

JULY 1, 2001  
REVISED ARTICLE 9, IOWA COUNTY RECORDERS' GUIDELINES

The following suggested guidelines have been established to aid you with the UCC changes created by Revised Article 9, which will take effect in Iowa beginning July 1, 2001. These guidelines are not intended as legal advice with regard to UCC filings or searches, but rather to create continuity with the Recordors' Association.

1. Only UCC Financing Statements containing realty-related collateral – (a) fixtures, (b) as-extracted collateral or (c) timber to be cut – should be filed in land recording offices. These realty-related collateral filings should be filed where the land is located.
  1. FORMS–NATIONAL STANDARD FORMS–CRITERIA AND NOTICE– Financing Statement (UCC 1 and UCC 1Ad) and Financing Statement Amendment (UCC 3 and UCC 3Ad) forms should be used exclusively. All other forms submitted for realty-related collateral should be rejected.
  2. ACCEPTANCE OR REJECTION OF FILINGS–CRITERIA AND NOTICE:
    1. Neither Debtor nor Secured Party signatures are required on any form filed.
    2. UCC1 (Financing Statement) & UCC 3 (Amendment) Forms will always require either UCC 1 Ad or UCC 3 Ad form, because there is not enough required information on the main forms.
    3. #6 on UCC 1 form must be checked. (This financing statement is to be recorded in the Real Estate Records.)
    4. #13 on UCC 1 Ad form must be checked. (This box indicates the type of collateral.)
    5. #14 ON UCC 1 Ad Form must show a complete legal description.
    6. #15 ON UCC 1 Ad Form must show Record Owner–If different than Debtor.
    7. Accept for filing a UCC 1 where there is no collateral description listed in box 16 on the UCC 1 Ad Form.
    8. All other boxes necessary must be completed (see “Notice of Refusal to Accept Record Presented for Filing” document for a more complete list of reasons to reject.) This form may be copied and used by your office. You are required to give written notice to a filer concerning the reason for refusal to file.
    9. NOTE: We strongly discourage the use of Tax ID numbers, social security numbers (SSN), or Employer Identification numbers (EIN).
  3. INDEXING–Debtor, Record Owner and Secured Party names given in UCC filings are indexed only in the grantor/grantee general index in the same manner as a mortgage.

4. FILING FEES—Use R.E. Recording Fee schedule. If UCC 3 (Amendment) contains more than one transaction, multiply fee times number of transactions; \$5.00 for each page and \$1.00 records management.
5. REQUESTS FOR INFORMATION SEARCHES:
  1. Post-7-01-2001 Filings—Land Recording Offices do not perform searches of the grantor/grantee index for realty-related UCC filings.
  2. Pre-7-01-2001 Filing – Perform searches of UCC records in the same fashion as before and charge the same fee, ie: \$5.00 for a request and \$1.00 for a copy, using either the Pre-7-01-2001 or the Post-7-01-2001 UCC 11 search form. Remember, after 7-01-2001, we will not file any realty-related UCC amendments, assignments, continuations or terminations in the UCC file, even for those pre-existing realty-related UCCs. You will need to purchase the following red stamp and stamp all UCC searches with a Cautionary Notice after 7-01-2001.

#### **“CAUTIONARY NOTICE OF SEARCH”**

*Beginning July 1, 2001, searches of county recorder’s realty-related UCC records may not reflect all filings. This is because as of July 1, 2001, realty-related records will only be recorded in the Real Estate records, and not filed or indexed in the UCC records.*

*Also, searches of county recorder’s consumer goods UCC records performed on or after July 1, 2001, may not reflect all filings. This is because beginning July 1, 2001, no additional UCC documents will be filed or indexed in the UCC records. After July 1, 2001, consumer goods are filed with the Secretary of State.*

2. NON-REALTY-RELATED FILINGS—All farm related, consumer goods, transmitting utilities, and sheriff’s levies are to be filed with the Secretary of State’s Office, Lucas State Office Building, Des Moines, Iowa 50319. PHONE #515-281-5204, WEBSITE: [www.sos.state.ia.us](http://www.sos.state.ia.us) .

1. ACCEPTANCE OR REJECTION OF FILINGS—CRITERIA AND NOTICE

No additional UCC documents relating to pre-effective date non-realty UCC Filings are accepted. Refuse to file them and return them to the remitter.

2. REQUESTS FOR INFORMATION SEARCHES – FOR NON-REALTY-RELATED UCC FILINGS— Perform searches in the same fashion as before and charge the same fee, ie: \$5.00 for a request and \$1.00 for a copy, using either the pre-7-01-2001 form or the post 7-01-2001 search (UCC 11) form. Remember, because no additional UCC documents will be filed or indexed in the UCC records, and all non-realty-related filings (including initial financing statements, amendments, assignments, continuations, terminations and

correction statements) must be filed with the Secretary of State, stamp the "Cautionary Notice of Search" on all UCC searches performed after 7-01-2001.

3. INITIAL FINANCING STATEMENT IN LIEU OF CONTINUATION STATEMENT – In order to "move" a non-realty-related UCC filing from the Recorder's office to the Secretary of State's office (where they will need to be filed beginning July 1, 2001, under Revised Article 9), tell people to consult with their legal counsel and see Iowa Code section 554.9706.
4. RECORD RETENTION– The computation of the earliest legal date on which the last non-realty-related filings may be disposed of is (5 years + 1 day + 1 year) or July 1, 2007. Because copies of UCC filings may be needed after that date for litigation, we suggest a date two years after that date, or July 1, 2009.
5. RECORD RETENTION– The computation of the earliest legal date on which the (UCC filed portion) of pre-7-01-2001 realty-related collateral filings is JULY 1, 2009.

NOTE:

As of JULY 1, 2001, Recorders will no longer be collecting UCC surcharges for the state.

CONCLUSION:

Under Revised Article 9, only realty-related collateral is required to be filed in Recorders' offices. In all other cases, the place to file is the Secretary of State's Office.