

R154. Commerce, Corporations and Commercial Code
R154-002. Utah Uniform Commercial Code, Revised Article 9 Rules

R154-002-100. Authority and Purpose.

These rules are adopted by the division under the authority of Subsection 46-1-2(1) and 46-1-2(11)(c), to enable the division to facilitate the implementation of the Revised Article 9 of the Uniform Commercial Code.

R154-002-101. Place to file.

The filing office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures.

R154-002-102. Filing Office Identification.

In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its internet and other electronic "addresses" through usual and customary means.

- 102.1. On-line information service. The filing officer offers on-line information services at the agency's web site.

R154-002-103. Office Hours.

Although the filing office maintains regular office hours, it receives transmissions electronically and by telecopier 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the filing office is open for business) on a batch basis.

R154-002-104. UCC Document Delivery.

UCC documents may be tendered for filing at the filing office as follows.

- 104.1 Personal delivery, at the filing office street address. The file time for a UCC document delivered by this method is when delivery of the UCC document is received by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).
- 104.2 Courier delivery, at the filing office street address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC document is first examined by a filing officer_for processing (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected), or the next close of business following the time of delivery. A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.
- 104.3 Postal service delivery, to the filing office mailing address. The file time for a UCC document delivered by this method is the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.
- 104.4 Electronic delivery. UCC documents may be submitted electronically via the_agency's online services portal. The file time for a UCC document delivered by this method is the time that the filing office's system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.

R154-002-105. Search request delivery.

UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. Requirements concerning search requests are set forth in rule R154-002-149.

R154-002-106. Filing fees.

Filing fees will be established by the Utah State Legislature in conjunction with the annual budgetary process and current fees will be posted on the division web page and available at the filing office.

R154-002-107. Methods of payment.

The division will enhance payment options as they become available. Filing fees and fees for public records services may be paid by the following methods.

- 107.1 Cash. The filing officer discourages cash payment unless made in person to the cashier at the filing office.
- 107.2 Checks. Checks made payable to the filing office or the State of Utah, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, will be accepted for payment.
- 107.3 Credit card. The filing office accepts payments using credit cards issued by approved credit card issuers. A current list of approved credit card issuers is available from the filing office. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the approved card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed to the filing office that payment will be forthcoming.

R154-002-108. Overpayment and underpayment policies.

- 108.1 Overpayment. Overpayment will be handled in accordance with State and/or Agency refund policy.
- 108.2 Underpayment. Upon receipt of a document with an insufficient fee, the document shall be rejected as provided in rule R154-002-118.

R154-002-109. Fees for public records services. Fees for public records services are posted on the web page or at the filing office.

R154-002-110. New practices and technologies.

The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, a non-paper-based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible be uniform with, technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states.

R154-002-111. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial.

In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:

- 111.1 Determine the legal sufficiency or insufficiency of a document.
- 111.2 Determine that a security interest in collateral exists or does not exist.
- 111.3 Determine that information in the document is correct or incorrect, in whole or in part.
- 111.4 Create a presumption that information in the document is correct or incorrect, in whole or in part.

R154-002-112. Duty to file.

Provided that there is no ground to refuse acceptance of the document under rule R154-002-115, a UCC document is filed upon its receipt by the filing officer with the filing fee and the filing officer shall promptly assign a file number to the UCC document and index it in the information management system.

R154-002-113. Grounds for refusal of UCC document.

The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a

machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

- 113.1 Debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.
- 113.2 Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization type, state of organization and organization number (if it has one) or a statement that it does not have one.
- 113.3 Secured party name and address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment, shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the secured party (or assignee) names that were indexed, and a statement that secured parties with illegible or missing names or addresses were not indexed.
- 113.4 Lack of identification of initial financing statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed.
- 113.5 Identifying information. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, is an initial filing statement.
- 113.6 Timeliness of continuation. A continuation shall be refused if it is not received within six months prior to expiration or the first working day after that period.
 - 113.6.1 First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date.
 - 113.6.2 Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.
- 113.7 Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered.
- 113.8 Means of communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.

R154-002-114. Grounds not warranting refusal.

The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in rule R154-002-115. The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

- 114.1 Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.
- 114.2 Incorrect names.
 - 116.2.1 The UCC document appears to identify a debtor incorrectly.
 - 116.2.2 The UCC document appears to identify a secured party or a secured party of record incorrectly.
- 114.3 Extraneous information. The UCC document contains additional or extraneous information of any kind.
- 114.4 Insufficient information. The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in rule R154-002-116.
- 114.5 Collateral description. The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.
- 114.6 Excessive fee. The document is accompanied by funds in excess of the full filing fee.

R154-002-115. Time limit.

The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period.

R154-002-116. Procedure upon refusal.

If the filing officer finds grounds under rule R154-002-115 to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason for refusal to accept the document under rule R154-002-115. The notice shall be sent to a secured party or the remitter no later than the second business day after of the determination to refuse acceptance of the document. A refund may be delivered with the notice or under separate cover.

R154-002-117. Acknowledgment.

At the request of a filer or remitter who files a paper or paper-based UCC document, the filing officer shall either (i) 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 or, (ii) upon the original of such paper or paper-based UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter. For UCC documents not filed in paper or paper-based form the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing.

R154-002-118. Other Notices.

Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. **THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.**

R154-002-119. Division Director Discretion.

The Director of the Division of Corporations and Commercial Code shall have discretionary authority according to UCA§13-1a-6(1) to refuse to file a document which is determined to be non-compliant with UCA §70A-9a-501-527.

R154-002-120. Refusal errors.

If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused under rule R154-002-115, the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing occurs. The filing officer will also file a correction statement (and such demonstration of error shall constitute the secured party's authorization to do so) that states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing, and sets forth such date and time.

R154-002-121.UCC Information Management System

The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not lapsed. The rules in this section describe the UCC information management system.

R154-002-122. Primary data elements.

The primary data elements used in the UCC information management system are the following.

122.1 Identification numbers.

122.1.1. Each initial financing statement is identified by its file number. Identification of the initial financing statement is applied to written UCC documents or otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

122.1.2 A UCC document other than an initial financing statement is identified by a the initial UCC file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

122.2 Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

122.3 Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

122.4 Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

122.5 Status of financing statement. In the information management system, each financing statement has a status of active or inactive.

122.6 Page count. The total number of pages in a UCC document is maintained in the information management system.

122.7 Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in rule R154-002-134.

R154-002-123. Names of debtors who are individuals.

For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.

123.1 Individual name fields. The names of individuals are stored in fields that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. The filing officer

assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

- 123.2 Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in rule R154-002-137, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.
- 123.3 Titles and suffixes after names. Titles, suffixes or indications of status such as "M.D." and "esquire" and "senior, junior, III, etc" shall not be entered in the UCC information management system.
- 123.4 Truncation - individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows.
 - 123.4.1 First name: 14 characters.
 - 123.4.2 Middle name: 14 characters.
 - 123.4.3 Last name: 14 characters.

R154-002-124. Names of debtors that are organizations.

This rule applies to the name of an organization who is a debtor or a secured party on a UCC document. These names are not case-sensitive.

- 124.1 Single field. The names of organizations are stored in fields that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.
- 124.2 Truncation -organization names. The organization name field in the UCC database is fixed in length. The maximum length is 50 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

R154-002-125. Estates.

Although they are not human beings, estates are treated as if the decedent were the debtor under rule 125.

R154-002-126. Initial financing statement.

Upon the filing of an initial financing statement the status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

R154-002-127. Amendment.

Upon the filing of an amendment the status of the parties and the status of the financing statement shall have no effect upon the status of any debtor or secured party so long as the amendment is a collateral, address, debtor name, or secured party name change or the addition or deletion of a debtor or secured party.

R154-002-128. Procedure upon lapse.

If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

R154-002-129. XML Documents

The division may implement, at its own discretion, appropriate means of electronic submission of UCC documents.

R154-002-130. Filing and Data Entry Procedures.

It is the policy of the filing officer to promptly file a document that conforms to these rules. Except as provided in these rules, data is transferred from a UCC document to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

R154-002-131. Document indexing and other procedures before archiving.

This section contains a chronological description of the indexing procedures and correspondence procedures followed by the filing officer prior to archiving a UCC document or returning the UCC document to the remitter.

131.1 Date and time stamp.

The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system at the earliest possible time.

131.2 Cash management.

Transactions necessary for payment of the filing fee are performed.

131.3 Document review.

The filing office determines whether a ground exists to refuse the document under rule R154-002-115.

131.3.1 File stamp.

The document is stamped. If there is no ground for refusal of the document, it is deemed filed and a unique identification number and the filing date is stamped on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received.

131.3.2 Correspondence.

If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in rule R154-002-116. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided. If the document was tendered in person notice of refusal or acknowledgment of the filing is given to the remitter by personal or USPS delivery. If the document is tendered online such notice or acknowledgment is transmitted to the remitter by online response. For documents submitted in any other way, notice of refusal is sent to the remitter or the first secured party named on the UCC document if so requested by regular mail or by overnight courier if the remitter provides a prepaid waybill or access to the remitter's account with the courier.

131.4 Data entry.

Data entry and indexing functions are performed as described in this section.

R154-002-132. Filing date.

The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date or, if the filing office is not so open on that date, the filing date is the next date the filing office is so open, except that, in each case, UCC documents received after 5:00 P.M. shall be deemed received on the following day. The filing officer may perform any duty relating to the document on the filing date or on a date after filing date.

R154-002-133. Filing time.

The filing time of a UCC document is determined as provided in rule R154-002-104.

R154-002-134. Lapse date and time.

A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if timely continuation statement is filed. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

R154-002-135. Errors of the filing officer.

The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing

date of a corrected document, the filing officer shall proceed as follows. A record relating to the relevant initial financing statement will be placed in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

R154-002-136. Errors other than filing office errors.

An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement

R154-002-137. Data entry of names - designated fields.

A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designates the first, middle and last names. When this is done, the following rules shall apply.

137.1 Organization names.

Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.

137.2 Individual names.

On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name fields in the UCC information management system exactly as set forth on the form.

137.3 Designated fields encouraged

The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names. Such forms diminish the possibility of filing office error and help assure that filers

expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents submitted through direct data entry or through electronic means will be required to use designated name fields.

R154-002-138. Data entry of names - no designated fields.

A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization should be refused by the filing office. If it is accepted for filing in error, the following rules shall apply.

138.1 Identification of organizations.

When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use their own judgment.

138.2 Identification of individuals.

A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.

138.3 Individual and organization names on a single line.

Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered as two separate debtors, one as an individual and one as an entity. Additional filing fees for the additional debtor

name(s) may be required.

138.4 Individual names.

The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply.

138.4.1 Freestanding initials.

An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.

138.4.2 Combined initials and names.

An initial and a name to which the initial apparently corresponds is entered into one name field only [e.g. "D. (David)" in the name "John D. (David) Rockefeller" is entered as "John" (first name); "D. (David)" (middle name); "Rockefeller" (last name)].

138.4.3 Multiple individual names on a single line.

Two individual names contained in a single line are entered as two, different debtors [e.g. the debtor name "John and Mary Smith" is entered as two debtors: "John Smith", and "Mary Smith"].

138.4.4 One word names.

A one word name is entered as a last name [e.g. "Cher" is treated as a last name].

138.4.5 Nicknames

A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name (e.g., "William (Bill) Jones").

R154-002-139. Verification of data entry.

The Division of Corporations and Commercial Code will enter the data as it is presented and encourages the filer to check the information on the data base.

R154-002-140. Initial financing statement.

A new record is opened in the UCC information management system for each initial financing statement that bears the file number of the financing statement and the date and time of filing.

140.1 The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one year after the financing statement lapses. Debtor addresses might not be included in the searchable index except to the extent the filing office offers or intends to offer limited searches or limited copy requests.

140.2 The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

140.3 The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

140.4 A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record.

R154-002-141. Amendment.

A record is created for the amendment that bears the file number for the initial filing statement to which it is associated and the date and time of filing.

141.1 The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

141.2 The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and are not removed until one year after the financing statement lapses.

141.3 If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

R154-02-142. Correction statement

A record is created for the correction statement that bears the file number of the original filing and the date and time of filing of the correction statement. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

R154-002-143. Global filings.

143.1 The filing officer may accept for filing a single UCC document for the purpose of amending more than one financing statement, for one or both of the following purposes: amendment to change secured party name exactly as entered; amendment to change secured party address exactly as entered. The global filings will be accepted on active filings only..

143.2 A blanket filing shall consist of a written document describing the requested amendment on a form approved by the filing office, and a machine readable file furnished by the remitter and created to the filing officer's specifications containing appropriate indexing information. A copy of blanket filing specifications is available from the filing officer upon request. Acceptance of a blanket filing is conditioned upon the determination of the filing officer in the filing officer's sole discretion.

R154-002-144. Archives - data retention.

Data in the UCC information management system relating to financing statements that have lapsed are retained for five years from the date of lapse. Such data will be maintained in the system for one year from the date of lapse and will thereafter be maintained in archives according to State of Utah Archives policy.

R154-002-145. Notice of bankruptcy.

The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse in the information management system as scheduled unless properly continued.

R154-002-146. Search Requests and Reports

The filing officer maintains for public inspection a searchable index for all records of UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates.

R154-002-147. Search requests.

Search requests shall contain the following information.

147.1 Name searched.

A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., ?Cher?) it will be treated as a last name. The full name of an organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.

147.2 Requesting party.

The name and address of the person to whom the search report is to be sent.

147.3 Fee.

The appropriate fee shall be enclosed, payable by a method described in rule R154-002-107.

R154-002-148. Optional information.

A UCC search request may contain any of the following information:

148.1 A request that the search of a debtor name be limited to debtors in a particular city.

148.2 Instructions on the mode of delivery requested, if other than by ordinary mail or electronic means, will be honored if the requested mode is then made available by the filing office.

R154-002-149. Rules applied to search requests.

Search results are created by applying standardized search logic to the name presented to the filing officer by

the person requesting the search. Human judgment does not play a role in determining the results of the search. The following, and only the following rules are applied to conduct searches.

149.1 There is no limit to the number of matches that may be returned in response to the search criteria.

149.2 No distinction is made between upper and lower case letters.

149.3 Punctuation marks and accents are disregarded.

149.4 The word "the" at the beginning of the search criteria is used as part of the name searched.

149.5 Business names are searched exactly as they are printed on the search request.

149.6 After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified.

149.7 The division may permit "wild card" searches on all names.

R154-002-150. Search responses.

Reports created in response to a search request shall include the following.

150.1 Filing officer. Identification of the filing officer and the certification of the filing officer required by the UCC.

150.2 Report date.

The date the report was generated.

150.3 Name searched.

Identification of the name searched.

150.4 Certification date.

The certification date applicable to the report; i.e., the date and time through the search is effective to reveal all relevant UCC documents filed on or prior to that date.

150.5 Identification of initial financing statements.

Identification of each unexpired initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

150.6 History of financing statement.

For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.

R154-002-151. Agricultural Liens

Rules effecting agricultural liens are found at R154-001