

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 219

By: Senators R. Thompson, D. Johnson
By: Representatives Vines, Broadaway, Kizzia, D. Whitaker

For An Act To Be Entitled

AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL
CODE; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND ARTICLE 9 OF THE UNIFORM
COMMERCIAL CODE AND TO DECLARE AN
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 4-9-102(a)(7) concerning the definition of
"authenticate", is amended to read as follows:

(7) "Authenticate" means:

(A) to sign; or

(B) ~~to execute or otherwise adopt a symbol, or encrypt or~~
~~similarly process a record in whole or in part, with the present intent of~~
~~the authenticating person to identify the person and adopt or accept a record~~
with present intent to adopt or accept a record, to attach to or logically
associate with the record an electronic sound, symbol, or process.

SECTION 2. Arkansas Code § 4-9-102(a)(10), concerning the definition
of "certificate of title", is amended to read as follows:

(10) "Certificate of title" means a certificate of title with
respect to which a statute provides for the security interest in question to
be indicated on the certificate as a condition or result of the security



1 interest's obtaining priority over the rights of a lien creditor with respect
 2 to the collateral. The term includes another record maintained as an
 3 alternative to a certificate of title by the governmental unit that issues
 4 certificates of title if a statute permits the security interest in question
 5 to be indicated on the record as a condition or result of the security
 6 interest's obtaining priority over the rights of a lien creditor with respect
 7 to the collateral.

8
 9 SECTION 3. Arkansas Code § 4-9-102(a), concerning definitions
 10 applicable to secured transactions, is amended to add an additional
 11 subdivision to read as follows:

12 (68) "Public organic record" means a record that is available to
 13 the public for inspection and is:

14 (A) a record consisting of the record initially filed with
 15 or issued by a State or the United States to form or organize an organization
 16 and any record filed with or issued by the State or the United States which
 17 amends or restates the initial record;

18 (B) an organic record of a business trust consisting of the
 19 record initially filed with a State and any record filed with the State which
 20 amends or restates the initial record, if a statute of the State governing
 21 business trusts requires that the record be filed with the State; or

22 (C) a record consisting of legislation enacted by the
 23 legislature of a State or the Congress of the United States which forms or
 24 organizes an organization, any record amending the legislation, and any
 25 record filed with or issued by the State or the United States which amends or
 26 restates the name of the organization.

27
 28 SECTION 4. Arkansas Code § 4-9-102(a)(71), concerning the definition
 29 of a "registered organization", is amended to read as follows:

30 (71) "Registered organization" means an organization formed or
 31 organized solely under the law of a single State or the United States and as
 32 to which the state or the United States must maintain a public record showing
 33 the organization to have been organized by the filing of a public organic
 34 record with, the issuance of a public organic record by, or the enactment of
 35 legislation by the State or the United States. The term includes a business
 36 trust that is formed or organized under the law of a single State if a

1 statute of the State governing business trusts requires that the business
 2 trust's organic record be filed with the State.

3
 4 SECTION 5. Arkansas Code § 4-9-105 is amended to read as follows:

5 4-9-105. Control of electronic chattel paper.

6 (a) A secured party has control of electronic chattel paper if the
 7 ~~record or records comprising the chattel paper are created, stored, and~~
 8 ~~assigned in such a manner that:~~ a system employed for evidencing the transfer
 9 of interests in the chattel paper reliably establishes the secured party as
 10 the person to which the chattel paper was assigned.

11 (b) A system satisfies subsection (a) if the record or records
 12 comprising the chattel paper are created, stored, and assigned in such a
 13 manner that:

14 (1) a single authoritative copy of the record or records exists
 15 which is unique, identifiable, and, except as otherwise provided in
 16 paragraphs (4), (5), and (6), unalterable;

17 (2) the authoritative copy identifies the secured party as the
 18 assignee of the record or records;

19 (3) the authoritative copy is communicated to and maintained by
 20 the secured party or its designated custodian;

21 (4) copies or ~~revisions~~ amendments that add or change an
 22 identified assignee of the authoritative copy can be made only with the
 23 ~~participation~~ consent of the secured party;

24 (5) each copy of the authoritative copy and any copy of a copy
 25 is readily identifiable as a copy that is not the authoritative copy; and

26 (6) any ~~revision~~ amendment of the authoritative copy is readily
 27 identifiable as an authorized or unauthorized ~~revision~~.

28
 29 SECTION 6. Arkansas Code § 4-9-307(f), concerning the location of a
 30 debtor, is amended to read as follows:

31 (f) Except as otherwise provided in subsection (i), a registered
 32 organization that is organized under the law of the United States and a
 33 branch or agency of a bank that is not organized under the law of the United
 34 States or a ~~state~~ State are located:

35 (1) in the ~~state~~ State that the law of the United States
 36 designates, if the law designates a ~~state~~ State of location;

(2) in the ~~state~~ State that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its ~~state~~ State of location, including by designating its main office, home office, or other comparable office; or

(3) in the District of Columbia, if neither paragraph (1) nor paragraph (2) applies.

SECTION 7. Arkansas Code § 4-9-311(a), concerning the perfection of security interests subject to other laws, is amended to read as follows:

(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 § 4-9-310(a);

(2) any other laws of this ~~state~~ State which provide for central filing of security interests or which require indication on a certificate of title to property of such interest, including but not limited to §§ 27-14-801 – 27-14-807; or

(3) a ~~certificate of title~~ statute of another jurisdiction which provides for a security interest to be indicated on ~~the~~ 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.

SECTION 8. The catchline to § 4-9-316 is amended to read as follows:

§ 4-9-316. ~~Continued perfection of security interest following~~ Effect of change in governing law.

SECTION 9. Arkansas Code § 4-9-316, concerning the effect of a change in the governing law for the continued perfection of a security interest, is amended to add additional subsections to read as follows:

(h) The following rules apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction:

(1) A financing statement filed before the change pursuant to

1 the law of the jurisdiction designated in § 4-9-301(1) or § 4-9-305(c) is
2 effective to perfect a security interest in the collateral if the financing
3 statement would have been effective to perfect a security interest in the
4 collateral had the debtor not changed its location.

5 (2) If a security interest perfected by a financing statement
6 that is effective under paragraph (1) becomes perfected under the law of the
7 other jurisdiction before the earlier of the time the financing statement
8 would have become ineffective under the law of the jurisdiction designated in
9 § 4-9-301(1) or § 4-9-305(c) or the expiration of the four-month period, it
10 remains perfected thereafter. If the security interest does not become
11 perfected under the law of the other jurisdiction before the earlier time or
12 event, it becomes unperfected and is deemed never to have been perfected as
13 against a purchaser of the collateral for value.

14 (i) If a financing statement naming an original debtor is filed
15 pursuant to the law of the jurisdiction designated in § 4-9-301(1) or § 4-9-
16 305(c) and the new debtor is located in another jurisdiction, the following
17 rules apply:

18 (1) The financing statement is effective to perfect a security
19 interest in collateral acquired by the new debtor before, and within four
20 months after, the new debtor becomes bound under § 4-9-203(d), if the
21 financing statement would have been effective to perfect a security interest
22 in the collateral had the collateral been acquired by the original debtor.

23 (2) A security interest perfected by the financing statement and
24 which becomes perfected under the law of the other jurisdiction before the
25 earlier of the time the financing statement would have become ineffective
26 under the law of the jurisdiction designated in § 4-9-301(1) or § 4-9-305(c)
27 or the expiration of the four-month period remains perfected thereafter. A
28 security interest that is perfected by the financing statement but which does
29 not become perfected under the law of the other jurisdiction before the
30 earlier time or event becomes unperfected and is deemed never to have been
31 perfected as against a purchaser of the collateral for value.

32
33 SECTION 10. Arkansas Code § 4-9-317(b), concerning the priority of
34 certain security interests and agricultural liens, is amended to read as
35 follows:

36 (b) Except as otherwise provided in subsection (e), a buyer, other

1 than a secured party, of tangible chattel paper, tangible documents, goods,
 2 instruments, or a ~~security certificate~~ certificated security takes free of a
 3 security interest or agricultural lien if the buyer gives value and receives
 4 delivery of the collateral without knowledge of the security interest or
 5 agricultural lien and before it is perfected.

6
 7 SECTION 11. Arkansas Code § 4-9-317(d), concerning the status of
 8 certain collateral if buyers obtain collateral prior to perfection, is
 9 amended to read as follows:

10 (d) A licensee of a general intangible or a buyer, other than a
 11 secured party, of ~~accounts, electronic chattel paper, electronic documents,~~
 12 ~~general intangibles, or investment property~~ collateral other than tangible
 13 chattel paper, tangible documents, goods, instruments, or a certificated
 14 security takes free of a security interest if the licensee or buyer gives
 15 value without knowledge of the security interest and before it is perfected.

16
 17 SECTION 12. Arkansas Code § 4-9-326 is amended to read as follows:

18 4-9-326. Priority of security interests created by new debtor.

19 (a) Subject to subsection (b), a security interest that is created by
 20 a new debtor ~~which is in collateral in which the new debtor has or acquires~~
 21 rights and is perfected solely by a filed financing statement that ~~is~~
 22 ~~effective solely under § 4-9-508 in collateral in which a new debtor has or~~
 23 ~~acquires rights~~ would be ineffective to perfect the security interest but for
 24 the application of § 4-9-316(i)(1) or § 4-9-508 is subordinate to a security
 25 interest in the same collateral which is perfected other than by such a filed
 26 financing statement ~~that is effective solely under § 4-9-508.~~

27 (b) The other provisions of this part determine the priority among
 28 conflicting security interests in the same collateral perfected by filed
 29 financing statements ~~that are effective solely under § 4-9-508~~ described in
 30 subsection (a). However, if the security agreements to which a new debtor
 31 became bound as debtor were not entered into by the same original debtor, the
 32 conflicting security interests rank according to priority in time of the new
 33 debtor's having become bound.

34
 35 SECTION 13. Arkansas Code § 4-9-406(e), concerning the inapplicability
 36 of certain terms in an agreement or promissory note between an account debtor

1 and an assignor, is amended to read as follows:

2 (e) Subsection (d) does not apply to the sale of a payment intangible
3 or promissory note, other than a sale pursuant to a disposition under § 4-9-
4 610 or an acceptance of collateral under § 4-9-620.

5
6 SECTION 14. Arkansas Code § 4-9-408(b), concerning the applicability
7 to a security interest in a payment tangible or promissory note of the
8 ineffectiveness of certain provisions of a promissory note, health-care-
9 insurance receivables, or general intangible, is amended to read as follows:

10 (b) Subsection (a) applies to a security interest in a payment
11 intangible or promissory note only if the security interest arises out of a
12 sale of the payment intangible or promissory note, other than a sale pursuant
13 to a disposition under § 4-9-610 or an acceptance of collateral under § 4-9-
14 620.

15
16 SECTION 15. Arkansas Code § 4-9-502(c), concerning the effectiveness
17 of a record of a mortgage as a financing statement, is amended to read as
18 follows:

19 (c) A record of a mortgage is effective, from the date of recording,
20 as a financing statement filed as a fixture filing or as a financing
21 statement covering as-extracted collateral or timber to be cut only if:

22 (1) the record indicates the goods or accounts that it covers;
23 (2) the goods are or are to become fixtures related to the real
24 property described in the record or the collateral is related to the real
25 property described in the record and is as-extracted collateral or timber to
26 be cut;

27 (3) the record satisfies the requirements for a financing
28 statement in this section, but:

29 (A) the record need not indicate ~~other than an indication~~
30 that it is to be filed in the real property records; and

31 (B) the record sufficiently provides the name of a debtor
32 who is an individual if it provides the individual name of the debtor or the
33 surname and first personal name of the debtor, even if the debtor is an
34 individual to whom § 4-9-503(a)(4) applies; and

35 (4) the record is recorded.
36

SECTION 16. Arkansas Code § 4-9-503 is amended to read as follows:

4-9-503. Name of debtor and secured party.

(a) A financing statement sufficiently provides the name of the debtor:

(1) except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name of the debtor indicated that is stated to be the registered organization's name on the public organic record of most recently filed with or issued or enacted by the debtor's registered organization's jurisdiction of organization which shows the debtor to have been organized purports to state, amend, or restate the registered organization's name;

(2) subject to subsection (f), if the debtor is a decedent's estate collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the debtor is an estate collateral is being administered by a personal representative;

(3) ~~if the debtor is a trust or a trustee acting with respect to property held in trust, only if the financing statement:~~

~~(A) provides the name specified for the trust in its organic documents or, if no name is specified, provides the name of the settlor and additional information sufficient to distinguish the debtor from other trusts having one (1) or more of the same settlors; and~~

~~(B) indicates, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust; collateral is held in a trust that is not a registered organization, only if the financing statement:~~

(A) provides, as the name of the debtor:

(i) if the organic record of the trust specifies a name for the trust, the name specified; or

(ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) in a separate part of the financing statement:

(i) if the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in a trust; or

1 (ii) if the name is provided in accordance with
2 subparagraph (A)(ii), provides additional information sufficient to
3 distinguish the trust from other trusts having one or more of the same
4 settlers or the same testator and indicates that the collateral is held in a
5 trust, unless the additional information so indicates;

6 (4) subject to subsection (g), if the debtor is an individual to
7 whom this state has issued a driver's license that has not expired, only if
8 the financing statement provides the name of the individual which is
9 indicated on the driver's license;

10 (5) if the debtor is an individual to whom paragraph (4) does not
11 apply, only if the financing statement provides the individual name of the
12 debtor or the surname and first personal name of the debtor; and

13 ~~(4)~~ (6) in other cases:

14 (A) if the debtor has a name, only if ~~it~~ the financing
15 statement provides the ~~individual or~~ organizational name of the debtor; and

16 (B) if the debtor does not have a name, only if it provides
17 the names of the partners, members, associates, or other persons comprising
18 the debtor, in a manner that each name provided would be sufficient if the
19 person named were the debtor.

20 (b) A financing statement that provides the name of the debtor in
21 accordance with subsection (a) is not rendered ineffective by the absence of:

22 (1) a trade name or other name of the debtor; or

23 (2) unless required under subsection ~~(a)(4)(B)~~ (a)(6)(B), names
24 of partners, members, associates, or other persons comprising the debtor.

25 (c) A financing statement that provides only the debtor's trade name
26 does not sufficiently provide the name of the debtor.

27 (d) Failure to indicate the representative capacity of a secured party
28 or representative of a secured party does not affect the sufficiency of a
29 financing statement.

30 (e) A financing statement may provide the name of more than one debtor
31 and the name of more than one secured party.

32 (f) The name of the decedent indicated on the order appointing the
33 personal representative of the decedent issued by the court having
34 jurisdiction over the collateral is sufficient as the name of the decedent
35 under subsection (a)(2).

36 (g) If this State has issued to an individual more than one driver's

license of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.

(h) In this section, the name of the settlor or testator means:

(1) if the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or

(2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

SECTION 17. Arkansas Code § 4-9-507(c), concerning the effectiveness of a financing statement if the debtor changes the debtor's name, is amended to read as follows:

(c) ~~If a debtor so changes its~~ the name that a filed financing statement ~~provides for a debtor~~ becomes insufficient as the name of the debtor under § 4-9-503(a) so that the financing statement becomes seriously misleading under § 4-9-506:

(1) the financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within four ~~(4)~~ months after, the ~~change~~ 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 ~~(4)~~ months after the ~~change~~ filed financing statement becomes seriously misleading, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within four ~~(4)~~ months after ~~the change~~ the financing statement became seriously misleading.

SECTION 18. Arkansas Code § 4-9-515(f), concerning the term of effectiveness of transmitting utility financing statements, is amended to read as follows:

(f) If a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

SECTION 19. Arkansas Code § 4-9-516(b), concerning valid reasons for a

1 filing office to refuse to accept a record, is amended to read as follows:

2 (b) Filing does not occur with respect to a record that a filing
3 office refuses to accept because:

4 (1) the record is not communicated by a method or medium of
5 communication authorized by the filing office;

6 (2) an amount equal to or greater than the applicable filing fee
7 is not tendered;

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

9 (A) in the case of an initial financing statement, the
10 record does not provide a name for the debtor;

11 (B) in the case of an amendment or ~~correction~~ information
12 statement, the record:

13 (i) does not identify the initial financing statement
14 as required by § 4-9-512 or § 4-9-518, as applicable; or

15 (ii) identifies an initial financing statement whose
16 effectiveness has lapsed under § 4-9-515;

17 (C) in the case of an initial financing statement that
18 provides the name of a debtor identified as an individual or an amendment
19 that provides a name of a debtor identified as an individual which was not
20 previously provided in the financing statement to which the record relates,
21 the record does not identify the debtor's ~~last name~~ surname; or

22 (D) in the case of a record filed in the filing office
23 described in § 4-9-501(a)(1), the record does not provide a sufficient
24 description of the real property to which it relates;

25 (4) in the case of an initial financing statement or an amendment
26 that adds a secured party of record, the record does not provide a name and
27 mailing address for the secured party of record;

28 (5) in the case of an initial financing statement or an amendment
29 that provides a name of a debtor which was not previously provided in the
30 financing statement to which the amendment relates, the record does not:

31 (A) provide a mailing address for the debtor; or

32 (B) indicate whether the name provided as the name of the
33 debtor is the name of an individual or an organization; ~~or~~

34 ~~(C) if the financing statement indicates that the debtor is~~
35 ~~an organization, provide:~~

36 ~~(i) a type of organization for the debtor;~~

1 ~~(ii) a jurisdiction of organization for the debtor;~~
 2 ~~or~~

3 ~~(iii) an organizational identification number for the~~
 4 ~~debtor or indicate that the debtor has none;~~

5 (6) in the case of an assignment reflected in an initial
 6 financing statement under § 4-9-514(a) or an amendment filed under § 4-9-
 7 514(b), the record does not provide a name and mailing address for the
 8 assignee; or

9 (7) in the case of a continuation statement, the record is not
 10 filed within the six-month period prescribed by § 4-9-515(d).

11
 12 SECTION 20. Arkansas Code § 4-9-518 is amended to read as follows:
 13 4-9-518. Claim concerning inaccurate or wrongfully filed record.

14 (a) A person may file in the filing office ~~a correction~~ an information
 15 statement with respect to a record indexed there under the person's name if
 16 the person believes that the record is inaccurate or was wrongfully filed.

17 (b) ~~A correction~~ An information statement under subsection (a) must:

18 (1) identify the record to which it relates by:

19 (A) the file number assigned to the initial financing
 20 statement to which the record relates; and

21 (B) if the ~~correction~~ information statement relates to a
 22 record filed in a filing office described in § 4-9-501(a)(1), the date that
 23 the initial financing statement was filed and the information specified in §
 24 4-9-502(b);

25 (2) indicate that it is ~~a correction~~ an information statement;
 26 and

27 (3) provide the basis for the person's belief that the record is
 28 inaccurate and indicate the manner in which the person believes the record
 29 should be amended to cure any inaccuracy or provide the basis for the
 30 person's belief that the record was wrongfully filed.

31 (c) A person may file in the filing office an information statement
 32 with respect to a record filed there if the person is a secured party of
 33 record with respect to the financing statement to which the record relates
 34 and believes that the person that filed the record was not entitled to do so
 35 under § 4-9-509(d).

36 (d) An information statement under subsection (c) must:

(1) identify the record to which it relates by:

(A) the file number assigned to the initial financing statement to which the record relates; and

(B) if the information statement relates to a record filed in a filing office described in § 4-9-501(a)(1), the date that the initial financing statement was filed and the information specified in § 4-9-502(b);

(2) indicate that it is an information statement; and

(3) provide the basis for the person's belief that the person that filed the record was not entitled to do so under § 4-9-509(d).

~~{e}~~(e) The filing of ~~a correction~~ an information statement does not affect the effectiveness of an initial financing statement or other filed record.

SECTION 21. Arkansas Code § 4-9-521 is amended to read as follows:

4-9-521. Uniform form of written financing statement and amendment.

(a) A filing office that accepts written records may not refuse to accept a written initial financing statement in the following form and format except for a reason set forth in § 4-9-516(b):

UCC FINANCING STATEMENT FOLLOW INSTRUCTIONS ~~(front and back)~~ CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)

B. ~~SEND ACKNOWLEDGEMENT TO: (Name and Address)~~ E-MAIL CONTACT AT FILER (optional)

C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING
OFFICE USE ONLY

1. DEBTOR'S ~~EXACT FULL LEGAL~~ NAME: ~~Insert~~ Provide only one debtor name (1a or 1b) ~~do not abbreviate or combine names~~ (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 ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME MIDDLE NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR

SUFFIX

1c. MAILING ADDRESS

CITY STATE POSTAL CODE COUNTRY

~~1d. TAX ID #: SSN OR EIN~~ ~~ADDT INFO RE~~

~~ORGANIZATION~~

~~DEBTOR~~

~~1e. TYPE OF ORGANIZATION~~

~~1f. JURISDICTION OF ORGANIZATION~~

~~1g. ORGANIZATIONAL ID #, if any~~

NONE

2. ~~ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME: Insert~~ Provide only one
debtor name (2a or 2b) ~~do not abbreviate or combine names~~ (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 ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME MIDDLE NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR

SUFFIX

2c. MAILING ADDRESS

CITY STATE POSTAL CODE COUNTRY

~~2d. TAX ID #: SSN OR EIN ADDT INFO RE~~
~~ORGANIZATION~~
~~DEBTOR~~

~~2e. TYPE OF ORGANIZATION~~

~~2f. JURISDICTION OF ORGANIZATION~~

~~2g. ORGANIZATIONAL ID #, if any~~

NONE

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

3a. ORGANIZATION'S NAME

OR

3b. INDIVIDUAL'S ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME ~~MIDDLE NAME~~ SUFFIX

ADDITIONAL NAME(S)/INITIAL(S)

3c. MAILING ADDRESS

CITY STATE POSTAL CODE COUNTRY

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

5. ~~ALTERNATIVE DESIGNATION (If applicable):~~

~~LESSEE/LESSOR CONSIGNEE/CONSIGNOR BAILEE/BAILOR AG.LIEN~~

~~NON-UCC FILING~~

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

~~6. This FINANCING STATEMENT is to be filed (or record)(or recorded) in the~~
~~REAL ESTATE RECORDS. Attach Addendum If applicable~~

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. Check to REQUEST SEARCH REPORT(S) on Debtor(s)

~~(ADDITIONAL FEE) (optional)~~

AS-DEBTOR Debtor 1 Debtor 2

ALTERNATIVE DESIGNATION (if applicable): ☐ Lessee/Lessor ☐

Consignee/Consignor ☐ Seller/Buyer ☐ Bailee/Bailor ☐

Licensee/Licenser

8. OPTIONAL FILER REFERENCE DATA:

~~NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 07/29/96)~~ UCC FINANCING
STATEMENT (Form UCC1)

UCC FINANCING STATEMENT ADDENDUM FOLLOW INSTRUCTIONS ~~(front and back)~~
~~CAREFULLY~~

9. NAME OF FIRST DEBTOR ~~(1a or 1b) ON RELATED FINANCING STATEMENT:~~ Same as
item 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 ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME MIDDLE
NAME, SUFFIX

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

10. ~~MISCELLANEOUS~~ 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

1 10a. ORGANIZATION'S NAME

2 _____

3 OR

4 10b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

5 _____

6 ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR

7 SUFFIX

8 _____

9 _____

10 10c. MAILING ADDRESS

11 _____

12 CITY STATE POSTAL CODE COUNTRY

13 _____

15 11. ☐ ~~ADDITIONAL DEBTOR'S EXACT FULL LEGAL~~ SECURED PARTY'S NAME or

16 ☐ ASSIGNOR SECURED PARTY'S NAME: ~~insert~~ Provide only one name (11a or

17 11b) ~~do not abbreviate or combine names~~

18 11a. ORGANIZATION'S NAME

19 _____

20 OR

21 11b. INDIVIDUAL'S ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME ~~MIDDLE NAME~~ SUFFIX

22 _____

23 ADDITIONAL NAME(S)/INITIAL(S)

24 _____

25 11c. MAILING ADDRESS

26 _____

27 CITY STATE POSTAL CODE COUNTRY

28 _____

29 ~~11d. TAX ID #: SSN OR EIN~~ ~~ADDT INFO RE~~

30 ~~ORGANIZATION~~

31 ~~DEBTOR~~

32 ~~11e. TYPE OF ORGANIZATION~~

33 ~~11f. JURISDICTION OF ORGANIZATION~~

34 ~~11g. ORGANIZATIONAL ID #, if any~~

35 NONE

36

12. ~~ADDITIONAL SECURED PARTY'S or ASSIGNORS S/P'S NAME~~ insert only one
~~name (12a or 12b)~~ SPACE FOR ITEM 4 (Collateral)

~~12a. ORGANIZATION'S NAME~~

OR

~~12b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME SUFFIX~~

~~12c. MAILING ADDRESS~~

~~CITY STATE POSTAL CODE COUNTRY~~

13. ☐ This FINANCING STATEMENT ~~covers timber to be cut or as extracted~~
~~collateral, or is filed as a fixture filing~~ is to be filed for record in the
REAL ESTATE RECORDS (if applicable)

14. ~~Description of real estate~~ 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 ~~above-described~~ real estate
described in item 16 (if Debtor does not have a record interest):

16. ~~Additional collateral description~~ Description of real estate:

17. ~~Check only if applicable and check only one box~~

~~Debtor is a Trust Trustee acting with respect to property held in trust~~
~~or Decedent's Estate~~

MISCELLANEOUS:

~~18. Check only if applicable and check only one box:~~

~~Debtor is a TRANSMITTING UTILITY~~

~~Filed in connection with a Manufactured Home Transaction effective 30~~
~~years~~

~~Filed in connection with a Public Finance Transaction effective 30~~
~~years~~

NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC1Ad) (REV. 07/29/98) UCC

1 FINANCING STATEMENT ADDENDUM (Form UCC1Ad)

2
3 (b) A filing office that accepts written records may not refuse to
4 accept a written record in the following form and format except for a reason
5 set forth in § 4-9-516(b):

6 UCC FINANCING STATEMENT AMENDMENT FOLLOW INSTRUCTIONS ~~(front and back)~~
7 ~~CAREFULLY~~

8
9 A. NAME & PHONE OF CONTACT AT FILER (optional)

10
11 B. ~~SEND ACKNOWLEDGEMENT TO : (Name and Address)~~

12 E-MAIL CONTACT AT FILER (optional)

13
14 C. SEND ACKNOWLEDGMENT TO: (Name and Address)

15
16 THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

17
18 1a. INITIAL FINANCING STATEMENT FILE # NUMBER

19
20 1b. [] This FINANCING STATEMENT AMENDMENT is to be filed [for record] in
21 the REAL ESTATE RECORDS

22 Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor's name in
23 item 13.

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

27 3. [] ~~CONTINUATION: Effectiveness of the Financing Statement identified~~
28 ~~above with respect to the security interest(s) of the Secured~~
29 ~~Party authorizing this Continuation Statement is continued for the additional~~
30 ~~period provided by applicable law~~ ASSIGNMENT (full or partial): Provide name
31 of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of
32 Assignor in item 9 For partial assignment, complete items 7 and 9 and also
33 indicate affected collateral in item 8

34 4. [] CONTINUATION: Effectiveness of the Financing Statement identified
35 above with respect to the security interest(s) of the Secured
36 Party authorizing this Continuation Statement is continued for the additional

period provided by applicable law

5. ~~AMENDMENT~~ [] (PARTY INFORMATION): ~~CHANGE~~

~~Check one of these two boxes:~~

This ~~Change~~ Amendment affects [] Debtor or [] Secured Party of record.

~~AND~~ Check only one of these ~~two~~ three boxes, to:

~~Also check one of the following three boxes and provide appropriate~~

~~information in item 6 and/or 7. [] CHANGE name and/or address: Give current~~

~~record name in item 6a or 6b; also give new name (if name change) in item 7a~~

~~or 7b and/or new address (if address change) in item 7c. Complete item 6a or~~

~~6b; and item 7a or 7b and item 7c [] DELETE name: Give record name to be~~

~~deleted in item 6a or 6b ADD name: Complete item 7a or 7b, and item 7c []~~

~~ADD name: Complete item 7a or 7b, and also item 7c, also complete items 7d-7e~~

~~(if applicable) 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 ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME ~~MIDDLE NAME~~ SUFFIX

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

7. ~~CHANGED (NEW)~~ 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 ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME ~~MIDDLE NAME~~ SUFFIX

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR

SUFFIX

7c. MAILING ADDRESS

CITY STATE POSTAL CODE COUNTRY

8. ~~[]~~ AMENDMENT (COLLATERAL CHANGE): ~~check only one box.~~

~~Describe collateral deleted or added, or give entire restated
collateral description, or describe collateral assigned.~~

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 ~~(name of
assignor, if this is an Assignment). If this is an Amendment authorized by a
Debtor which adds collateral or adds the authorizing Debtor, or if this is a
Termination authorized by a Debtor, check here and enter name of DEBTOR
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 ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME ~~MIDDLE NAME~~
SUFFIX

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

10. OPTIONAL FILER REFERENCE DATA:

~~NATIONAL UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 07/29/98)~~ UCC
FINANCING STATEMENT AMENDMENT (Form UCC3)

UCC FINANCING STATEMENT AMENDMENT ADDENDUM FOLLOW INSTRUCTIONS ~~(front and
back)~~ CAREFULLY

11. INITIAL FINANCING STATEMENT FILE # NUMBER: ~~(same~~ Same as item 1a on
Amendment form)

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT: ~~same~~ Same as item 9 on
Amendment form

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S ~~LAST NAME~~ SURNAME FIRST PERSONAL NAME ~~MIDDLE NAME,~~
~~SUFFIX~~

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

13. ~~Use this space for additional information~~ 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:

UCC FINANCING STATEMENT AMENDMENT ADDENDUM (Form UCC3Ad)

SECTION 22. Arkansas Code § 4-9-607(b), concerning the provisions for the nonjudicial enforcement of mortgages, is amended to read as follows:

(b) If necessary to enable a secured party to exercise under subsection (a)(3) the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which a record of the mortgage is recorded:

(1) a copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(2) the secured party's sworn affidavit in recordable form stating that:

(A) a default has occurred with respect to the obligation secured by the mortgage; and

(B) the secured party is entitled to enforce the mortgage nonjudicially.

SECTION 23. Arkansas Code Title 4, Chapter 9, is amended to add an additional subchapter to read as follows:

Part 8

Transition Provisions for 2010 Amendments

4-9-801. Effective date.

This act takes effect on July 1, 2013.

4-9-802. Savings clause.

(a) Except as otherwise provided in this part, this act applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before this act takes effect.

(b) This act does not affect an action, case, or proceeding commenced before this act takes effect.

4-9-803. Security interest perfected before effective date.

(a) A security interest that is a perfected security interest immediately before this act takes effect is a perfected security interest under this chapter as amended by this act if, when this act takes effect, the

1 applicable requirements for attachment and perfection under this chapter as
2 amended by this act are satisfied without further action.

3 (b) Except as otherwise provided in § 4-9-805, if, immediately before
4 this act takes effect, a security interest is a perfected security interest,
5 but the applicable requirements for perfection under this chapter as amended
6 by this act are not satisfied when this act takes effect, the security
7 interest remains perfected thereafter only if the applicable requirements for
8 perfection under this chapter as amended by this act are satisfied within one
9 year after this act takes effect.

10
11 4-9-804. Security interest unperfected before effective date.

12 A security interest that is an unperfected security interest
13 immediately before this act takes effect becomes a perfected security
14 interest:

15 (1) without further action, when this act takes effect, if the
16 applicable requirements for perfection under this chapter as amended by this
17 act are satisfied before or at that time; or

18 (2) when the applicable requirements for perfection are satisfied
19 if the requirements are satisfied after that time.

20
21 4-9-805. Effectiveness of action taken before effective date.

22 (a) The filing of a financing statement before this act takes effect
23 is effective to perfect a security interest to the extent the filing would
24 satisfy the applicable requirements for perfection under this chapter as
25 amended by this act.

26 (b) This act does not render ineffective an effective financing
27 statement that, before this act takes effect, is filed and satisfies the
28 applicable requirements for perfection under the law of the jurisdiction
29 governing perfection as provided under the jurisdiction's Article 9 to its
30 Uniform Commercial Code before the jurisdiction's amendments contained in
31 this act. However, except as otherwise provided in subsections (c) and (d)
32 and § 4-9-806, the financing statement ceases to be effective:

33 (1) if the financing statement is filed in this state, at the
34 time the financing statement would have ceased to be effective had this act
35 not taken effect; or

36 (2) if the financing statement is filed in another jurisdiction,

1 at the earlier of:

2 (A) the time the financing statement would have ceased to
3 be effective under the law of that jurisdiction; or

4 (B) June 30, 2018.

5 (c) The filing of a continuation statement after this act takes effect
6 does not continue the effectiveness of a financing statement filed before
7 this act takes effect. However, upon the timely filing of a continuation
8 statement after this act takes effect and in accordance with the law of the
9 jurisdiction governing perfection as provided in the jurisdiction's Article 9
10 to its Uniform Commercial Code before the jurisdiction's amendments contained
11 in this act, the effectiveness of a financing statement filed in the same
12 office in that jurisdiction before this act takes effect continues for the
13 period provided by the law of that jurisdiction.

14 (d) Subdivision (b)(2)(B) applies to a financing statement that,
15 before this act takes effect, is filed against a transmitting utility and
16 satisfies the applicable requirements for perfection under the law of the
17 jurisdiction governing perfection as provided in the jurisdiction's Article 9
18 to its Uniform Commercial Code before the jurisdiction's amendments contained
19 in this act only to the extent that the jurisdiction's Article 9 to its
20 Uniform Commercial Code before the jurisdiction's amendments contained in
21 this act provides that the law of a jurisdiction other than the jurisdiction
22 in which the financing statement is filed governs perfection of a security
23 interest in collateral covered by the financing statement.

24 (e) A financing statement that includes a financing statement filed
25 before this act takes effect and a continuation statement filed after this
26 act takes effect is effective only to the extent that it satisfies the
27 requirements of part 5 as amended by this act for an initial financing
28 statement. A financing statement that indicates that the debtor is a
29 decedent's estate indicates that the collateral is being administered by a
30 personal representative within the meaning of § 4-9-503(a)(2) as amended by
31 this act. A financing statement that indicates that the debtor is a trust or
32 is a trustee acting with respect to property held in trust indicates that the
33 collateral is held in a trust within the meaning of § 4-9-503(a)(3) as
34 amended by this act.

35
36 4-9-806. When initial financing statement suffices to continue

1 effectiveness of financing statement.

2 (a) The filing of an initial financing statement in the office
3 specified in § 4-9-501 continues the effectiveness of a financing statement
4 filed before this act takes effect if:

5 (1) the filing of an initial financing statement in that office
6 would be effective to perfect a security interest under this chapter as
7 amended by this act;

8 (2) the pre-effective-date financing statement was filed in an
9 office in another State; and

10 (3) the initial financing statement satisfies subsection (c).

11 (b) The filing of an initial financing statement under subsection (a)
12 continues the effectiveness of the pre-effective-date financing statement:

13 (1) if the initial financing statement is filed before this act
14 takes effect, for the period provided in § 4-9-515 with respect to an initial
15 financing statement; and

16 (2) if the initial financing statement is filed after this act
17 takes effect, for the period provided in § 4-9-515 as amended by this act
18 with respect to an initial financing statement.

19 (c) To be effective for purposes of subsection (a), an initial
20 financing statement must:

21 (1) satisfy the requirements of part 5 as amended by this act for
22 an initial financing statement;

23 (2) identify the pre-effective-date financing statement by
24 indicating the office in which the financing statement was filed and
25 providing the dates of filing and file numbers, if any, of the financing
26 statement and of the most recent continuation statement filed with respect to
27 the financing statement; and

28 (3) indicate that the pre-effective-date financing statement
29 remains effective.

30
31 4-9-807. Amendment of pre-effective-date financing statement.

32 (a) In this section, "pre-effective-date financing statement" means a
33 financing statement filed before this act takes effect.

34 (b) After this act takes effect, a person may add or delete collateral
35 covered by, continue or terminate the effectiveness of, or otherwise amend
36 the information provided in, a pre-effective-date financing statement only in

1 accordance with the law of the jurisdiction governing perfection as provided
2 in chapter 9 as amended by this act. However, the effectiveness of a pre-
3 effective-date financing statement also may be terminated in accordance with
4 the law of the jurisdiction in which the financing statement is filed.

5 (c) Except as otherwise provided in subsection (d), if the law of this
6 state governs perfection of a security interest, the information in a pre-
7 effective-date financing statement may be amended after this act takes effect
8 only if:

9 (1) the pre-effective-date financing statement and an amendment
10 are filed in the office specified in § 4-9-501;

11 (2) an amendment is filed in the office specified in § 4-9-501
12 concurrently with, or after the filing in that office of, an initial
13 financing statement that satisfies § 4-9-806(c); or

14 (3) an initial financing statement that provides the information
15 as amended and satisfies § 4-9-806(c) is filed in the office specified in §
16 4-9-501.

17 (d) If the law of this state governs perfection of a security
18 interest, the effectiveness of a pre-effective-date financing statement may
19 be continued only under § 4-9-805(c) and (e) or § 4-9-806.

20 (e) Whether or not the law of this State governs perfection of a
21 security interest, the effectiveness of a pre-effective-date financing
22 statement filed in this State may be terminated after this act takes effect
23 by filing a termination statement in the office in which the pre-effective-
24 date financing statement is filed, unless an initial financing statement that
25 satisfies § 4-9-806(c) has been filed in the office specified by the law of
26 the jurisdiction governing perfection as provided in chapter 9 as amended by
27 this act as the office in which to file a financing statement.

28
29 4-9-808. Persons entitled to file initial financing statement or
30 continuation statement.

31 A person may file an initial financing statement or a continuation
32 statement under this part if:

33 (1) the secured party of record authorizes the filing; and

34 (2) the filing is necessary under this part:

35 (A) to continue the effectiveness of a financing statement filed
36 before this act takes effect; or

1 (B) to perfect or continue the perfection of a security interest.

2
3 4-9-809. Priority.

4 This act determines the priority of conflicting claims to collateral.
5 However, if the relative priorities of the claims were established before
6 this act takes effect, chapter 9 as it existed before its amendment by this
7 act determines priority.

8
9 SECTION 24. EMERGENCY CLAUSE. It is hereby found and determined by
10 the General Assembly that the present Article 9 of the Uniform Commercial
11 Code which exists in all fifty states, the District of Columbia, and Puerto
12 Rico is in need of important revisions to better identify debtors and secured
13 collateral, to promote the efficiency of electronic filing, to reduce cost
14 and time related to identifying debtors, and to resolve conflicting case law.
15 The revisions contained in this Act will bring greater certainty to financing
16 transactions, and will reduce both their cost and the cost of credit.
17 Because current Article 9 is uniform throughout the United States, it becomes
18 essential that the effective date for the substantial revisions contemplated
19 by this Act be the same in every state. If Arkansas and all of the other
20 states and territories do not act in concert and enact a common effective
21 date, severe complications will arise. Therefore, the rules for filing must
22 be uniform at all times. Because the several states are proposing that the
23 revised Article 9 become effective on July 1, 2013 an emergency is hereby
24 declared to exist and this Act being necessary for the preservation of the
25 public peace, health, and safety shall be in full force and effect on July 1,
26 2013.