

ASSEMBLY BILL NO. 92—COMMITTEE ON JUDICIARY

FEBRUARY 13, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes to requirements governing filing and form of certain documents. (BDR 8-271)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to secured transactions; revising provisions of the Uniform Commercial Code governing the filing of certain records; authorizing the Secretary of State to prescribe a form for the filing and recording of certain documents; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 104.9516 is hereby amended to read as follows:
2 104.9516 1. Except as otherwise provided in subsection 2,
3 communication of a record to a filing office and tender of the filing
4 fee or acceptance of the record by the filing office constitutes filing.
5 2. Filing does not occur with respect to a record that a filing
6 office refuses to accept because:
7 (a) The record is not communicated by a method or medium of
8 communication authorized by the filing office;
9 (b) An amount equal to or greater than the applicable filing fee is
10 not tendered;
11 (c) The filing office is unable to index the record because:
12 (1) In the case of an initial financing statement, the record does
13 not provide a name for the debtor;
14 (2) In the case of an amendment or correction statement, the
15 record:
16 (I) Does not identify the initial financing statement as
17 required by NRS 104.9512 or 104.9518, as applicable; or
18 (II) Identifies an initial financing statement whose
19 effectiveness has lapsed under NRS 104.9515;



* A B 9 2 R 1 *

1 (3) In the case of an initial financing statement that provides
2 the name of a debtor identified as a natural person or an amendment
3 that provides a name of a debtor identified as a natural person which
4 was not previously provided in the financing statement to which the
5 record relates, the record does not identify the debtor's last name; or

6 (4) In the case of a record filed or recorded in the filing office
7 described in paragraph (a) of subsection 1 of NRS 104.9501, the
8 record does not provide a sufficient description of the real property to
9 which it relates;

10 (d) In the case of an initial financing statement or an amendment
11 that adds a secured party of record, the record does not provide a name
12 and mailing address for the secured party of record;

13 (e) In the case of an initial financing statement or an amendment
14 that provides a name of a debtor which was not previously provided in
15 the financing statement to which the amendment relates, the record
16 does not:

17 (1) Provide a mailing address for the debtor;

18 (2) Indicate whether the debtor is a natural person or an
19 organization; or

20 (3) If the financing statement indicates that the debtor is an
21 organization, provide:

22 (I) A type of organization for the debtor;

23 (II) A jurisdiction of organization for the debtor; or

24 (III) An organizational identification number for the debtor
25 or indicate that the debtor has none;

26 (f) In the case of an assignment reflected in an initial financing
27 statement under subsection 1 of NRS 104.9514 or an amendment filed
28 under subsection 2 of that section, the record does not provide a name
29 and mailing address for the assignee; or

30 (g) In the case of a continuation statement, the record is not filed
31 within the 6-month period prescribed by subsection 4 of
32 NRS 104.9515.

33 *(h) The record lists a public official of a governmental unit as a*
34 *debtor and the public official has not authorized the filing of such*
35 *information in an authenticated record as required pursuant to*
36 *NRS 104.9509.*

37 3. For purposes of subsection 2:

38 (a) A record does not provide information if the filing office is
39 unable to read or decipher the information; and

40 (b) A record that does not indicate that it is an amendment or
41 identify an initial financing statement to which it relates, as required
42 by NRS 104.9512, 104.9514 or 104.9518, is an initial financing
43 statement.

44 4. A record that is communicated to the filing office with tender
45 of the filing fee, but which the filing office refuses to accept for a
46 reason other than one set forth in subsection 2, is effective as a filed
47 record except as against a purchaser of the collateral which gives



1 value in reasonable reliance upon the absence of the record from the
2 files.

3 **Sec. 2.** NRS 104.9521 is hereby amended to read as follows:
4 104.9521 1. A filing office that accepts written records may not
5 refuse to accept a written initial financing statement ~~[in the following]~~
6 *submitted on a form prescribed and made available by the Secretary*
7 *of State*, except for a reason set forth in subsection 2 of NRS 104.9516
8 . f

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR
FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME -- insert only one debtor name (1a or 1b) -- do not abbreviate or combine names

OR						
1a. ORGANIZATION'S NAME						
OR						
1b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME		SUFFIX
1c. MAILING ADDRESS				CITY		STATE POSTAL CODE COUNTRY
1d. TAX ID #: SSN OR EIN	ADD'L INFO RE- ORGANIZATION- DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID #, if any		
						<input type="checkbox"/> None

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -- insert only one debtor name (2a or 2b) -- do not abbreviate or combine names

OR						
2a. ORGANIZATION'S NAME						
OR						
2b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME		SUFFIX
2c. MAILING ADDRESS				CITY		STATE POSTAL CODE COUNTRY
2d. TAX ID #: SSN OR EIN	ADD'L INFO RE- ORGANIZATION- DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any		
						<input type="checkbox"/> None

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S.P.) -- insert only one secured party name (3a or 3b)

OR						
3a. ORGANIZATION'S NAME						
OR						
3b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME		SUFFIX
3c. MAILING ADDRESS				CITY		STATE POSTAL CODE COUNTRY

4. This FINANCING STATEMENT covers the following collateral:

5. ALTERNATIVE DESIGNATION (if applicable): LESSEE/LESSOR CONSIGNEE/CONSIGNOR BAILEE/BAILOR
 SELLER/BUYER AG. LIEN NON UCC FILING

6. This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS.



— Attach Addendum (if applicable) —

7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) — All Debtors Debtor 1 Debtor 2
— [ADDITIONAL FEE] — [optional]

8. OPTIONAL FILER REFERENCE DATA

NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 07/29/98)

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

9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR
FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME — insert only one name (11a or 11b) — do not abbreviate or combine names

OR

11a. ORGANIZATION'S NAME

11b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

11c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

11d. TAX ID #:
SSN OR EIN

ADD'L INFO RE-
ORGANIZATION
DEBTOR

11e. TYPE OF
ORGANIZATION

11f. JURISDICTION OF
ORGANIZATION

11g. ORGANIZATIONAL ID #, if any

None

12. ADDITIONAL SECURED PARTY'S or ASSIGNOR S/P'S NAME — insert only one name (12a or 12b)

OR

12a. ORGANIZATION'S NAME

12b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE 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.

14. Description of real estate:

16. Additional collateral description:

15. Name and address of a RECORD OWNER of above-described real-
estate (if Debtor does not have a record interest):

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

Debtor is a Trust or

Trustee acting with respect to property held in trust or

Decedent's Estate



- 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 (FORM UCC1A4) (REV. 07/29/98)

2. A filing office that accepts written records may not refuse to accept a written record ~~in the following~~ submitted on a form prescribed and made available by the Secretary of State, except for a reason set forth in subsection 2 of NRS 104.9516.

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

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

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #		1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the <input type="checkbox"/> REAL ESTATE RECORDS.	
2. <input type="checkbox"/> TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.			
3. <input type="checkbox"/> CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.			
4. <input type="checkbox"/> ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.			
5. <input type="checkbox"/> AMENDMENT (PARTY INFORMATION): This Amendment affects <input type="checkbox"/> Debtor or <input type="checkbox"/> Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7:			
<input type="checkbox"/> 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.		<input type="checkbox"/> DELETE name: give record name to be deleted in item 6a or 6b.	<input type="checkbox"/> ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).
6. CURRENT RECORD INFORMATION:			
6a. ORGANIZATION'S NAME			
OR			
6b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
			SUFFIX
7. CHANGED (NEW) OR ADDED INFORMATION:			
7a. ORGANIZATION'S NAME			
OR			
7b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
			SUFFIX
7c. MAILING ADDRESS		CITY	STATE
		POSTAL CODE	COUNTRY
7d. TAX ID #: SSN OR EIN	ADD'L INFO RE- ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION
		7g. ORGANIZATIONAL ID #, if any	
		<input type="checkbox"/> None	



8. AMENDMENT (COLLATERAL CHANGE): check only one box
Describe collateral deleted or added, or give entire restated collateral description, or describe collateral assigned.

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.

OR	9a. ORGANIZATION'S NAME			
	9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

10. OPTIONAL FILER REFERENCE DATA

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

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

11. INITIAL FINANCING STATEMENT FILE # (same as item 1a on amendment form)

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

OR	12a. ORGANIZATION'S NAME		
	12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX

13. Use this space for additional information

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

NATIONAL UCC FINANCING STATEMENT AMENDMENT-ADDENDUM (FORM UCC3A.d) (REV. 07/29/98)

- 1 3. A form that a filing office may not refuse to accept under
- 2 subsection 1 or 2 must conform to the format prescribed for the form
- 3 by the National Conference of Commissioners on Uniform State
- 4 Laws.
- 5 4. A filing officer may add optional blocks for the address of the
- 6 secured party or the address of the debtor to any form or record.



1 **Sec. 3.** NRS 108.889 is hereby amended to read as follows:
2 108.889 1. To perfect the lien provided for in NRS 108.887, a
3 producer must, not later than 45 days after the date on which the lien
4 attaches pursuant to NRS 108.888, file a notice of the lien in the
5 Office of the Secretary of State ~~in~~ *in the manner set forth in NRS*
6 *104.9516 and on a form prescribed and made available by the*
7 *Secretary of State.*

8 2. A notice of lien that is filed pursuant to subsection 1 must be
9 verified by the oath of the producer and must contain:

- 10 (a) The name of the producer;
11 (b) The name of the processor;
12 (c) A statement of the terms and conditions of the contract
13 between the producer and the processor; and
14 (d) The total amount owed to the producer by the processor under
15 the terms of the contract, after deducting any applicable credits or
16 offsets.

17 3. Not later than 24 hours after filing a notice of lien pursuant to
18 this section, a producer shall send a copy of the notice of lien to the
19 processor by certified mail.

20 **Sec. 4.** NRS 247.110 is hereby amended to read as follows:

21 247.110 1. When a document authorized by law to be recorded
22 is deposited in the county recorder's office for recording, the county
23 recorder shall:

- 24 (a) Endorse upon it the time when it was received, noting:
25 (1) The year, month, day, hour and minute of its reception;
26 (2) The document number; and
27 (3) The amount of fees collected for recording the document.
28 (b) Record the document without delay, together with the
29 acknowledgments, proofs and certificates, written upon or annexed to
30 it, with the plats, surveys, schedules and other papers thereto annexed,
31 in the order in which the papers are received for recording.
32 (c) Note at the upper right corner of the record and upon the
33 document, except a map, so recorded the exact time of its reception,
34 and the name of the person at whose request it was recorded.

35 (d) Upon request, place a stamp or other notation upon one copy
36 of the document presented at the time of recording to reflect the
37 information endorsed upon the original pursuant to subparagraphs (1)
38 and (2) of paragraph (a) and as evidence that he received the original,
39 and return the copy to the person who presented it.

40 2. In addition to the information described in paragraph (a) of
41 subsection 1, a county recorder may endorse upon a document the
42 book and page where the document is recorded.

43 3. A county recorder shall not refuse to record a document on the
44 grounds that the document is not legally effective to accomplish the
45 purposes stated therein.



- 1 4. A document, except a map, that is submitted for recording
2 must ~~be~~ *be on a form authorized by NRS 104.9521 for the type of*
3 *filing or must:*
4 (a) Be on paper that is 8 1/2 inches by 11 inches in size;
5 (b) Have a margin of 1 inch on the left and right sides and at the
6 bottom of each page; and
7 (c) Have a space of 3 inches by 3 inches at the upper right corner
8 of the first page and have a margin of 1 inch at the top of each
9 succeeding page.

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