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

Tex. Bus. & Comm. Code § 9.301; *compare* Tex. Bus. & Comm. Code § 9.302 (regarding agricultural liens) (“While farm products are located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of an agricultural lien on the farm products.”).

For Article 9 purposes, a registered organization is deemed located in its state of organization, a non-registered organization is deemed located where its place of business is located or where its chief executive office is located, if the organization has more than one place of business, an individual is deemed located in the location of its principal residence, and a foreign debtor is deemed located in the District of Columbia, as a general matter. *See generally* Tex. Bus. & Comm. Code § 9.307.

There are exceptions to these rules, however. For example, if a security interest is perfected by possession, then the local law of the jurisdiction where the collateral is located governs perfection. *See* Tex. Bus. & Comm. Code § 9.301. With regard to deposit accounts, the local law of the jurisdiction of the depository bank governs perfection in the absence of an agreement between the parties. *See generally* Tex. Bus. & Comm. Code § 9.304.

IV. Priority

Article 9 helps determine the priority of a secured creditor’s claims against the debtor and the property pledged as collateral for a loan, *e.g.*, as compared to other creditors or claimants. Certain provisions of Article 9 set forth the priority of security interests in various forms of property made subject of Article 9. For example, Section 9.322 of Article 9 provides that:

- (a) Except as otherwise provided in this section, priority among conflicting security interests and agricultural liens in the same collateral is determined according to the following rules:
 - (1) Conflicting perfected security interests and agricultural liens rank according to priority in time of filing or perfection. Priority dates from the earlier of the time a filing covering the collateral is first made or the security interest or agricultural lien is first perfected, if

there is no period thereafter when there is neither filing nor perfection.

- (2) A perfected security interest or agricultural lien has priority over a conflicting unperfected security interest or agricultural lien.
 - (3) The first security interest or agricultural lien to attach or become effective has priority if conflicting security interests and agricultural liens are unperfected.
- (b) For the purposes of Subsection (a)(1):
- (1) the time of filing or perfection as to a security interest in collateral is also the time of filing or perfection as to a security interest in proceeds; and
 - (2) the time of filing or perfection as to a security interest in collateral supported by a supporting obligation is also the time of filing or perfection as to a security interest in the supporting obligation.
- (c) Except as otherwise provided in Subsection (f), a security interest in collateral that qualifies for priority over a conflicting security interest under Section 9.327, 9.328, 9.329, 9.330, or 9.331 also has priority over a conflicting security interest in:
- (1) any supporting obligation for the collateral; and
 - (2) proceeds of the collateral if:
 - (A) the security interest in proceeds is perfected;
 - (B) the proceeds are cash proceeds or of the same type as the collateral; and
 - (C) in the case of proceeds that are proceeds of proceeds, all intervening proceeds are cash proceeds, proceeds of the same type as the collateral, or an account relating to the collateral.
- (d) Subject to Subsection (e) and except as otherwise provided in Subsection (f), if a security interest in chattel paper, deposit accounts, negotiable documents, instruments, investment property, or letter-of-credit rights is perfected by a method other than filing, conflicting perfected security interests in proceeds of the collateral rank according to priority in time of filing.

- (e) Subsection (d) applies only if the proceeds of the collateral are not cash proceeds, chattel paper, negotiable documents, instruments, investment property, or letter-of-credit rights.
- (f) Subsections (a)-(e) are subject to:
 - (1) Subsection (g) and the other provisions of this subchapter;
 - (2) Section 4.210 with respect to a security interest of a collecting bank;
 - (3) Section 5.118 with respect to a security interest of an issuer or nominated person; and
 - (4) Section 9.110 with respect to a security interest arising under Chapter 2 or 2A.
- (g) A perfected agricultural lien on collateral has priority over a conflicting security interest in or agricultural lien on the same collateral if the statute creating the agricultural lien so provides.

Tex. Bus. & Comm. Code § 9.322; *see also* Tex. Bus. & Comm. Code §§ 9.317, 9.324 – 9.331, 9.333 – 9.334, 9.337 – 9.339.

The law governing whether a secured creditor's security interest is perfected generally governs the priority of that interest. And, as a general matter, the security interest of a secured creditor in certain collateral will have priority over the interest of an unsecured creditor in the same collateral, and the first security interest to attach between two unsecured creditors will have priority over the other. As between two perfected secured creditors, the first to file or perfect its security interest will have priority over the other, generally speaking; provided, however, if there is more than one way to perfect a security interest in the collateral at issue, then the secured creditor who has the better form of perfection under Article 9 or other applicable authority will have priority over the other creditor even if that creditor did not perfect its interest first.

For example, a security interest in investment property or a letter-of-credit that is perfected by control will have priority over a security interest in such collateral that is not perfected by control, such as perfection by filing. *See, e.g.*, Tex. Bus. & Comm. Code §§ 9.328 & 9.329. Thus, filing by perfection may not always be the best (or proper) means of perfection for all types of collateral and being the first to file may not guarantee priority. For these and other reasons, a secured creditor may often choose to perfect its security interests in more than one way and as quickly as possible to guarantee – or at least improve its chances of – priority.

As a general matter, a financing statement (UCC-1) lapses after five years from the original filing date but may be continued by filing a continuation statement (UCC-3) no more than 6 months prior to the five-year anniversary of the filing of the UCC-1 (the initial financing statement) or the five-year anniversary of any UCC-3 filed to continue the financing statement.

See Tex. Bus. & Comm. Code §§ 9.515(a), (c), (d), & (e). Some financing statements, however, do not expire within five years but are effective for longer periods of time. *See, e.g.*, Tex. Bus. & Comm. Code §§ 9.515(b) (relating to a public-finance or manufactured-home transaction), (f) (relating to a transmitting utility debtor), & (g) (relating to as-extracted collateral or timber to be cut).

V. Unique Issues to be Aware Of

Article 9 covers various types of property and provides for perfection and priority of security interests in such property, while appreciating that other laws may provide competing or conflicting guidance on such matters. Although amendments made to Article 9 over time have minimized some of the ambiguities or challenges presented, legal and practical limitations remain in connection with secured transactions, some of which are discussed herein.

A. Competing Laws – Agricultural Property as Collateral

Article 9 expressly recognizes that other statutes, regulations, and treaties, *e.g.*, may provide for, or otherwise confer, rights in certain property that may otherwise be subject to Article 9 in the absence of such other authorities. In such circumstances, when another law expressly governs rights or interests in property that would otherwise fall within the scope of Article 9, such other law may preempt the requirements, priority, and effect of Article 9 with regard to such property. For example, Section 9.311 expressly provides that:

- (a) Except as otherwise provided in Subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:
 - (1) a statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt Section 9.310(a);
 - (2) the following statutes of this state: a certificate of title statute of this state or rules adopted under the statute to the extent the statute or rules provide for a security interest to be indicated on the certificate of title as a condition or result of perfection or such alternative to notation as may be prescribed by those statutes or rules of this state; or Chapter 261, relating to utility security instruments; or
 - (3) a statute of another jurisdiction that provides for a security interest to be indicated on a certificate of title as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

- (b) Compliance with the requirements of a statute, regulation, or treaty described in Subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this Chapter. Except as otherwise provided in Subsection (d) and Sections 9.313 and 9.316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in Subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.
- (c) Except as otherwise provided in Subsection (d) and Sections 9.316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in Subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this Chapter.
- (d) During any period in which collateral subject to a statute specified in Subsection (a)(2) is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

Tex. Bus. & Comm. Code § 9.311.

Article 9 provides for the creation, perfection, and priority of security interests in property that fall within the scope of the statute, while allowing for other laws to provide for other rights and interests that may preempt Article 9. Such competing laws can make it difficult for a secured creditor to navigate the creation and priority schemes provided under law and to be sure that it has perfected (and can maintain the perfection and priority of) its interest in the property it intended to receive as collateral. A discussion of agricultural collateral (including “farm products”) serves to highlight some of the issues presented by such competing (and preempting) laws.

Pursuant to Section 9.102(a)(5), an “agricultural lien” is defined as:

...an interest in farm products:

- (A) that secures payment or performance of an obligation for:
 - (i) goods or services furnished in connection with a debtor’s farming operation; or
 - (ii) rent on real property leased by a debtor in connection with its farming operation;

- (B) that is created by statute in favor of a person that:
 - (i) in the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or
 - (ii) leased real property to a debtor in connection with the debtor's farming operation; and
- (C) whose effectiveness does not depend on the person's possession of the personal property.

Tex. Bus. & Comm. Code § 9.102(5). Unlike other types of security interests, an “agricultural lien” under Article 9 may arise by operation of law, does not require an agreement between the parties, and does not depend upon the debtor's possession of the property. *See generally id.* To perfect an agricultural lien, a secured creditor must satisfy the requirements for perfecting a security interest under Article 9, and Article 9 generally determines the priority of such liens. Specifically, Section 9.302 provides that: “While farm products are located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of an agricultural lien on the farm products.” Tex. Bus. & Comm. Code § 9.302.

In Texas, however, there are a number of statutory liens relating to agriculture with which a secured creditor should be familiar. *See, e.g.,* Tex. Prop. Code §§ 70.003, 70.201, & 70.401 – 70.410; Tex. Ag. Code §§ 128.001 – 128.048, 148.021 – 148.030, & 188.001 – 188.048. Many times, such statutes provide for rights in agricultural property based on possession and often have priority over agricultural liens or other security interests created under Article 9 if the statutes so provide. *See, e.g.,* Tex. Bus. & Comm. Code 9.322(g).

Specifically, Section 9.322 provides that:

- (a) Except as otherwise provided in this section, priority among conflicting security interests and agricultural liens in the same collateral is determined according to the following rules:
 - (1) Conflicting perfected security interests and agricultural liens rank according to priority in time of filing or perfection. Priority dates from the earlier of the time a filing covering the collateral is first made or the security interest or agricultural lien is first perfected, if there is no period thereafter when there is neither filing nor perfection.
 - (2) A perfected security interest or agricultural lien has priority over a conflicting unperfected security interest or agricultural lien.
 - (3) The first security interest or agricultural lien to attach or become effective has priority if conflicting security interests and agricultural liens are unperfected.

- (b) For the purposes of Subsection (a)(1):
 - (1) the time of filing or perfection as to a security interest in collateral is also the time of filing or perfection as to a security interest in proceeds; and
 - (2) the time of filing or perfection as to a security interest in collateral supported by a supporting obligation is also the time of filing or perfection as to a security interest in the supporting obligation.
- (c) Except as otherwise provided in Subsection (f), a security interest in collateral that qualifies for priority over a conflicting security interest under Section 9.327, 9.328, 9.329, 9.330, or 9.331 also has priority over a conflicting security interest in:
 - (1) any supporting obligation for the collateral; and
 - (2) proceeds of the collateral if:
 - (A) the security interest in proceeds is perfected;
 - (B) the proceeds are cash proceeds or of the same type as the collateral; and
 - (C) in the case of proceeds that are proceeds of proceeds, all intervening proceeds are cash proceeds, proceeds of the same type as the collateral, or an account relating to the collateral.
- (d) Subject to Subsection (e) and except as otherwise provided in Subsection (f), if a security interest in chattel paper, deposit accounts, negotiable documents, instruments, investment property, or letter-of-credit rights is perfected by a method other than filing, conflicting perfected security interests in proceeds of the collateral rank according to priority in time of filing.
- (e) Subsection (d) applies only if the proceeds of the collateral are not cash proceeds, chattel paper, negotiable documents, instruments, investment property, or letter-of-credit rights.
- (f) Subsections (a)-(e) are subject to:
 - (1) Subsection (g) and the other provisions of this subchapter;
 - (2) Section 4.210 with respect to a security interest of a collecting bank;

- (3) Section 5.118 with respect to a security interest of an issuer or nominated person; and
 - (4) Section 9.110 with respect to a security interest arising under Chapter 2 or 2A.
- (g) A perfected agricultural lien on collateral has priority over a conflicting security interest in or agricultural lien on the same collateral if the statute creating the agricultural lien so provides.

Tex. Bus. & Comm. Code § 9.322. As evidenced by the above, certain provisions of Article 9 recognize superpriority status of certain interests created by statute as opposed to interests created under Article 9. *See, e.g.*, Tex. Bus. & Comm. Code § 9.322(g). A secured creditor, therefore, must be familiar with the interests (or liens) with which it may be competing and to take steps to protect against such issues to the extent possible.

In addition to statutes created under Texas law, Federal law also presents unique challenges relating to a secured creditor's security interest in certain kinds of agricultural property. For example, the Food Security Act of 1985 (the "FSA" or the "Act") provides protections to "buyers in the ordinary course of business," "commission merchants," and "selling agents" who deal in "farm products." *See generally* 7 U.S.C. § 1631. As a general matter, the FSA was designed to address a double payment issue that existed in the buying and selling of "farm products" as defined in the Act and provides that "buyers in the ordinary course of business," "commission merchants," and "selling agents" who deal in "farm products" may be allowed to purchase "farm products" free of security interests as set forth in the Act. However, such persons may not benefit from the safe harbor of the FSA (but, instead, would purchase "farm products" subject to the security interest of a secured creditor) if a secured creditor complies with the notice provisions of the FSA. There are numerous cases that have interpreted various fact patterns relating to the issues presented between those who arguably were provided a safe harbor under the Act and the secured creditors who properly perfected their security interests in, or liens on, agricultural property that falls within the scope of the FSA. A careful reading, and good understanding, of the interplay between the FSA and Article 9, as well as other laws that provide competing guidance or rights in agricultural property, must be made by a secured creditor who relies on agricultural property (or "farm products") as collateral.

B. Changes Relating to the Debtor

A financing statement requires, among other things, the legal name and mailing address of the debtor. *See generally* Tex. Bus. & Comm. Code §§ 9.502 & 9.516. Certain changes that occur after the financing statement is filed may not require an amendment or other filing to be made with regard to such changes in order for the financing statement to continue to be effective. Other changes, such as changes in the name or the location of the debtor, *may be* considered "seriously misleading" and require further action of the secured creditor in order for the UCC-1 to continue to be effective.

For example, Section 9.507 provides that:

- (a) A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed, or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.
- (b) Except as otherwise provided in Subsection (c) and Section 9.508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under Section 9.506.
- (c) If the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under Section 9.503(a) so that the financing statement becomes seriously misleading under Section 9.506:
 - (1) the financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within four months after, the filed financing statement becomes seriously misleading; and
 - (2) the financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the filed financing statement becomes seriously misleading, unless an amendment to the financing statement that renders the financing statement not seriously misleading is filed within four months after that event.

Tex. Bus. & Comm. Code § 9.507. Thus, under Section 9.507(c), a change in the name of the debtor will cause the financing statement to become “seriously misleading” with regard to a debtor’s name if: (1) the UCC-1 fails “to sufficiently [provide] the name of the debtor” in accordance with Section 9.503(a); and (2) a search of the debtor’s correct name as set forth Section 9.506(c) would not disclose the UCC-1 as filed by the secured creditor.³ *Id.*; *see also* Tex. Bus. & Comm. Code 9.506.

If the UCC-1 becomes “seriously misleading” as a result of the change in the name of the debtor, then the secured creditor must file an amendment to the UCC-1 within four months of the change in the correct name of the debtor in order to continue its perfection in the security

³ By comparison, if there is a change in the name or address of the secured creditor, then such changes may not make the UCC-1 filed by the secured creditor “seriously misleading.” However, a secured creditor may want to amend its UCC-1 to be sure that the financing statement on file is accurate to minimize, if not avoid, any issues in this regard. If a secured creditor assigns its security interest to another creditor, then an amendment to the UCC-1 is not required to continue the perfection of the security interest in the collateral. *See* Tex. Bus. & Comm. Code § 9.310(c). However, the secured creditor to whom the security interest is assigned may want an amendment to be filed with regard to the UCC-1 to reflect the new creditor as the secured creditor of record and so that the new creditor can make future filings with regard to the financing statement. *See generally* Tex. Bus. & Comm. Code § 9.514.

interest. If the amendment is filed after the four-month period, then the secured creditor will have a new filing date for the perfection of its security interest. Even if a change in the name of a debtor is not considered “seriously misleading,” a secured creditor should file (or consider filing) an amendment to its UCC-1 to avoid any issues in this regard.

If the debtor changes its location, then a secured creditor may need to file a UCC-1 to continue its perfection in the collateral if the change in location results in a change in jurisdiction. For example, if a grantor is not a registered organization and changes its principal residence, place of business, or chief executive office (if the grantor is an entity with more than one office), or if a grantor is a registered organization and it changes its location (*e.g.*, as a result of a merger or change in state of organization), then the secured creditor would want to file a financing statement in the new jurisdiction if the change in location results in a change in jurisdiction for Article 9 purposes. *See, e.g.*, Tex. Bus. & Comm. Code §§ 9.307 & 9.316. The secured creditor generally would need to file its UCC-1 in the new jurisdiction within four months of the change in jurisdiction to ensure that its security interest in the collateral remains perfected. *See generally* Tex. Bus. & Comm. Code § 9.316; *but see* Tex. Bus. & Comm. Code § 9.316(a)(3) (“A security interest perfected pursuant to the law of the jurisdiction designated in Section 9.301(1) or 9.305(c) remains perfected until the earliest of:...the expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.”).

C. Changes in Collateral Location

If a secured creditor has properly perfected its security interest in certain collateral by filing a financing statement, then a change in location of the collateral generally will not affect the perfection of that interest. However, if a change in location of the collateral changes the law governing perfection, then a change in location may affect the perfection of a secured creditor’s interest in that collateral. For example, if a secured creditor perfects its security interest in certain collateral by possession, then the secured creditor may lose perfection of its security interest unless it perfects its security interest in the collateral when such collateral is transferred to the new jurisdiction. *See* Tex. Bus. & Comm. Code § 9.316(c).

VI. Concluding Thoughts

This article highlights some of the complexities presented by Article 9 and secured transactions in Texas through discussions of certain types of collateral, statutes, and common occurrences, such as changes in debtor name or location and changes in collateral location. The number of issues that can arise in connection with a secured transaction are seemingly endless and require a careful review and understanding of Article 9, laws relating to the type of collateral involved in a secured transaction, and steps that can be taken at the outset or during the life of the credit to protect the security interest in the collateral that the secured creditor intended to receive.

Appendix

TEXAS SECRETARY OF STATE
ROLANDO PABLOS

Election Outlook: [Secretary Pablos Wants Texans To Be Ready To Vote](#) | [More about Identification Requirements for Voting](#) | [Voter Information](#) | [Voting Issues for Texas Harvey Evacuees](#)

Note - Navigational menus along with other non-content related elements have been removed for your convenience. Thank you for visiting us online.

UCC Forms

- [Initial Filing](#)
- [Amend an Initial Filing](#)
- [Information Statement](#)
- [Information Request](#)

Note: Free software such as [Microsoft® Word Viewer](#) or [Adobe® Acrobat Reader 6.0](#) or higher may be required to view the richly formatted forms included in this section.

Printing Note: To print an Adobe form, select Print from the File menu, under Size Options select '[Actual size](#)', and then click Print.

Initial Filing

Note: Online filing and searching available through [SOSDirect](#). For information or to subscribe, call (512) 475-2703.

Form	Form Name	Description
UCC1	UCC Financing Statement (Form UCC1) (Rev. 04/20/11)	Form to be used for an initial filing.
UCC1Ad	UCC Financing Statement Addendum (Form UCC1Ad) (Rev. 04/20/11)	Form may only be used in conjunction with the UCC1 Form (see instructions on forms).
UCC1AP	UCC Financing Statement Additional Party (Form UCC1AP) (Rev. 08/22/11)	Form may only be used in conjunction with the UCC1 and UCC1Ad Forms to <u>add</u> multiple debtors or secured parties (see instructions on forms).

[Forms are the prescribed forms by the International Association of Commercial Administrators (IACA)]

Amend an Initial Filing

Note: Online filing and searching available through [SOSDirect](#). For information or to subscribe, call (512) 475-2703.

Form	Form Name	Description
UCC3	UCC Financing Statement Amendment (Form UCC3) (Rev. 04/20/11)	Form to be used to amend an initial filing (includes termination, continuation, assignment, amendment (party information), and amendment (collateral change)).
UCC3Ad	UCC Financing Statement Amendment Addendum (Form UCC3Ad) (Rev. 04/20/11)	Form may only be used in conjunction with the UCC3 Form (see instructions on forms).
UCC3AP	UCC Financing Statement Amendment Additional Party (Form UCC3AP) (Rev. 08/22/11)	Form may only be used in conjunction with the UCC3 and UCC3Ad Forms to <u>add</u> multiple debtors or secured parties (see instructions on forms).

[Forms are the prescribed forms by the International Association of Commercial Administrators (IACA)]

Information Statement

Form	Form Name	Description
UCC5	Information Statement (Form UCC5) (Rev. 07/19/12)	The filing of an information statement does not affect the effectiveness of an initial financing statement or other filed record.

[Form is the prescribed form by the International Association of Commercial Administrators (IACA)]

Information Request

Note: Online filing and searching available through [SOSDirect](#). For information or to subscribe, call (512) 475-2703.

Form	Form Name	Description
UCC11	Information Request (Form UCC11) (Texas) (Rev. 07/19/12)	Please refer to the Ending Noise Words (Word , PDF) list, as promulgated and adopted by the Office of the Secretary of State, that

		provides business endings that will be ignored in a UCC search.
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[Form is the prescribed form by the Office of the Secretary of State of Texas]

Please refer to [Filing Instructions](#) for a complete overview of filing procedures.



TEXAS SECRETARY OF STATE
ROLANDO PABLOS

Election Outlook: [Secretary Pablos Wants Texans To Be Ready To Vote](#) | [More about Identification Requirements for Voting](#) | [Voter Information](#) | [Voting Issues for Texas Harvey Evacuees](#)

Note - Navigational menus along with other non-content related elements have been removed for your convenience. Thank you for visiting us online.

Filing Instructions

General

The filing officer requires filers to use the prescribed forms listed to ensure indexing accuracy. Two types of forms have been prescribed: laser and snap out. Effective July 1, 2013, filers are required to use the forms approved by the International Association of Commercial Administrators and adopted by rule by the Secretary of State. All other forms **are rejected**. The prescribed forms are available in fill-in-the-blank format on this web site at [UCC Forms](#).

This applies to only Article 9 records filed as: Financing Statement, Agricultural Lien, Contract Agricultural Lien, Manufactured-Home Transaction, Public-Finance Transaction, and Transmitting Utility. This **does not** apply to records filed as: Notice of Federal Lien, Utility Security Instrument, Aircraft Maintenance Lien, Restitution Lien, or Transition Property Notice.

Initial Filing

IACA Forms: [UCC Financing Statement \(Form UCC1 \(PDF\)\)](#) (Rev. 04/20/11), [UCC Financing Statement Addendum \(Form UCC1Ad \(PDF\)\)](#) (Rev. 04/20/11) and [UCC Financing Statement Additional Party \(Form UCC1AP \(PDF\)\)](#) (Rev. 08/22/11).

***Note:** The UCC Financing Statement Addendum (Form UCC1Ad) and/or UCC Financing Statement Additional Party (Form UCC1AP) forms may be supplied as an attachment to the UCC Financing Statement (Form UCC1) (see instructions on form). The UCC1AP form may **only** be used in conjunction with the UCC1 form to **add** multiple debtors or secured parties. A filer may attach any number of addendum and additional party forms to the UCC Financing Statement (Form UCC1) and the filing fee will be determined by the total number of pages as described under [Fees](#).

Amendment Filing

Attention: Important Notice about UCC Redactions

Social security numbers, account numbers, access device numbers, and certain other types of information are confidential under the Public Information Act, Chapter 552 of the Texas Government Code. The secretary of state is prohibited by law from releasing this information. Our office will redact this information from documents filed in our office and made available to the public. An un-redacted copy of the document will be retained for access by secretary of state staff in response to requests from law enforcement or other authorized requestors. If you have concerns about redaction, do not include confidential information in the collateral description of your UCC filing.

IACA Forms: [UCC Financing Statement Amendment \(Form UCC3 \(PDF\)\)](#) (Rev. 04/20/11), [UCC Financing Statement Amendment Addendum \(Form UCC3Ad \(PDF\)\)](#) (Rev. 04/20/11), and [UCC Financing Statement Amendment Additional Party \(Form UCC3AP \(PDF\)\)](#) (Rev. 08/22/11).

***Note:** The UCC Financing Statement Amendment Addendum (Form UCC3Ad) and/or UCC Financing Statement Amendment Additional Party (Form UCC3AP) forms may be supplied as an attachment to the UCC Financing Statement Amendment (Form UCC3) (see instructions on form). The UCC3AP form may **only** be used in conjunction with the UCC3 form to **add** multiple debtors or secured parties. A filer may attach any number of addendum and additional forms to the UCC Financing Statement Amendment (Form UCC3) and the filing fee will be determined by the total number of pages as described under [Fees](#).

Information Statement

IACA Form: [Information Statement \(Form UCC5 \(PDF\)\)](#) (Rev. 07/19/12).

Information Request

Texas Form Only: [Information Request \(Form UCC11 \(PDF\)\) \(Texas\)](#) (Rev. 07/19/12).

Instructions for Filing with the Texas Secretary of State

1. **Read and follow all instructions completely.** Please type or laser-print all forms. Be sure that all information is completely legible. **Fill in form very carefully; mistakes may have important legal consequences.** If you have questions, consult your attorney. Filing officer cannot give legal advice.
2. The filing officer receives Filing Office Copy of all forms.

Upon acceptance, the form will be stamped with the name of the filing officer, date and hour of filing and a consecutive file number. An acknowledgment copy will be returned to the filer, along with an acknowledgment letter, detailing what was indexed into the Filing Officer's indexing system.

A financing statement amendment (UCC3) may not relate to more than one initial financing statement number unless the filing complies with provisions for master amendment or master assignment.

Combination of Documents

Multiple UCC filings and requests for information submitted in a single envelope should be accompanied with a letter of instruction outlining the desired order of processing. In absence of specific processing instructions, same debtor information requests will not be processed when the related UCC1 document cannot be filed.

Filing Dates

All documents are filed as of the date of receipt by the Agency. If a document is found deficient and returned, the filing date upon resubmission will be the date the corrected document is received.

Acknowledgments

For a paper or paper-based UCC document, the Agency will send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing.

For UCC documents not filed in paper or paper-based form, the Agency will communicate to the filer or remitter the information in the filed document, the file number assigned to it and the date and time of filing.

Returning Documents Not Filed

When a document is not accepted for filing, the document(s) will be returned to the remitter with a letter stating the reason for refusal. The Agency may return the check(s) to the remitter along with the rejected document(s).

Documents Filed in the Offices of the County Clerks

Pursuant to Chapter 9, Subchapter G, Texas Business & Commerce Code, county clerks are to record terminations on financing statements that were recorded in the county clerk's office prior to July 1, 2001. All other types of amendment filings would require the filing of a financing statement in the Office of the Secretary of State. Documents pertaining to real estate records are to be filed in the Office of the County Clerk. Please obtain legal advice prior to filing documents in the Office of the County Clerk. County clerks may charge additional statutory fees. Contact the county clerk's office in the applicable county for current fee schedule.

[Link to Texas County Clerk List](#)

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)
B. E-MAIL CONTACT AT FILER (optional)
C. SEND ACKNOWLEDGMENT TO: (Name and Address)
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border-left: 1px solid black; border-top: 1px solid black; width: 40%; height: 40%;"></div> <div style="border-right: 1px solid black; border-top: 1px solid black; width: 40%; height: 40%;"></div> </div>

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S NAME: Provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 1b, leave all of item 1 blank, check here and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

1a. ORGANIZATION'S NAME				
OR				
1b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
1c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

2. DEBTOR'S NAME: Provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 2b, leave all of item 2 blank, check here and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

2a. ORGANIZATION'S NAME				
OR				
2b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
2c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY): Provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME				
OR				
3b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
3c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

4. COLLATERAL: This financing statement covers the following collateral:

5. Check only if applicable and check only one box: Collateral is held in a Trust (see UCC1Ad, item 17 and Instructions) being administered by a Decedent's Personal Representative

6a. Check only if applicable and check only one box:
 Public-Finance Transaction Manufactured-Home Transaction A Debtor is a Transmitting Utility

6b. Check only if applicable and check only one box:
 Agricultural Lien Non-UCC Filing

7. ALTERNATIVE DESIGNATION (if applicable): Lessee/Lessor Consignee/Consignor Seller/Buyer Bailee/Bailor Licensee/Licenser

8. OPTIONAL FILER REFERENCE DATA:

Instructions for UCC Financing Statement (Form UCC1)

Please type or laser-print this form. Be sure it is completely legible. Read and follow all Instructions, especially Instruction 1; use of the correct name for the Debtor is crucial.

Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The filing office cannot give legal advice.

Send completed form and any attachments to the filing office, with the required fee.

ITEM INSTRUCTIONS

A and B. To assist filing offices that might wish to communicate with filer, filer may provide information in item A and item B. These items are optional.

C. Complete item C if filer desires an acknowledgment sent to them. If filing in a filing office that returns an acknowledgment copy furnished by filer, present simultaneously with this form the Acknowledgment Copy or a carbon or other copy of this form for use as an acknowledgment copy.

1. **Debtor's name.** Carefully review applicable statutory guidance about providing the debtor's name. Enter only one Debtor name in item 1 -- either an organization's name (1a) or an individual's name (1b). If any part of the Individual Debtor's name will not fit in line 1b, check the box in item 1, leave all of item 1 blank, check the box in item 9 of the Financing Statement Addendum (Form UCC1Ad) and enter the Individual Debtor name in item 10 of the Financing Statement Addendum (Form UCC1Ad). Enter Debtor's correct name. Do not abbreviate words that are not already abbreviated in the Debtor's name. If a portion of the Debtor's name consists of only an initial or an abbreviation rather than a full word, enter only the abbreviation or the initial. If the collateral is held in a trust and the Debtor name is the name of the trust, enter trust name in the Organization's Name box in item 1a.

1a. **Organization Debtor Name.** "Organization Name" means the name of an entity that is not a natural person. A sole proprietorship is **not** an organization, even if the individual proprietor does business under a trade name. If Debtor is a registered organization (e.g., corporation, limited partnership, limited liability company), it is advisable to examine Debtor's current filed public organic records to determine Debtor's correct name. Trade name is insufficient. If a corporate ending (e.g., corporation, limited partnership, limited liability company) is part of the Debtor's name, it must be included. Do not use words that are not part of the Debtor's name.

1b. **Individual Debtor Name.** "Individual Name" means the name of a natural person; this includes the name of an individual doing business as a sole proprietorship, whether or not operating under a trade name. The term includes the name of a decedent where collateral is being administered by a personal representative of the decedent. The term does not include the name of an entity, even if it contains, as part of the entity's name, the name of an individual. Prefixes (e.g., Mr., Mrs., Ms.) and titles (e.g., M.D.) are generally not part of an individual name. Indications of lineage (e.g., Jr., Sr., III) generally are not part of the individual's name, but may be entered in the Suffix box. Enter individual Debtor's surname (family name) in Individual's Surname box, first personal name in First Personal Name box, and all additional names in Additional Name(s)/Initial(s) box.

If a Debtor's name consists of only a single word, enter that word in Individual's Surname box and leave other boxes blank.

For both organization and individual Debtors. Do not use Debtor's trade name, DBA, AKA, FKA, division name, etc. in place of or combined with Debtor's correct name; filer may add such other names as additional Debtors if desired (but this is neither required nor recommended).

1c. Enter a mailing address for the Debtor named in item 1a or 1b.

2. **Additional Debtor's name.** If an additional Debtor is included, complete item 2, determined and formatted per Instruction 1. For additional Debtors, attach either Addendum (Form UCC1Ad) or Additional Party (Form UCC1AP) and follow Instruction 1 for determining and formatting additional names.

3. **Secured Party's name.** Enter name and mailing address for Secured Party or Assignee who will be the Secured Party of record. For additional Secured Parties, attach either Addendum (Form UCC1Ad) or Additional Party (Form UCC1AP). If there has been a full assignment of the initial Secured Party's right to be Secured Party of record before filing this form, either (1) enter Assignor Secured Party's name and mailing address in item 3 of this form and file an Amendment (Form UCC3) [see item 5 of that form]; or (2) enter Assignee's name and mailing address in item 3 of this form and, if desired, also attach Addendum (Form UCC1Ad) giving Assignor Secured Party's name and mailing address in item 11.

4. **Collateral.** Use item 4 to indicate the collateral covered by this financing statement. If space in item 4 is insufficient, continue the collateral description in item 12 of the Addendum (Form UCC1Ad) or attach additional page(s) and incorporate by reference in item 12 (e.g., See Exhibit A). Do not include social security numbers or other personally identifiable information.

Note: If this financing statement covers timber to be cut, covers as-extracted collateral, and/or is filed as a fixture filing, attach Addendum (Form UCC1Ad) and complete the required information in items 13, 14, 15, and 16.

5. If collateral is held in a trust or being administered by a decedent's personal representative, check the appropriate box in item 5. If more than one Debtor has an interest in the described collateral and the check box does not apply to the interest of all Debtors, the filer should consider filing a separate Financing Statement (Form UCC1) for each Debtor.

6a. If this financing statement relates to a Public-Finance Transaction, Manufactured-Home Transaction, or a Debtor is a Transmitting Utility, check the appropriate box in item 6a. If a Debtor is a Transmitting Utility and the initial financing statement is filed in connection with a Public-Finance Transaction or Manufactured-Home Transaction, check only that a Debtor is a Transmitting Utility.

6b. If this is an Agricultural Lien (as defined in applicable state's enactment of the Uniform Commercial Code) or if this is not a UCC security interest filing (e.g., a tax lien, judgment lien, etc.), check the appropriate box in item 6b and attach any other items required under other law.

7. **Alternative Designation.** If filer desires (at filer's option) to use the designations lessee and lessor, consignee and consignor, seller and buyer (such as in the case of the sale of a payment intangible, promissory note, account or chattel paper), bailee and bailor, or licensee and licensor instead of Debtor and Secured Party, check the appropriate box in item 7.

8. **Optional Filer Reference Data.** This item is optional and is for filer's use only. For filer's convenience of reference, filer may enter in item 8 any identifying information that filer may find useful. Do not include social security numbers or other personally identifiable information.

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS

9. NAME OF FIRST DEBTOR: Same as line 1a or 1b on Financing Statement; if line 1b was left blank because Individual Debtor name did not fit, check here

9a. ORGANIZATION'S NAME	
OR 9b. INDIVIDUAL'S SURNAME	
FIRST PERSONAL NAME	
ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

10. DEBTOR'S NAME: Provide (10a or 10b) only one additional Debtor name or Debtor name that did not fit in line 1b or 2b of the Financing Statement (Form UCC1) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name) and enter the mailing address in line 10c

10a. ORGANIZATION'S NAME				
OR 10b. INDIVIDUAL'S SURNAME				
INDIVIDUAL'S FIRST PERSONAL NAME				
INDIVIDUAL'S ADDITIONAL NAME(S)/INITIAL(S)				SUFFIX
10c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

11. ADDITIONAL SECURED PARTY'S NAME or ASSIGNOR SECURED PARTY'S NAME: Provide only one name (11a or 11b)

11a. ORGANIZATION'S NAME				
OR 11b. INDIVIDUAL'S SURNAME				
FIRST PERSONAL NAME		ADDITIONAL NAME(S)/INITIAL(S)		SUFFIX
11c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

12. ADDITIONAL SPACE FOR ITEM 4 (Collateral):

13. This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS (if applicable) 14. This FINANCING STATEMENT:

covers timber to be cut covers as-extracted collateral is filed as a fixture filing

15. Name and address of a RECORD OWNER of real estate described in item 16 (if Debtor does not have a record interest):	16. Description of real estate:
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17. MISCELLANEOUS:

Instructions for UCC Financing Statement Addendum (Form UCC1Ad)

Please type or laser-print this form. Be sure it is completely legible. Read and follow all Instructions; use of the correct name for the Debtor is crucial. Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The filing office cannot give legal advice.

ITEM INSTRUCTIONS

9. **Name of first Debtor.** Enter name of first Debtor exactly as shown in item 1 of Financing Statement (Form UCC1) to which this Addendum relates. The name will not be indexed as a separate debtor. The Debtor name in this section is intended to cross-reference this Addendum with the related Financing Statement (Form UCC1).

If the box in item 1 of the Financing Statement (Form UCC1) was checked because Individual Debtor name did not fit, the box in item 9 of this Addendum should be checked.
10. **Additional Debtor's name.** If this Addendum adds an additional Debtor, complete item 10 in accordance with Instruction 1 of Financing Statement (Form UCC1). For additional Debtors, attach either an additional Addendum or Additional Party (Form UCC1AP) and follow Instruction 1 of Financing Statement (Form UCC1) for determining and formatting additional names.
11. **Additional Secured Party's name or Assignor Secured Party's name.** If this Addendum adds an additional Secured Party, complete item 11 in accordance with Instruction 3 of Financing Statement (Form UCC1). For additional Secured Parties, attach either an additional Addendum or Additional Party (Form UCC1AP) and complete applicable items in accordance with Instruction 3 of Financing Statement (Form UCC1). In the case of a full assignment of the Secured Party's interest before the filing of this financing statement, if filer has provided the name and mailing address of the Assignee in item 3 of Financing Statement (Form UCC1), filer may enter Assignor Secured Party's name and mailing address in item 11.
12. **Additional Collateral Description.** If space in item 4 of Financing Statement (Form UCC1) is insufficient or additional information must be provided, enter additional information in item 12 or attach additional page(s) and incorporate by reference in item 12 (e.g., See Exhibit A). Do not include social security numbers or other personally identifiable information.
- 13-16. **Real Estate Record Information.** If this Financing Statement is to be filed in the real estate records and covers timber to be cut, covers as-extracted collateral, and/or is filed as a fixture filing, complete items 1-4 of the Financing Statement (Form UCC1), check the box in item 13, check the appropriate box in item 14, and complete the required information in items 15 and 16. If the Debtor does not have an interest of record, enter the name and address of the record owner in item 15. Provide a sufficient description of real estate in accordance with the applicable law of the jurisdiction where the real estate is located in item 16. If space in items 15 or 16 is insufficient, attach additional page(s) and incorporate by reference in items 15 or 16 (e.g., See Exhibit A), and continue the real estate record information. Do not include social security numbers or other personally identifiable information.
17. **Miscellaneous.** Under certain circumstances, additional information not provided on the Financing Statement (Form UCC1) may be required. Also, some states have non-uniform requirements. Use this space or attach additional page(s) and incorporate by reference in item 17 (e.g., See Exhibit A) to provide such additional information or to comply with such requirements; otherwise, leave blank. Do not include social security numbers or other personally identifiable information.

UCC FINANCING STATEMENT ADDITIONAL PARTY

FOLLOW INSTRUCTIONS

18. NAME OF FIRST DEBTOR: Same as line 1a or 1b on Financing Statement; if line 1b was left blank because Individual Debtor name did not fit, check here

18a. ORGANIZATION'S NAME	
OR	
18b. INDIVIDUAL'S SURNAME	
FIRST PERSONAL NAME	
ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

19. ADDITIONAL DEBTOR'S NAME: Provide only one Debtor name (19a or 19b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name)

19a. ORGANIZATION'S NAME				
OR				
19b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
19c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

20. ADDITIONAL DEBTOR'S NAME: Provide only one Debtor name (20a or 20b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name)

20a. ORGANIZATION'S NAME				
OR				
20b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
20c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

21. ADDITIONAL DEBTOR'S NAME: Provide only one Debtor name (21a or 21b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name)

21a. ORGANIZATION'S NAME				
OR				
21b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
21c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

22. ADDITIONAL SECURED PARTY'S NAME or ASSIGNOR SECURED PARTY'S NAME: Provide only one name (22a or 22b)

22a. ORGANIZATION'S NAME				
OR				
22b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
22c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

23. ADDITIONAL SECURED PARTY'S NAME or ASSIGNOR SECURED PARTY'S NAME: Provide only one name (23a or 23b)

23a. ORGANIZATION'S NAME				
OR				
23b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
23c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

24. MISCELLANEOUS:

Instructions for UCC Financing Statement Additional Party (Form UCC1AP)

Please type or laser-print this form. Be sure it is completely legible. Read and follow all Instructions; use of the correct name for the Debtor is crucial. Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The filing office cannot give legal advice.

Use this form (multiple copies if needed) to continue adding additional Debtor or Secured Party names as needed when filing a UCC Financing Statement (Form UCC1).

ITEM INSTRUCTIONS

18. **Name of first Debtor.** Enter name of first Debtor exactly as shown in item 1 of Financing Statement (Form UCC1) to which this Additional Party relates. The name will not be indexed as a separate Debtor. If line 1b of the Financing Statement (Form UCC1) was left blank because the Individual Debtor name did not fit, check the box in item 18 and enter as much of the Individual Debtor name from item 10 that will fit. The Debtor name in this section is intended to cross-reference this Additional Party with the related Financing Statement (Form UCC1).
- 19-21. **Additional Debtor's name.** If this Additional Party adds additional Debtors, complete items 19, 20, and 21 in accordance with Instruction 1 of Financing Statement (Form UCC1).
- 22-23. **Additional Secured Party's name or Assignor Secured Party's name.** If this Additional Party form adds additional Secured Parties, complete items 22 and 23 in accordance with Instruction 3 of Financing Statement (Form UCC1). In the case of a full assignment of the Secured Party's interest before the filing of this financing statement, if filer has provided the name and mailing address of the Assignee in item 3 of Financing Statement (Form UCC1), filer may enter Assignor Secured Party's name and mailing address in items 22 and 23.
24. **Miscellaneous.** Under certain circumstances, additional information not provided on the Financing Statement (Form UCC1) may be required. Also, some states have non-uniform requirements. Use this space or attach additional page(s) and incorporate by reference in item 24 (e.g., See Exhibit A) to provide such additional information or to comply with such requirements; otherwise, leave blank. Do not include social security numbers or other personally identifiable information.

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)
B. E-MAIL CONTACT AT FILER (optional)
C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE NUMBER
1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS

2. TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of Secured Party authorizing this Termination Statement

3. ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9

4. CONTINUATION: Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law

5. PARTY INFORMATION CHANGE:

Check one of these two boxes: AND Check one of these three boxes to:
This Change affects Debtor or Secured Party of record
CHANGE name and/or address: Complete item 6a or 6b; and item 7a or 7b and item 7c
ADD name: Complete item 7a or 7b, and item 7c
DELETE name: Give record name to be deleted in item 6a or 6b

6. CURRENT RECORD INFORMATION: Complete for Party Information Change - provide only one name (6a or 6b)

6a. ORGANIZATION'S NAME

OR
6b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

7. CHANGED OR ADDED INFORMATION: Complete for Assignment or Party Information Change - provide only one name (7a or 7b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name)

7a. ORGANIZATION'S NAME

OR
7b. INDIVIDUAL'S SURNAME
INDIVIDUAL'S FIRST PERSONAL NAME
INDIVIDUAL'S ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

7c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

8. COLLATERAL CHANGE: Also check one of these four boxes: ADD collateral DELETE collateral RESTATE covered collateral ASSIGN collateral
Indicate collateral:

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT: Provide only one name (9a or 9b) (name of Assignor, if this is an Assignment)

If this is an Amendment authorized by a DEBTOR, check here and provide name of authorizing Debtor

9a. ORGANIZATION'S NAME

OR
9b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

10. OPTIONAL FILER REFERENCE DATA:

Instructions for UCC Financing Statement Amendment (Form UCC3)

Please type or laser-print this form. Be sure it is completely legible. Read and follow all Instructions, especially Instruction 1a; correct file number of initial financing statement is crucial.

Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The filing office cannot give legal advice.

Send completed form and any attachments to the filing office, with the required fee.

ITEM INSTRUCTIONS

A and B. To assist filing offices that might wish to communicate with filer, filer may provide information in item A and item B. These items are optional.
C. Complete item C if filer desires an acknowledgment sent to them. If filing in a filing office that returns an acknowledgment copy furnished by filer, present simultaneously with this form the Acknowledgment Copy or a carbon or other copy of this form for use as an acknowledgment copy.

Always complete items 1a and 9.

1a. **File Number.** Enter file number of initial financing statement to which this Amendment relates. Enter only one file number. In some states, the file number is not unique; in those states, also enter in item 1a, after the file number, the date that the initial financing statement was filed.

1b. If this Amendment is to be filed in the real estate records or in any other filing office where the name of current Debtor is required for indexing purposes, check the box in item 1b and enter Debtor name in item 13 of Amendment Addendum (Form UCC3Ad). Complete item 13 in accordance with instructions on Amendment Addendum (Form UCC3Ad). If Debtor does not have an interest of record, enter the name and address of the record owner in item 16 of Amendment Addendum (Form UCC3Ad).

Note: Show purpose of this Amendment by checking box 2, 3, 4, 5, or 8 (in items 5 and 8 you must check additional boxes); also complete items 6, 7, and/or 8 as appropriate. Some, but not all filing offices accept multiple actions on an Amendment. Filing offices that accept multiple actions may charge an additional fee. Some filing offices that accept multiple actions may only index one of the actions requested. Consult the administrative rules of the designated filing office to determine the extent to which multiple actions will be accepted, indexed, and the applicable filing fees for multiple actions.

2. **Termination.** To terminate the effectiveness of the identified financing statement with respect to the security interest(s) of authorizing Secured Party, check box in item 2. See Instruction 9 below.

3. **Assignment.** To assign (1) some or all of Assignor's right to amend the identified financing statement, or (2) the Assignor's right to amend the identified financing statement with respect to some (but not all) of the collateral covered by the identified financing statement: Check box in item 3 and enter name of Assignee in item 7a or 7b; always enter the Assignee's mailing address in item 7c. Also enter name of Assignor in item 9. If assignment affects the right to amend the financing statement with respect to some (but not all) of the collateral covered by the identified financing statement, check the ASSIGN collateral box and indicate the particular collateral covered in item 8.

4. **Continuation.** To continue the effectiveness of the identified financing statement with respect to the security interest(s) of authorizing Secured Party, check box in item 4. See Instruction 9 below.

5-7. **Party Information Change.** To indicate a party information change, check this box; also check additional boxes (as applicable) and complete items 5, 6, and/or 7 as appropriate.

To change the name and/or address of a party (items 5, 6, and 7): Check box in item 5 to indicate whether this Amendment relates to a Debtor or Secured Party of record; and check the CHANGE name and/or mailing address box in item 5 and enter name of affected party (current record name) in item 6a or 6b; and repeat or enter the new name in item 7a or 7b; always enter the party's mailing address in item 7c.

To add a party (items 5 and 7): Check box in item 5 to indicate whether this Amendment relates to a Debtor or Secured Party of record; and check the ADD name box in item 5 and enter the added party's name in item 7a or 7b; always enter the party's mailing address in item 7c. For additional Debtors or Secured Parties, attach Amendment Additional Party (Form UCC3AP), using correct name format.

To delete a party (items 5 and 6): Check box in item 5 to indicate whether this Amendment relates to a Debtor or Secured Party of record; and check the DELETE name box in item 5 and enter the deleted party's name in item 6a or 6b.

8. **Collateral Change.** To indicate a collateral change, check this box; also check additional box (as applicable) and describe the change in item 8. If space in item 8 is insufficient, continue collateral description in item 14 of Amendment Addendum (Form UCC3Ad). Do not include social security numbers or other personally identifiable information.

To add collateral: Check the ADD collateral box in item 8 and indicate the additional collateral.

To delete collateral: Check the DELETE collateral box in item 8 and indicate the deleted collateral. A partial release is a DELETE collateral change.

To restate covered collateral description: Check the RESTATE covered collateral box in item 8 and indicate the restated collateral.

To assign the right to amend the financing statement with respect to part (but not all) of the collateral covered by the identified financing statement: Comply with Instruction 3 above and check the ASSIGN collateral box in item 8.

If, due to a full release of collateral, filer no longer claims a security interest under the identified financing statement, check box in item 2 (Termination) and not a box in item 8 (Collateral Change).

9. **Name of Authorizing Party.** Enter name of party of record authorizing this Amendment. In most cases, the authorizing party is the Secured Party of record. If this is an Amendment (Assignment), enter Assignor's name in item 9a or 9b. If this is an Amendment (Termination) authorized by a Debtor, check the box in item 9 and enter the name of the Debtor authorizing this Amendment in item 9a or 9b. If this Amendment (Termination) is to be filed or recorded in the real estate records, also enter, in item 12 of Amendment Addendum (Form UCC3Ad), the name of Secured Party of record. If there is more than one authorizing Secured Party or Debtor, enter additional name(s) in item 14 of Amendment Addendum (Form UCC3Ad).

10. **Optional Filer Reference Data.** This item is optional and is for filer's use only. For filer's convenience of reference, filer may enter in item 10 any identifying information that filer may find useful. Do not include social security numbers or other personally identifiable information.

UCC FINANCING STATEMENT AMENDMENT ADDENDUM

FOLLOW INSTRUCTIONS

11. INITIAL FINANCING STATEMENT FILE NUMBER: 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 SURNAME	
FIRST PERSONAL NAME	
ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

13. Name of DEBTOR on related financing statement (Name of a current Debtor of record required for indexing purposes only in some filing offices - see Instruction item 13): Provide only one Debtor name (13a or 13b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); see Instructions if name does not fit

13a. ORGANIZATION'S NAME			
OR			
13b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX

14. ADDITIONAL SPACE FOR ITEM 8 (Collateral):

15. This FINANCING STATEMENT AMENDMENT:

covers timber to be cut covers as-extracted collateral is filed as a fixture filing

16. Name and address of a RECORD OWNER of real estate described in item 17 (if Debtor does not have a record interest):

17. Description of real estate:

18. MISCELLANEOUS:

Instructions for UCC Financing Statement Amendment Addendum (Form UCC3Ad)

Please type or laser-print this form. Be sure it is completely legible. Read and follow all Instructions; use of the correct name for the Debtor is crucial. Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The filing office cannot give legal advice.

ITEM INSTRUCTIONS

11. **File Number.** Enter file number of initial financing statement as shown in item 1a of Amendment (Form UCC3) to which this Amendment Addendum relates.
12. **Name of Authorizing Party.** Enter information exactly as shown in item 9 on Amendment (Form UCC3).
13. **Name of Debtor on related Financing Statement.** If this Amendment (Form UCC3) is to be filed in the real estate records or in any other filing office where the name of a current Debtor of record is required for indexing purposes, enter Debtor name in item 13a or 13b. Item 13 is intended to cross-reference the Amendment (Form UCC3) and Amendment Addendum with the related Financing Statement (Form UCC1). If more than one current Debtor, enter additional name(s) in item 14 or on additional Amendment Addendum (Form UCC3Ad). Do not use item 13 to change, add, or delete a Debtor name.
14. **Additional Space for Item 8 (Collateral).** If space in item 8 of Amendment (Form UCC3) is insufficient or additional information must be provided, enter additional information in item 14 or attach additional page(s) and incorporate by reference in item 14 (e.g., See Exhibit A). Do not include social security numbers or other personally identifiable information.
- 15-17. **Real Estate Record Information.** If this Amendment (Form UCC3) is to be filed in the real estate records, complete the required information (items 15, 16, and 17). If this Amendment (Form UCC3) covers timber to be cut, covers as-extracted collateral, and/or is filed as a fixture filing, check appropriate box in item 15. If the Debtor does not have an interest of record, enter the name and address of the record owner in item 16. Provide a sufficient description of real estate in accordance with the applicable law of the jurisdiction where the real estate is located in item 17. If space in items 16 or 17 is insufficient, attach additional page(s) and incorporate by reference in items 16 or 17 (e.g., See Exhibit A), and continue the real estate information. Do not include social security numbers or other personally identifiable information.
18. **Miscellaneous.** Under certain circumstances, additional information not provided on the Financing Statement Amendment (Form UCC3) may be required. Also, some states have non-uniform requirements. Use this space or attach additional page(s) and incorporate by reference in item 18 (e.g., See Exhibit A) to provide such additional information or to comply with such requirements; otherwise, leave blank. Do not include social security numbers or other personally identifiable information.

UCC FINANCING STATEMENT AMENDMENT ADDITIONAL PARTY

FOLLOW INSTRUCTIONS

19. INITIAL FINANCING STATEMENT FILE NUMBER: Same as item 1a on Amendment form

20. NAME OF PARTY AUTHORIZING THIS AMENDMENT: Same as item 9 on Amendment form

20a. ORGANIZATION'S NAME	
OR	
20b. INDIVIDUAL'S SURNAME	
FIRST PERSONAL NAME	
ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

21. ADDITIONAL DEBTOR'S NAME: Provide only one Debtor name (21a or 21b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name)

21a. ORGANIZATION'S NAME				
OR				
21b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
21c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

22. ADDITIONAL DEBTOR'S NAME: Provide only one Debtor name (22a or 22b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name)

22a. ORGANIZATION'S NAME				
OR				
22b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
22c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

23. ADDITIONAL DEBTOR'S NAME: Provide only one Debtor name (23a or 23b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name)

23a. ORGANIZATION'S NAME				
OR				
23b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
23c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

24. ADDITIONAL SECURED PARTY'S NAME or ASSIGNOR SECURED PARTY'S NAME: Provide only one name (24a or 24b)

24a. ORGANIZATION'S NAME				
OR				
24b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
24c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

25. ADDITIONAL SECURED PARTY'S NAME or ASSIGNOR SECURED PARTY'S NAME: Provide only one name (25a or 25b)

25a. ORGANIZATION'S NAME				
OR				
25b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
25c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

26. MISCELLANEOUS:

Instructions for UCC Financing Statement Amendment Additional Party (Form UCC3AP)

Please type or laser-print this form. Be sure it is completely legible. Read and follow all Instructions; use of the correct name for the Debtor is crucial. Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The filing office cannot give legal advice.

Use this form (multiple copies if needed) to continue adding additional Debtor or Secured Party names as needed when filing a UCC Financing Statement Amendment (Form UCC3).

ITEM INSTRUCTIONS

19. **File Number.** Enter file number of initial financing statement as shown in item 1a of Amendment (Form UCC3) to which this Amendment Addendum relates.
20. **Name of Authorizing Party.** Enter information exactly as shown in item 9 on Amendment (Form UCC3).
- 21-23. **Additional Debtor's name.** If this Amendment Additional Party adds additional Debtors, complete items 21, 22, and 23 in accordance with Instruction 1 of Financing Statement (Form UCC1).
- 24-25. **Additional Secured Party's name or Assignor Secured Party's name.** If this Amendment Additional Party adds additional Secured Parties, complete items 24 and 25 in accordance with Instruction 3 of Financing Statement (Form UCC1). In the case of an assignment of the Secured Party's interest, filer may enter Secured Party and/or Assignor Secured Party's name and mailing address information in items 24 and 25.
26. **Miscellaneous.** Under certain circumstances, additional information not provided on the Financing Statement Amendment (Form UCC3) may be required. Also, some states have non-uniform requirements. Use this space or attach additional page(s) and incorporate by reference in item 26 (e.g., See Exhibit A) to provide such additional information or to comply with such requirements; otherwise, leave blank. Do not include social security numbers or other personally identifiable information.



CAUTION:
This is not an
amendment.

INFORMATION STATEMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)
B. E-MAIL CONTACT AT FILER (optional)
C. SEND ACKNOWLEDGMENT TO: (Name and Address)
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border-top: 1px solid black; border-left: 1px solid black; width: 40%; height: 20px;"></div> <div style="border-top: 1px solid black; border-right: 1px solid black; width: 40%; height: 20px;"></div> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 20px;"> <div style="border-left: 1px solid black; border-bottom: 1px solid black; width: 40%; height: 20px;"></div> <div style="border-right: 1px solid black; border-bottom: 1px solid black; width: 40%; height: 20px;"></div> </div>

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. Identification of the RECORD to which this INFORMATION STATEMENT relates

1a. INITIAL FINANCING STATEMENT FILE NUMBER	1b. RECORD INFORMATION TO WHICH THIS INFORMATION STATEMENT RELATES
---	--

2. Check one of these three boxes to indicate the claim made by this INFORMATION STATEMENT

2a. RECORD IS INACCURATE. Enter in item 3 the basis for the belief by the Debtor of Record identified in item 5 that the RECORD identified in item 1 is inaccurate and indicate the manner in which the person believes the RECORD should be amended to cure the inaccuracy

2b. RECORD WAS WRONGFULLY FILED. Enter in item 3 the basis for the belief by the Debtor of Record identified in item 5 that the RECORD identified in item 1 was wrongfully filed

2c. RECORD FILED BY PERSON NOT ENTITLED TO DO SO. Enter in item 3 the basis for the belief by the Secured Party of Record that the person that filed the RECORD identified in item 1 was not entitled to do so under UCC Section 9-509

3. Basis for claim of box checked in item 2

4. If this INFORMATION STATEMENT relates to a RECORD filed [or recorded] in a filing office described in Section 9-501(a)(1) and this INFORMATION STATEMENT is filed in such a filing office, provide the date [and time] on which the INITIAL FINANCING STATEMENT identified in item 1a above was filed [or recorded]

4a. DATE	4b. TIME
----------	----------

5. NAME of PERSON filing this INFORMATION STATEMENT

5a. ORGANIZATION'S NAME

OR

5b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
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Instructions for Information Statement (Form UCC5)

Please type or laser-print this form. Be sure it is completely legible. Read and follow all Instructions, especially Instructions 1a and 1b; correct identification of the initial record to which this Information Statement relates is crucial.

Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The filing office cannot give legal advice.

Send completed form and any attachments to the filing office, with the required fee.

Note: A person may file an Information Statement with respect to a record indexed under that person's name if the person believes the record was inaccurate or wrongfully filed, or a person may file an Information Statement with respect to a record if the person is a Secured Party of Record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so.

ITEM INSTRUCTIONS

A and B. To assist filing offices that might wish to communicate with filer, filer may provide information in item A and item B. These items are optional.
C. Complete item C if filer desires an acknowledgment sent to them. If filing in a filing office that returns an acknowledgment copy furnished by filer, present simultaneously with this form the Acknowledgment Copy or a carbon or other copy of this form for use as an acknowledgment copy.

Always complete items 1 and 5 and either 2a or 2b or 2c. Always complete item 3 with the basis for the box marked in item 2. You may also be required to complete item 4.

- 1a. **File number:** Enter file number of initial financing statement to which the record that is the object of this Information Statement relates. Enter only one file number.
- 1b. Enter record information to which this Information Statement relates. Indicate the type of record to which this Information Statement relates (e.g., Financing Statement or Amendment) or you may also insert additional information that you believe will assist in identifying the record (e.g., the record file number or the filing date of the record).
- 2a. **Record is inaccurate.** If this Information Statement is filed based upon the belief of the Debtor of Record that the record identified in item 1 is inaccurate, check box in item 2a, provide the basis for that belief in item 3, and indicate the manner in which the record should be amended to cure the inaccuracy.
- 2b. **Record was wrongfully filed.** If this Information Statement is filed based upon the belief of the Debtor of Record that the record identified in item 1 was wrongfully filed, check box in item 2b and provide the basis for that belief in item 3.
- 2c. **Record filed by person not entitled to do so.** If this Information Statement is filed based upon the belief of the Secured Party of Record that the person that filed the record identified in item 1b was not entitled to do so under Section 9-509, check box in item 2c and provide the basis for that belief in item 3.
3. **Basis.** Use this item to provide the basis for the box checked in item 2.
4. **Filing office date and time.** If this Information Statement relates to a record filed [or recorded] in a filing office described in Section 9-501(a)(1) and this Information Statement is filed in such a filing office, provide the date [and time] on which the initial financing statement identified in item 1a above was filed [or recorded].
5. **Name of Authorizing Party.** Enter name of the person filing this Information Statement. This name must be the same name as a Secured Party of Record or the name under which the record is indexed.

INFORMATION REQUEST

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)	FILING OFFICE ACCT #
B. E-MAIL CONTACT AT FILER (optional)	
C. RETURN TO: (Name and Address)	
<div style="border: 1px solid black; width: 100%; height: 100%; position: relative;"> ┌ ┐ └ ┘ </div>	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S NAME to be searched: Provide only one Debtor name (1a or 1b) (use exact full name; do not omit, modify or abbreviate any part of the Debtor's name)

OR	1a. ORGANIZATION'S NAME			
	1b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX

2. INFORMATION OPTIONS relating to UCC filings and other notices on file in the filing office that include the Debtor name identified in item 1:

2a. LISTING RELATING TO DEBTOR AT SPECIFIED CITY AND STATE ONLY — Filing office requested to furnish a search report listing all financing statements, related records, and other notices on file in filing office that include the Debtor's name identified in item 1 and show that Debtor's address in the city, state, and country indicated here:

CITY	STATE	COUNTRY
------	-------	---------

2b. INFORMATION REQUEST RESPONSE WITH FULL COPIES (CERTIFIED) — Filing office requested to furnish a search report listing all financing statements, related records, and other notices, showing date and time of filing and name and address of each Secured Party named therein, and also furnish an exact CERTIFIED COPY of ALL reported records (including all attachments)

2c. INFORMATION REQUEST RESPONSE WITHOUT COPIES — Filing office requested to furnish a search report (as described in 2b) listing all reported records, but to furnish NO COPIES of reported records

2d. INFORMATION REQUEST RESPONSE WITH PARTIAL COPIES (CERTIFIED) — Filing office requested to furnish a search report (as described in 2b) and also to furnish an exact CERTIFIED COPY of the FIRST PAGE ONLY of all reported records

3. SPECIFIED COPIES ONLY — Filing office requested to furnish an exact copy of each page of the financing statements, related records, and other notices (including all attachments) that are identified below by record number. Certain filing offices require additional identifying information — please complete if required

CERTIFIED COPY REQUEST — Filing office requested to furnish CERTIFIED copies per request indicated in this item 3

Record Number	Date Record Filed (if required)	Type of Record and Additional Identifying Information (if required)

4. LISTING RELATING TO SECURED PARTY — Filing office requested to furnish a search report listing all financing statements, related records, and other notices (regardless of Debtor name) on file in filing office that include the Secured Party's name identified in item 4a or 4b. If a specified city, state, and country are being requested (optional), show that Secured Party's address in item 4c

OR	4a. ORGANIZATION'S NAME			
	4b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
	4c. CITY		STATE	COUNTRY

5. DELIVERY INSTRUCTIONS (request will be filled by mail sent to address shown in item C unless otherwise instructed here):

5a. FAX Delivery — Filing office requested to fax results of this Information Request to fax number indicated here: ()

5b. Pick Up

5c. Other

Specify desired method here (if available from this office); provide delivery information (e.g., delivery service's name, addressee's account # with delivery service, addressee's phone #, etc.)

Instructions for Information Request (Form UCC11) (Texas)

Please type or laser-print this form. Be sure it is completely legible. Read and follow all Instructions, especially Instruction 1; use of the correct name for the Debtor is crucial.

Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The filing office cannot give legal advice.

Send completed form parts 1 and 2 (labeled Filing Office Copy (1) and (2)) to the filing office, with the required fee.

ITEM INSTRUCTIONS

A and B. To assist filing offices that might wish to communicate with filer, filer may provide information in item A and item B. These items are optional.
C. Provide name and address of requestor in item C. This item is NOT optional.

1. **Debtor's name.** Enter only one Debtor name in item 1 -- either an organization's name (1a) or an individual's name (1b). Enter Debtor's correct name. Do not abbreviate words that are not already abbreviated in the Debtor's name.

1a. **Organization Debtor Name.** "Organization Name" means the name of an entity that is not a natural person. A sole proprietorship is not an organization, even if the individual proprietor does business under a trade name. If Debtor is a registered organization (e.g., corporation, limited partnership, limited liability company), it is advisable to examine Debtor's current filed public organic records to determine Debtor's correct name. Trade name is insufficient. If a corporate ending (e.g., corporation, limited partnership, limited liability company) is part of the Debtor's name, it must be included. Do not use words that are not part of the Debtor's name.

1b. **Individual Debtor Name.** "Individual Name" means the name of a natural person; this includes the name of an individual doing business as a sole proprietorship, whether or not operating under a trade name. The term includes the name of a decedent where collateral is being administered by a personal representative of the decedent. The term does not include the name of an entity, even if it contains, as part of the entity's name, the name of an individual. Prefixes (e.g., Mr., Mrs., Ms.) and titles (e.g., M.D.) are generally not part of an individual name. Indications of lineage (e.g., Jr., Sr., III) generally are not part of the individual's name, but may be entered in the Suffix box. Enter individual Debtor's surname (family name) in Individual's Surname box, first personal name in First Personal Name box, and all additional names in Additional Name(s)/Initial(s) box.

If a Debtor's name consists of only a single word, enter that word in Individual's Surname box and leave other boxes blank.

For both organization and individual Debtors. Do not use Debtor's trade name, DBA, AKA, FKA, division name, etc. in place of or combined with Debtor's correct name; filer may add such other names as additional Debtors if desired (but this is neither required nor recommended).

2. Information Options.

2a. To request a "Listing Relating to Debtor at Specified City and State Only" check box 2a and enter the city, state, and country in item 2a. This type of request will introduce a search criterion that narrows the scope of the search, which may result in an incomplete search (that fails to list all filings against a named Debtor) and requestor may fail to learn information that might be of value.

2b-2d. Check appropriate box (2b, 2c, or 2d) to specify whether search response should include all copies, no copies or partial copies.

3. **Specified Copies Only.** To request specified copies only, check the "Specified Copies Only" box and provide the record number(s) as requested. To request certified copies for record number(s) identified in item 3, also check the "Certified Copy Request" box.

4. **Listing relating to Secured Party.** To request a listing for a named Secured Party, check this box. Enter only one Secured Party name in item 4 -- either an organization's name (4a) or an individual's name (4b). If a specified city, state, and country is being requested (optional), enter that Secured Party's address in item 4c.

5. **Delivery Instructions.** Unless otherwise instructed, filing office will mail information to the name and address in item C. Check appropriate box (5a, 5b, or 5c) if optional delivery method is being requested.

5a. To request information to be faxed to the requestor, check the "FAX Delivery" box and provide fax number in specified area.

5b. To request information to be picked up from the filing office, check the "Pick Up" box.

5c. For other than mail, pick up or FAX, check the "Other" box and specify the other delivery method that is being requested. If requesting delivery service, provide delivery service's name and requestor's account number to bill for delivery charge. Filing office will not deliver by delivery service unless prepaid waybill or account number for billing is provided.

If requesting information from a county clerk filing office, contact county clerk to determine what services are offered by that office.



TEXAS SECRETARY OF STATE
ROLANDO PABLOS

[Election Outlook: Secretary Pablos Wants Texans To Be Ready To Vote](#) | [More about Identification Requirements for Voting](#) | [Voter Information](#) | [Voting Issues for Texas Harvey Evacuees](#)

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Frequently Asked Questions

General Questions

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2. [Where can I file my documents?](#)
3. [What are the filing fees?](#)
4. [Do I need to send in one check for all submitted filings in a batch or one check for each separate filing in a batch?](#)
5. [What forms are required?](#)
6. [Is there a charge for additional debtor names?](#)
7. [What is the procedure for Acknowledgment copies?](#)
8. [FAX filings - How do I file and pay for the filing\(s\)?](#)
9. [When do documents receive expedited handling?](#)
10. [Do you provide online access for filing documents and information on filed documents?](#)
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13. [Why does my client account balance vary from one month to the other month?](#)
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Information Requests

22. [How can I request copies if I need them quickly?](#)
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SOSDIRECT

24. [How do I do a Filing Number Search?](#)
25. [When does my client account get charged for inquiries?](#)

General Questions

1. What types of documents are filed with the Secretary of State or county clerk?

Information on [filing documents with the Secretary of State](#) or the county clerk is available within this UCC Section.

2. Where can I file my documents?

Documents may be submitted online through the [SOSDirect](#) web access system.

Documents may be presented in person at:

Secretary of State
Uniform Commercial Code
1019 Brazos
Austin, TX 78701

Documents can be mailed to:

Secretary of State
Uniform Commercial Code
PO Box 13193
Austin, TX 78711-3193

Delivery Service documents can be delivered to:

Secretary of State
Uniform Commercial Code
1019 Brazos, Room B-05
Austin, TX 78701

More [contact information](#) is available.

3. What are the filing fees?

A paper filing that consists of 2 pages or less is \$15 and if 3 pages or more is \$30. Documents presented in person that received expedited handling are charged the same as a paper filing and will be charged an additional fee of \$15 per filing that is required for expedited processing of an acknowledgment. A filing submitted through SOSDirect online system is \$5. [More specific filing fees](#) are available within this section.

4. Do I need to send in one check for all submitted filings in a batch or one check for each separate filing in a batch?

All payments are deposited into the client's account and filing fees are deducted as the batch is processed, so one check or separate checks are accepted depending on the filer's preference.

5. What forms are required?

Filers are required to use the forms approved by the International Association of Commercial Administrators and adopted by rule by the Secretary of State. All other forms **are rejected**. The [prescribed forms](#) are available in fill-in-the-blank format via the browser and are located on the Agency web site.

This applies to only Article 9 records filed as: Financing Statement, Agricultural Lien, Contract Agricultural Lien, Manufactured-Home Transaction, Public-Finance Transaction, and Transmitting Utility. This does not apply to records filed as: Notice of Federal Lien, Utility Security Instrument, Aircraft Maintenance Lien, Restitution Lien, or Transition Property Notice.

6. Is there a charge for additional debtor names?

No.

7. What is the procedure for Acknowledgment copies?

Do not send in an Acknowledgment copy since one is automatically generated from our system and is sent to the name and address on the submitted envelope, not to the Acknowledgment Name and Address in Item C of the form. Documents presented in person that received expedited handling will need to include an Acknowledgment Copy of the filing.

8. FAX filings - How do I file and pay for the filing(s)?

Complete the upper 2 areas of the **Payment Form** ([Word](#), [PDF](#)) and fax the payment form along with the filing to 512-475-2812. A fax filing is processed by expedited handling and incurs a higher filing fee. The filing fee for a document of 2 pages or less is \$32 and for 3 pages or more is \$47. A confirmation will be faxed to the submitter on the same day of filing if received in the office by 4:45 p.m. (CT); otherwise it will be faxed the morning of the next business day.

9. When do documents receive expedited handling?

When they are received by walk-in service or by FAX. Overnight services such as Airborne, FedEx, or UPS do not receive expedited handling because this is a type of mail service.

10. Do you provide online access for filing documents and information on filed documents?

Yes. More information on filing and searching is available at: [SOSDirect](#) An instruction booklet is available upon request by contacting [UCC Assist](#) at 512-475-2703.

11. How do I set up and fund a client account?

If you need to verify if you may already have an existing account or assistance to setup a new account, please contact [UCC Assist](#) at 512-475-2703. A client account is automatically created when a document is submitted. The account requires funds to file a document. For checks, a check may be submitted that is in the estimated amount of filings in a specific time period and fees will be deducted from this amount in your client account.

For credit card (American Express, Discover, MasterCard, or Visa), a **Payment Form** ([Word](#), [PDF](#)) may be submitted that is in the estimated amount of filings in a specific time period and fees will be deducted from this amount in your client account.

LegalEase is a guaranteed electronic payment method that facilitates the payment of fees to governmental agencies and is offered by Frost Bank of San Antonio. To utilize the service a customer maintains funds in an account with Frost Bank and is issued a debit card. The customer provides the card number when filing documents or paying for services received from the Agency. The cost is charged to the customer's account and payment is made by Frost Bank to the Secretary of State.

Wire Transfer is an electronic payment method whereby the amount is deducted from the checking account of the submitter through the State of Texas Comptroller of Public Accounts Federal Reserve Account. Specific information is required to perform this transfer, which may be obtained from this office.

For LegalEase, Wire Transfer, or pre-payment by check, please contact [UCC Assist](#) at 512-475-2703.

12. When do I receive a monthly client account statement?

When the client account balance contains a balance greater than \$2 due to the Secretary of State.

13. Why does my client account balance vary from one month to the other month?

Pending charges may not have posted to your client account based on the closing date of the client account statements.

14. Why is my client account being charged fees when I initially set up the account and used a credit card as the payment method?

The credit card information is not retained in the system. The credit card information has to be entered for every session that is transacted through SOSDirect.

Initial Filings

15. Which filing office is the correct place to file?

- A. A Texas county clerk for the filing or recording of a mortgage on the related real property if:
 - 1. the collateral is as-extracted collateral or timber to be cut; or
 - 2. the financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or
- B. The Texas Secretary of State in all other cases.

16. Where does the debtor sign on the UCC1 form?

There is no signature requirement on any of the financing statement filing forms and the forms were not designed to accommodate a signature. Under Article 9, it is the responsibility of the filer to ensure the proper authority exists to submit and file the

documents. The Government Code, Subchapter J, [Sections 51.901-51.905](#), relates to filing a fraudulent document and a decision would be made by the court, not the filing office.

17. When is a UCC Financing Statement Addendum (Form UCC1Ad) or UCC Financing Statement Additional Party (Form UCC1AP) used?

Please read the instructions and use them for the specific action related to the UCC1 being filed. The filing combinations can be as follows: UCC1 and UCC1Ad; UCC1 and UCC1Ad and UCC1AP; or UCC1 and UCC1AP. The UCC1AP form may only be used in conjunction with the UCC1 form to **add** multiple debtors or secured parties.

18. Where do I locate the organizational debtor information, including the ID number?

For Texas corporations, [contact the Public Information Section of the Corporations Section](#) of the Agency at 512-463-5555.

Amendment Filings

19. When is a UCC Financing Statement Amendment Addendum (Form UCC3Ad) or UCC Financing Statement Amendment Additional Party (Form UCC3AP) used?

Please read the instructions and use them for the specific action related to the UCC3 being filed. The filing combinations can be as follows: UCC3 and UCC3Ad; UCC3 and UCC3Ad and UCC3AP; or UCC3 and UCC3AP. The UCC3AP form may only be used in conjunction with the UCC3 form to **add** multiple debtors or secured parties and not as a reference summary of all the current parties of record.

20. Can an Assignment and Amendment be filed on the same form?

No. When filing an assignment or amendment, item 7 is necessary for either type of filing, so only one filing can be accomplished when using the form. Please submit separate forms for these types of filings.

21. What boxes need to be checked in item 5?

Check the Party Information Change box, only one of the party types that is either Debtor or Secured Party, and check only one of the action types that is either Change, Delete, or Add.

Information Requests

22. How can I request copies if I need them quickly?

Contact the UCC Unit at 512-475-2703 and an expedited order will be taken over the phone. These types of requests are not available through the SOSDirect online system.

23. Where do I locate the 'Ending Noise Words' list?

The **Ending Noise Words** ([Word](#), [PDF](#)) list, as promulgated and adopted by the Office of the Secretary of State of Texas, provides business endings that will be ignored in a UCC search.

SOSDIRECT

24. How do I do a Filing Number Search?

For Initial Financing Statement file numbers for filings filed through July 30, 2001, enter the two digit year and eight digit number. Example for 1999 is 99-00123456 and for 2000 is 00-00123456.

For Initial Financing Statement file numbers for filings filed on or after July 31, 2001, enter the two digit year and ten digit number. Example for 2002 is 02-0012345678.

For all Amendment Filings: enter the two digit year and eight digit number. Example for 1999: 99-00722285 and 2002 is 02-00123456.

PLEASE DO NOT USE THE HYPHEN WHEN INPUTTING THE NUMBER INTO THE SYSTEM.

25. When does my client account get charged for an inquiry?

A client account gets charged for an inquiry once a name or number is entered into the system and the 'Search' button is clicked on. This begins the process of searching the records and providing results of the inquiry. This will include results that state: "No records exist which match the criteria you have entered."

TEXAS SECRETARY OF STATE
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Reasons for Refusal

[Download reasons for refusal](#) (PDF)

ALL DOCUMENTS - GENERAL
The enclosed check(s) must be made payable to or endorsed to the Secretary of State of Texas, must be payable in US dollars and drawn on a US bank or other financial institution.
The submitted payment cannot be accepted because the WRITTEN AMOUNT was not sufficient to satisfy the statutory filing fee of the filing document.
The submitted payment was insufficient to accept filing pursuant to Sec. 9.516(b)(2), Texas Business and Commerce Code.
There are insufficient funds in the client account to file the submitted document(s).
The Payment Form must be signed by the authorized card holder.
The LegalEase account is not a valid account number.
The credit card that was provided is invalid or has expired. Please resubmit with a valid credit card.
Your credit card, client account, or LegalEase account was not charged for any rejected documents.
A refund has been ordered by this office and should arrive in two to three weeks.
The enclosed form(s) was submitted without payment. Please resubmit with the appropriate payment.
No form(s) was submitted with the enclosed payment. Please resubmit with the appropriate form(s) or information which pertains to the enclosed payment.
Documents presented in person or transmitted by fax for filing are treated as an expedited filing and subject to an expedited handling fee of \$15 per record. Faxed documents are subject to an additional fee of \$2 per page for a fax acknowledgment copy.

Fax filings must include a Payment Form completed with the proper information.

DO NOT PROVIDE DUPLICATE FILING OFFICE COPY OR ACKNOWLEDGMENT COPY OF FORM OR DOCUMENT WHEN SUBMITTING A RECORD FOR FILING. Filer will automatically receive an acknowledgment letter and image of the filed record.

Do not include a self-addressed envelope for returning acknowledgment copy. Acknowledgment letter and image of filed record will be automatically sent to the return address on submitted envelope.

Document presented appears to be a duplicate of document filed that is referenced in batch packing slip. If this applies and duplicate document does not require filing, do not return to filing office.

The document is not clear and legible for the scanning process in this filing office. The letters are too small, dark, blurry, or bleed together. Unable to read party information. Please provide a more legible document for filing.

Filing office is unable to read or decipher the information pursuant to Sec. 9.516(c)(1), Texas Business and Commerce Code.

The record has not been communicated by a method or medium authorized by this filing office pursuant to Sec. 9.516(b)(1), Texas Business and Commerce Code.

Document has not been submitted on a form approved by the International Association of Commercial Administrators (IACA) or this filing office. Please resubmit on an approved form pursuant to Section 95.103, Texas Administrative Code.

The submitted form is not from a printer or supplier that has been approved by the International Association of Commercial Administrators (IACA) or this filing office.

[Fillable PDF forms](#) can be found on the Agency website.

The submitted filing requires additional documentation pursuant to Sec. 405.022, Texas Government Code. See attached.

Pursuant to Sec. 405.022, Texas Government Code, the Office of the Attorney General has determined your document to be legally insufficient to set forth a valid lien of claim. See attached.

Initial financing statement names the same person as the debtor and secured party and filing officer is not required to accept the document for filing pursuant to Attorney General Opinion No. JC-0256 (July 18, 2000).

The document has been revoked pursuant to Sec. 405.033, Texas Government Code.

This document has been previously rejected for the same reason(s) as listed in this rejection notice.

INITIAL FILINGS

FEES

Financing Statement, Agricultural Lien, Aircraft Maintenance Lien, Contract Agricultural Lien, Transition Property Notice (TPN1)

The enclosed form requires a filing fee of \$15 if it contains 2 pages or less pursuant to Sec. 9.525, Texas Business and Commerce Code.

The enclosed form requires a filing fee of \$30 if it contains 3 pages or more pursuant to Sec. 9.525, Texas Business and Commerce Code.

Manufactured-Home Transaction, Public-Finance Transaction, Transmitting Utility

The enclosed form requires a filing fee of \$60 pursuant to Sec. 9.525, Texas Business and Commerce Code.

Utility Security Instrument

The enclosed form requires a filing fee of \$25 pursuant to Sec. 261.008, Texas Business and Commerce Code.

Notice of Federal Lien

The enclosed form requires a filing fee of \$10 pursuant to Sec. 14.005, Texas Property Code.

Restitution Lien

The enclosed form requires a filing fee of \$5 pursuant to Sec. 42.22, Texas Code of Criminal Procedure.

INITIAL FILINGS - GENERAL

FINANCING STATEMENT

Failure to provide a name for the debtor pursuant to Sec. 9.516(b)(3)(A), Texas Business and Commerce Code.

If identified as an individual, failure to provide the last name of the debtor pursuant to Sec. 9.516(b)(3)(C), Texas Business and Commerce Code.

Failure to provide a mailing address for the debtor pursuant to Sec. 9.516(b)(5)(A), Texas Business and Commerce Code.

Failure to provide a name and/or mailing address for the secured party pursuant to Sec. 9.516(b)(4), Texas Business and Commerce Code.

In the case of an additional secured party/assignor, reflected on an initial financing statement, failure to provide a name and/or mailing address for the assignee pursuant to Sec. 9.516(b)(6), Texas Business and Commerce Code.

The enclosed UCC1Ad and/or UCC1AP form requires a Financing Statement (Form UCC1) for filing.

Format of UCC1 and/or UCC1Ad form does not meet filing requirements of being on white paper, letter-size, and correct revision date of 04/20/11. No reduced/shrunken or legal-size/enlarged versions accepted.

Format of UCC1AP form does not meet filing requirements of being on white paper, letter-size, and correct revision date of 08/22/11. No reduced/shrunken or legal-size/enlarged versions accepted.

UTILITY SECURITY INSTRUMENT

Provide the filing information on the first page of the document (filing parties and addresses).

AMENDMENT FILINGS

FEES

Financing Statement, Agricultural Lien, Aircraft Maintenance Lien, Contract Agricultural Lien, Manufactured-Home Transaction, Public-Finance Transaction, Transition Property Notice, Transmitting Utility

The enclosed form requires a filing fee of \$15 if it contains 2 pages or less pursuant to Sec. 9.525, Texas Business and Commerce Code.

The enclosed form requires a filing fee of \$30 if it contains 3 pages or more pursuant to Sec. 9.525, Texas Business and Commerce Code.

Utility Security Instrument

The enclosed form requires a filing fee of \$25 pursuant to Sec. 261.008, Texas Business and Commerce Code.

Notice of Federal Lien

The enclosed form requires a filing fee of \$10 pursuant to Sec. 14.005, Texas Property Code.

Restitution Lien

The enclosed form requires a filing fee of \$5 pursuant to Sec. 42.22, Texas Code of Criminal Procedure.

Contract Agricultural Lien Notice of Discharge

The enclosed form does not require a filing fee pursuant to Sec. 70.404, Texas Property Code.

Judicial Finding of Fact

The enclosed form does not require a filing fee pursuant to Sec. 51.905, Texas Government Code.

AMENDMENT FILINGS - GENERAL

FINANCING STATEMENT AMENDMENT

The enclosed form requires a remittance of \$15 per change pursuant to Sec. 9.525, Texas Business and Commerce Code.

The filing fee for two (2) changes is \$30.

The enclosed form requires a remittance of \$45 (\$30 filing fee for the first change on a form that contains 3 pages or more and an additional \$15 for the second change that is indicated on the filing).

Each form may reference only one initial financing statement file number.

The initial financing statement file number in item 1a was not located in our filing system.

The initial financing statement file number in item 1a is either incorrect, has expired, was terminated or may be a county filing.

Initial financing statement has lapsed pursuant to Sec. 9.516(b)(3)(B) (ii), Texas Business and Commerce Code.

Initial financing statement file number is either missing or is invalid pursuant to Sec. 9.516(b)(3)(B)(i), Texas Business and Commerce Code. Please check your records online at [SOSDirect](#) or call 512-475-2703.

Initial financing statement file numbers for filings filed through July 30, 2001, consist of the two digit year and an eight digit number (Example for 1999: 99-00123456 and 2000: 00-00123456).

Initial financing statement file numbers for filings filed on or after July 31, 2001, consist of the two digit year and a ten digit number (Example for 2002: 02-0012345678).

The continuation statement was submitted too early pursuant to Sec. 9.516(b)(7), Texas Business and Commerce Code (cannot be continued earlier than six (6) months prior to the expiration date). Please check expiration date.

Form does not facilitate the filing of an assignment and amendment (change) on the same form. Please file on separate forms along with the appropriate filing fees.

Failure to provide a name and/or mailing address for the assignee pursuant to Sec. 9.516(b)(6), Texas Business and Commerce Code.

Instructions for item 5 were not followed. Please read instructions for item 5, correct, and resubmit.

To void a selected change, write "VOID" over incorrect choice, initial, and resubmit for filing.

The enclosed UCC3Ad and/or UCC3AP form requires a Financing Statement Amendment (Form UCC3) for filing.

Format of UCC3 and/or UCC3Ad form does not meet filing requirements of being on white paper, letter-size, and correct revision

date of 04/20/11. No reduced/shrunken or legal-size/enlarged versions accepted.

Format of UCC3AP form does not meet filing requirements of being on white paper, letter-size, and correct revision date of 08/22/11. No reduced/shrunken or legal-size/enlarged versions accepted.

The enclosed document appears to be a county filing and must be filed with them, not the Office of the Secretary of State.

UTILITY SECURITY INSTRUMENT

The record has not been communicated by a method or medium authorized by this filing office pursuant to Sec. 261.007, Texas Business and Commerce Code. Do not use the UCC Financing Statement Amendment (Form UCC3) form.

Provide the filing information on the first page of the document (filing parties, file number, etc.).

The record has not been communicated by a method or medium authorized by this filing office pursuant to Sec. 14.005, Texas Property Code. Do not use the UCC Financing Statement Amendment (Form UCC3) form.

MISCELLANEOUS

A Continuation Statement is not filed pursuant to the applicable statute.

INFORMATION STATEMENT (Form UCC5)

FEES

The enclosed form requires a filing fee of \$15 if it contains 2 pages or less pursuant to Sec. 9.525, Texas Business and Commerce Code.

The enclosed form requires a filing fee of \$30 if it contains 3 pages or more pursuant to Sec. 9.525, Texas Business and Commerce Code.

GENERAL

Format of UCC5 form does not meet filing requirements of being on white paper, letter-size, and correct revision date of 07/19/12. No reduced/shrunken or legal-size/enlarged versions accepted.

Each form may reference only one initial financing statement file number in item 1a pursuant to Sec. 9.518(b)(1), Texas Business and Commerce Code. Please check your records online at [SOSDirect](#) or call 512-475-2703.

Initial financing statement file number in item 1a is either missing or is invalid pursuant to Sec. 9.518(b)(1), Texas Business and Commerce Code. Please check your records online at [SOSDirect](#) or call 512-475-2703.

Instructions for item 2 were not followed. Please read instructions for item 2 and correct by selecting either 2a, 2b, or 2c and provide the basis for that belief as required pursuant to Sec. 9.518(b)(3), Texas Business and Commerce Code.

INFORMATION REQUEST (Form UCC11) (Texas)
FEES
The enclosed certified search report per debtor request requires a filing fee of \$15 pursuant to Sec. 9.525, Texas Business and Commerce Code.
The fee for a certification stamp for specified copies only request (each) is \$15 pursuant to Sec. 405.031, Texas Government Code.
The fee for a certified copy (per page) is \$1 pursuant to Sec. 405.031, Texas Government Code.
The fee for a plain copy (per page) is \$0.10 pursuant to Sec. 552.261, Texas Government Code and Sec. 71.8, Texas Administrative Code.
GENERAL
Format of UCC11 form does not meet filing requirements of being on white paper, letter-size, and correct revision date of 07/19/12. No reduced/shrunken or legal-size/enlarged versions accepted.
The Search Report/Information Request on all or some debtors was not processed because the submitted UCC1/UCC3 was rejected.
The Information Request fails to provide a debtor name in item 1a or 1b.
Failure to complete item 2. Please mark only one box for items 2a-2d.
Record number is not provided in item 3.
One or more financing statement number(s) and date provided in item 3 do not match our records. Correct filing information may be obtained by checking your records online at SOSDirect or call 512-475-2703.
A governmental body is not required to accept or comply with a request for information from an incarcerated individual pursuant to Sec. 552.028(a)(1) and (2), Texas Government Code.

Note: The list does not include all Reasons for Refusal and others may be included as deemed necessary by the Office of the Secretary of State of Texas.

(Rev. 08/01/2013)

TEXAS SECRETARY OF STATE

ROLANDO PABLOS

[Election Outlook: Secretary Pablos Wants Texans To Be Ready To Vote](#) | [More about Identification Requirements for Voting](#) | [Voter Information](#) | [Voting Issues for Texas Harvey Evacuees](#)

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List of Statutes that Relate to Documents Filed in the Central Filing Office

- Financing Statement, Transmitting Utility, Manufactured-Home Transaction, and Public-Finance Transaction [[Texas Business and Commerce Code \(UCC\), Title 1, Chapter 9](#)];
- Utility Security Instrument [[Texas Business and Commerce Code, Title 8, Chapter 261](#)];
- Notice of Federal Lien [[Texas Property Code, Title 3, Chapter 14](#)];
- Restitution Lien [[Texas Code of Criminal Procedure, Part 1, Chapter 42, Article 42.22](#)];
- Agricultural Chemical and Seed Liens [[Texas Agriculture Code, Title 5, Chapter 128](#)];
- Liens for Animal Feed [[Texas Agriculture Code, Title 6, Chapter 188](#)];
- Aircraft Maintenance Lien [[Texas Property Code; Title 5, Chapter 70, Sections 70.3031-70.307](#)];
- Contract Agricultural Lien [[Texas Property Code, Title 5, Chapter 70, Sections 70.401-70.410](#)];
- Transition Property Notice [[Texas Utilities Code, Title 2, Chapter 39, Section 39.309](#)]; and
- Judicial Finding of Fact [[Texas Government Code, Title 2, Chapter 51, Sections 51.901-51.905](#)].



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Contact the Uniform Commercial Code Section

Section Mailing Address:

Uniform Commercial Code
Secretary of State
P.O. Box 13193
Austin, TX 78711-3193

Delivery Address:

1019 Brazos
Austin, TX 78701

Office Hours

Monday through Friday
8:00 a.m. to 5:00 p.m.

Telephone

Filing assistance, information requests, SOSDirect and general questions

[E-mail](#)

Phone: (512) 475-2703

SOSDirect

Electronic filing and search questions

[E-mail](#)

Phone: (512) 475-2703

Fax Transmissions

Fax Number: (512) 475-2812

Legal Department

Specific filing questions, public information requests

[E-mail](#)

Phone: (512) 463-5586