

Anatomy of a UCC

How UCC Documents work and why

Welcome to our webinar!

Navigating UCC-3 Amendments

Announcements

- This presentation is being recorded and will be emailed along with supporting documents after the webinar.
- Presentation is scheduled for 30 minutes
- Questions can be put in the Q&A window and will be answered after the presentation.
- Content is for informational purposes only; it **DOES NOT** constitute legal advice.



What is a UCC?



RA-9 of the Uniform Commercial Code (UCC) is a standardized legal framework that makes commerce state-to-state easier.



UCC Filings are notices that lenders use to secure a borrower's loan with asset(s).



Covers sale of goods, secured transactions, and other business transactions.



Though the goal of the UCC was made to make interstate commerce cohesive, individual states each have their own filing requirements.



Why complete a UCC Filing?

Filing a UCC-1 is a critical step for lenders when securing a loan with collateral. Here are the primary reasons why a lender should file a UCC:

- Establishing a Security Interest
- Recourse in case of default
- Priority over other creditors
- Public record and transparency
- Legal Enforceability
- Facilitation of future transactions





UCC1 Forms

- Set up who is involved, and what is being secured.
- Space to set up the Financing Statement information, including:
 - Debtors
 - Secured Parties
 - Collateral
 - Real Estate (If applicable)
 - Any additional information
- Missing/Incorrect Parties and Collateral can be updated using a UCC3 Amendment Form.





Parts of a UCC1

Parts of a UCC1

- Filer Details: Basic information for the filers of the UCC.
 - NOTE: This is not necessarily the same as the Secured Party
- Parties: Space for two debtors and one Secured Party.
 - Additional parties can be added on addendum pages.
- Collateral: Description of the collateral covered by the UCC1.
- Additional Options: Check Boxes to indicate additional information/special circumstances for the filing.



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UCC1 Addendums

- Addendum form with space for additional details.
- UCC1AD:
 - One additional Debtor
 - One Additional Secured Party
 - Additional Collateral Language
 - Real Estate Information (where applicable)
- UCC1AP:
 - Three additional Debtors
 - Two Additional Secured Parties
- Multiple Addendum pages can be used if more space is needed.



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UCC1 Addendums

- Addendum form with space for additional details.
- UCC1AD:
 - One additional Debtor
 - One Additional Secured Party
 - Additional Collateral Language
 - Real Estate Information (where applicable)
- UCC1AP:
 - Three additional Debtors
 - Two Additional Secured Parties
- Multiple Addendum pages can be used if more space is needed.



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Perfection

- A Perfected UCC Filing means it is legally enforceable against third parties.
- Help assure that no other party will be able to claim the same collateral if the debtor becomes insolvent.
- By perfecting its security interest, a secured party seeks to gain priority over other parties regarding the collateral in the case of a default.





How to perfect a UCC Filing

- Accurate Information: Errors in this information can lead to the filing being deemed ineffective.
- State Compliance: Familiarize yourself with the rules in the state where the filing is made.
- Timely Filing: File the UCC-1 form promptly after the loan agreement is executed.
- Use of Correct Forms: Make sure to use the correct UCC forms.
- Tracking your Continuations: Track the expiration date and file a continuation UCC3 statement to maintain your security interest.





Common Perfection Pitfalls

- Incorrect Debtor Information This could also include incomplete debtor information.
- Failure to File in the Correct Jurisdiction Always verify the appropriate filing office.
- Neglecting to Update Filings If there are changes to the collateral or the debtor's information.
- Ignoring State-Specific Requirements States may have unique requirements for UCC filings, such as additional documentation or specific filing fees.





Positioning

- When you file a UCC, and no other party has a lien on that filing, you gain the first position in case of a default to claim the collateral to recoup your debt.
- A Search-to-Reflect (STR) will confirm proper indexing and verifies priority position.

Reasons you can lose priority

- If another entity has a UCC filing on that business
- Any errors on your UCC filing
- Non-perfected filings





UCC3 Amendments

- UCC3 Financing Statement Amendments are a follow-up to any UCC1.
 - Amend the initial information to add, remove, or change details.
- These refer to a UCC1 and can be filed for various reasons.





Amendment Types

- Termination:
 - Terminates UCC1 (does not remove from the record)
- Assignment:
 - Gives the filing to another company
- Continuation:
 - Adds 5 years to the lapse date
- Party Information Change:
 - Changes a party (add, change, remove)
- Collateral Change:
 - Changes the collateral (Add, delete, restate, assign partial)





Parts of a UCC3

- Filer Details
 - NOTE: This is not necessarily the same as the Secured Party
- Initial File Information
- Amendment Types
- Space for details:
 - Current Record
 - Change/Added Party Information
 - Collateral Change
- Authorizing Party
- Addendum pages available as needed.



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UCC FINANCING STATEMENT AMENDMEN' FOLLOW INSTRUCTIONS	1			
A. NAME & PHONE OF CONTACT AT SUBMITTER (spiloral)		1		
D. C-HAIL CONTACT AT GUBMITTER (optional)				
C. SEND ACKNOWLEDGMENT TO (Name and Address)	_			
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What can a service provider do for you?



State & County research – From Corporate to Real Estate research, we have a team to assist with all request



UCC Alerts – track current UCC filings you own to eliminate accidental lapses and unknown changes



Automation – Consolidation of all documents & research in one easy step with API integration into your LOS or CRM





Questions?



Thank You!