

AN ACT

Bill 19-222
Act 19-669
effective
February 5,
2013

Codification
District of
Columbia
Official Code
2001 Edition

Uniform
Commercial
Code Article 9
Amendments
Act of 2012

To amend Article 9 of the Uniform Commercial Code, relating to secured transactions, to provide greater guidance as to the name of the debtor to be provided on a financing statement when the debtor is an individual, corporation, limited liability company, or limited partnership or when the collateral is held in a statutory or common-law trust or in a decedent's estate, and to provide greater protection for an existing secured party having a security interest in after-acquired property when its debtor relocates to another state or merges with another entity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Uniform Commercial Code Article 9 Amendments Act of 2012”.

Sec. 2. Article 9 of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) The section heading for section 28:9-316 is amended by striking the phrase “Continued perfection of security interest following” and inserting the phrase “Effect of” in its place.

(2) A new Part 8 is added at the end:

“Part 8. Transition Provisions for 2012 Amendments.

“28:9-801. Definitions.

“28:9-802. Savings clause.

“28:9-803. Security interest perfected before applicability date.

“28:9-804. Security interest unperfected before applicability date.

“28:9-805. Effectiveness of action taken before applicability date.

“28:9-806. When initial financing statement suffices to continue effectiveness of financing statement.

“28:9-807. Amendment of pre-effective-date financing statement.

“28:9-808. Person entitled to file initial financing statement or continuation statement.

“28:9-809. Priority.”.

(b) Section 28:9-102(a) is amended as follows:

(1) Paragraph (7)(B) is amended to read as follows:

“(B) With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.”.

(2) Paragraph (10) is amended by adding a sentence at the end to read as follows:

“The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining

Amend
§ 28:9-102

priority over the rights of a lien creditor with respect to the collateral.”.

(3) Paragraphs (68) through (80) are redesignated as paragraphs (69) through (81), respectively;

(4) A new paragraph (68) is added to read as follows:

“(68) “Public organic record” means a record that is available to the public for inspection and is:

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

“(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

“(C) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.”.

(5) The newly designated paragraph (71) is amended to read as follows:

“(71) “Registered organization” means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with the issuance of a public organic record by, or the enactment of legislation by, the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust’s organic record be filed with the state.”.

(c) Section 28:9-105 is amended to read as follows:

“§ 28:9-105. Control of electronic chattel paper.

**Amend
§ 28:9-105**

“(a) A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

“(b) A system satisfies subsection (a) of this section if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

“(1) A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6) of this subsection, unalterable;

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

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

“(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;

“(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

“(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.”.

(d) Section 28:9-307(f)(2) is amended by striking the semicolon and inserting the phrase “, including by designating its main office, home office, or other comparable office;” in its place.

Amend
§ 28:9-307

(e) Section 28:9-311(a)(3) is amended to read as follows:

Amend
§ 28:9-311

“(3) A statute of another jurisdiction which provides for a security interest to be indicated on 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.”.

(f) Section 28:9-316 is amended as follows:

Amend
§ 28:9-316

(1) The section heading is amended by striking the phrase “Continued perfection of security interest following” and inserting the phrase “Effect of” in its place.

(2) New subsections (h) and (i) are added to read as follows:

“(h) The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction:

“(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in § 28:9-301(1) or § 28:9-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

“(2) If a security interest perfected by a financing statement that is effective under paragraph (1) of this subsection becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in § 28:9-301(1) or § 28:9-305(c) or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

“(i) If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in § 28:9-301(1) or § 28:9-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

“(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under § 28:9-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

“(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in § 28:9-301(1) or § 28:9-305(c) or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected

under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.”.

(g) Section 28:9-317 is amended as follows:

**Amend
§ 28:9-317**

(1) Subsection (b) is amended by striking the phrase “security certificate” and inserting the phrase “certificated security” in its place.

(2) Subsection (d) is amended by striking the phrase “accounts, electronic chattel paper, electronic documents, general intangibles, or investment property other than” and inserting the phrase “collateral other than tangible chattel paper, tangible documents, goods, instruments, or” in its place.

(h) Section 28:9-326 is amended as follows:

**Amend
§ 28:9-326**

(1) Subsection (a) is amended to read as follows:

“(a) Subject to subsection (b) of this section, a security interest that is created by a new debtor in collateral in which the new debtor has or acquires rights and is perfected solely by a filed financing statement that would be ineffective to perfect the security interest but for the application of § 28:9-316(i)(1) or 28:9-508 is subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement.”.

(2) Subsection (b) is amended by striking the phrase “that are effective solely under § 28:9-508” and inserting the phrase “described in subsection (a) of this section” in its place.

(i) Section 28:9-406(e) is amended by striking the period and inserting the phrase “, other than a sale pursuant to a disposition under § 28:9-610 or an acceptance of collateral under § 28:9-620.” in its place.

**Amend
§ 28:9-406**

(j) Section 28:9-408(b) is amended by striking the period and inserting the phrase “, other than a sale pursuant to a disposition under § 28:9-610 or an acceptance of collateral under § 28:9-620.” in its place.

**Amend
§ 28:9-408**

(k) Section 28:9-502(c)(3) is amended to read as follows:

**Amend
§ 28:9-502**

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

“(A) The record need not indicate that it is to be filed in the real property records; and

“(B) The record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom § 28:9-503(a)(4) applies; and”.

(l) Section 28:9-503 is amended to read as follows:

**Amend
§ 28:9-503**

“§ 28:9-503. 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) of this subsection, 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 that is stated to be the registered organization’s

name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

“(2) Subject to subsection (f) of this section, if the 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 collateral is being administered by a personal representative;

“(3) If the 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) of this paragraph, indicates that the collateral is held in a trust; or

“(ii) If the name is provided in accordance with subparagraph (A)(ii) of this paragraph, provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

“(4) Subject to subsection (g) of this section, if the debtor is an individual to whom the District has issued a driver's license that has not expired, or to whom the agency of the District that issues driver's licenses has issued, instead of a driver's license, a special identification card that has not become invalid, only if the financing statement provides the name of the individual which is indicated on the driver's license or special identification card;

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

“(6) In other cases:

“(A) If the debtor has a name, only if the financing statement provides the organizational name of the debtor; and

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

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

“(1) A trade name or other name of the debtor; or

“(2) Unless required under subsection (a)(6)(B) of this section, names of partners,

members, associates, or other persons comprising the debtor.

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

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

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

“(f) The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the “name of the decedent” under subsection (a)(2) of this section.

“(g) If the District has issued to an individual more than one driver’s license, or special identification card, of a kind described in subsection (a)(4) of this section, the one that was issued most recently is the one to which subsection (a)(4) of this section 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.”.

(m) Section 28:9-507(c) is amended to read as follows:

**Amend
§ 28:9-507**

“(c) If the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under § 28:9-503(a) so that the financing statement becomes seriously misleading under § 28:9-506:

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

(n) Section 28:9-515(f) is amended by striking the phrase “filed financing statement” and inserting the phrase “filed initial financing statement” in its place.

**Amend
§ 28:9-515**

(o) Section 28:9-516(b) is amended as follows:

**Amend
§ 28:9-516**

(1) Paragraph (3) is amended as follows:

(A) Subparagraph (B) is amended by striking the word “correction” and inserting the word “information” in its place.

(B) Subparagraph (C) is amended by striking the phrase “last name” and

inserting the word “surname” in its place.

(2) Paragraph (5) is amended as follows:

(A) Subparagraph (A) is amended by adding the word “or” after the semicolon.

(B) Subparagraph (B) is amended to read as follows:

“(B) Indicate whether the name provided as the name of the debtor is the name of an individual or an organization.”.

(C) Subparagraph (C) is repealed.

(p) Section 28:9-518 is amended to read as follows:

**Amend
§ 28:9-518**

“§ 28:9-518. Claim concerning inaccurate or wrongfully filed record.

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

“(b) An information statement under subsection (a) of this section shall:

“(1) Identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

“(2) Indicate that it is an information statement; and

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

“(c) A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under § 28:9-509(d).

“(d) An information statement under subsection (c) of this section shall:

“(1) Identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

“(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 § 28:9-509(d).

“(e) The filing of an information statement does not affect the effectiveness of an initial financing statement or other filed record.”.

(q) Section 28:9-521 is amended as follows:

**Amend
§ 28:9-521**

(1) Subsection (a) is amended to read as follows:

“(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 § 28:9-516(b):

“UCC FINANCING STATEMENT

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 19-302, effective May 1, 2013

20 DCSTAT 1027

"FOLLOW INSTRUCTIONS

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

" _____

"B. 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 NAME : Provide only one Debtor name (1a or 1b) (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 Finance Statement Addendum Form (Form UCC1Ad)

"1a. ORGANIZATION'S NAME

" _____

"OR

"1b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" _____

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

" _____

"1c. MAILING ADDRESS

" _____

"CITY STATE POSTAL CODE COUNTRY

" _____

"2. DEBTOR'S NAME: Provide only one Debtor name (2a or 2b) (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 Finance Statement Addendum Form (Form UCC1Ad).

"2a. ORGANIZATION'S NAME

" _____

"OR

"2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 19-302, effective May 1, 2013

20 DCSTAT 1028

“ _____

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

“ _____

“2c. MAILING ADDRESS

“ _____

“CITY STATE POSTAL CODE COUNTRY

“ _____

“3. SECURED PARTY’S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY): Provide only one Secured Party name
(3a or 3b)

“3a. ORGANIZATION’S NAME

“ _____

“OR

“3b. INDIVIDUAL’S SURNAME FIRST PERSONAL NAME

“ _____

“ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

“ _____

“3c. MAILING ADDRESS

“ _____

“CITY STATE POSTAL CODE COUNTRY

“ _____

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

“ _____

“5. Check only if applicable and check only one box:

“Collateral is ☐ held in a Trust (see Instructions)

☐ being administered by a Decedent’s Personal Representative.

“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:

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 19-302, effective May 1, 2013

20 DCSTAT 1029

☐ Agricultural Lien ☐ Non-UCC Filing

“7. ALTERNATIVE DESIGNATION (if applicable): ☐ Lessee/Lessor ☐ Consignee/Consignor ☐ Seller/Buyer ☐ Bailee/Bailor
 ☐ Licensee/Licensors

“8. OPTIONAL FILER REFERENCE DATA

“ _____

“[UCC FINANCING STATEMENT (Form UCC1)]

“UCC FINANCING STATEMENT ADDENDUM

“FOLLOW INSTRUCTIONS

“9. NAME OF FIRST DEBTOR: 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 SURNAME

“ _____

“FIRST PERSONAL NAME

“ _____

“ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

“ _____

“THE ABOVE SPACE IS FOR

“FILING OFFICE USE ONLY

“10. 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)

“10a. ORGANIZATION’S NAME

“ _____

“OR

“10b. INDIVIDUAL’S SURNAME

FIRST PERSONAL NAME

“ _____

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

SUFFIX

“ _____

“10c. MAILING ADDRESS

“ _____

“CITY STATE POSTAL CODE COUNTRY

“ _____

“11. ☐ ADDITIONAL SECURED PARTY’S NAME or ☐ ASSIGNOR SECURED PARTY’S NAME: Provide only one name (11a or 11b)

“11a. ORGANIZATION’S NAME

“ _____

“OR

“11b. INDIVIDUAL’S SURNAME FIRST PERSONAL NAME

“ _____

“ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

“ _____

“11c. MAILING ADDRESS

“ _____

“CITY STATE POSTAL CODE COUNTRY

“ _____

“12. ADDITIONAL SPACE FOR ITEM 4 (Collateral)

“ _____

“13. ☐ This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS (if applicable)

“14. 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 real estate described in item 16 (if Debtor does not have a record interest):

“ _____

“16. Description of real estate:

“ _____

“17. MISCELLANEOUS:

“ _____

“[UCC FINANCING STATEMENT ADDENDUM (Form UCC1Ad)]”.

(2) Subsection (b) is amended to read as follows:

“(b) A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason set forth in § 28:9-516(b):

“UCC FINANCING STATEMENT AMENDMENT

“FOLLOW INSTRUCTIONS

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

“ _____

“B. E-MAIL CONTACT AT FILER (optional)

“ _____

“C. SEND ACKNOWLEDGMENT TO: (Name and Address)

“ _____

“THE ABOVE SPACE IS FOR

“FILING OFFICE USE ONLY

“1a. INITIAL FINANCING STATEMENT FILE NUMBER

“ _____

“1b. ☐ This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

“Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor’s name in item 13.

“2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of Secured Party authorizing this Termination Statement

“3. ☐ ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9. For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8

“4. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law

“5. ☐ PARTY INFORMATION CHANGE:

“Check one of these two boxes:

“This Change affects ☐ Debtor or ☐ Secured Party of record.

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 19-302, effective May 1, 2013

20 DCSTAT 1032

“AND

“Check one of these three boxes to:

“☐ CHANGE name and/or address: Complete item 6a or 6b, and item 7a or 7b and item 7c.

“☐ ADD name: Complete item 7a or 7b, and item 7c.

“☐ 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) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor’s name)

“6a. ORGANIZATION’S NAME

“ _____

“OR

“6b. INDIVIDUAL’S SURNAME FIRST PERSONAL NAME

“ _____

“ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

“ _____

“7. CHANGED 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 SURNAME FIRST PERSONAL NAME

“ _____

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

“ _____

“7c. MAILING ADDRESS

“ _____

“CITY STATE POSTAL CODE COUNTRY

“ _____

“8. ☐ COLLATERAL CHANGE:

“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 - 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 SURNAME FIRST PERSONAL NAME

“ _____

“ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

“ _____

“10. OPTIONAL FILER REFERENCE DATA

“ _____

“[UCC FINANCING STATEMENT AMENDMENT (Form UCC3)]

“UCC FINANCING STATEMENT AMENDMENT ADDENDUM

“FOLLOW INSTRUCTIONS

“11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a on Amendment form)

“ _____

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

“12a. ORGANIZATION’S NAME

“ _____

“OR

“12b. INDIVIDUAL’S SURNAME FIRST PERSONAL NAME

“ _____

“ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

“ _____

“THE ABOVE SPACE IS FOR

“FILING OFFICE USE ONLY

- “13. 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 for 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)]”.

(2) Subsection (b) is amended to read as follows:

“(b) A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason set forth in § 28:9-516(b):

“UCC FINANCING STATEMENT AMENDMENT

“FOLLOW INSTRUCTIONS

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

“ _____

“B. E-MAIL CONTACT AT FILER (optional)

“ _____

“C. SEND ACKNOWLEDGMENT TO: (Name and Address)

“ _____

“THE ABOVE SPACE IS FOR

“FILING OFFICE USE ONLY

“1a. INITIAL FINANCING STATEMENT FILE NUMBER

“ _____

“1b. ☐ This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

“Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor’s name in item 13.

“2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of Secured Party authorizing this Termination Statement

“3. ☐ ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9. For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8

“4. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law

“5. ☐ PARTY INFORMATION CHANGE:

“Check one of these two boxes:

“This Change affects ☐ Debtor or ☐ Secured Party of record.

“AND

“Check one of these three boxes to:

“☐ CHANGE name and/or address: Complete item 6a or 6b, and item 7a or 7b and item 7c.

“☐ ADD name: Complete item 7a or 7b, and item 7c.

☐ 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) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor’s name)

“6a. ORGANIZATION’S NAME

“ _____

“OR

“6b. INDIVIDUAL’S SURNAME FIRST PERSONAL NAME

“ _____

“ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

“ _____

“7. CHANGED 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 word in the Debtor’s name)

“7a. ORGANIZATION’S NAME

“ _____

“OR

“7b. INDIVIDUAL’S SURNAME FIRST PERSONAL NAME

“ _____

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

“ _____

“7c. MAILING ADDRESS

“ _____

“CITY STATE POSTAL CODE COUNTRY

“ _____

“8. ☐ COLLATERAL CHANGE:

“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 - provide only one name (9a or 9b) (name of

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 19-302, effective May 1, 2013

20 DCSTAT 1037

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 SURNAME FIRST PERSONAL NAME

" _____

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" _____

"10. OPTIONAL FILER REFERENCE DATA

" _____

"[UCC FINANCING STATEMENT AMENDMENT (Form UCC3)]

"UCC FINANCING STATEMENT AMENDMENT ADDENDUM

"FOLLOW INSTRUCTIONS

"11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a on Amendment form)

" _____

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

"12a. ORGANIZATION'S NAME

" _____

"OR

"12b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" _____

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" _____

"THE ABOVE SPACE IS FOR

"FILING OFFICE USE ONLY

"13. 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 for item 13 - insert only one Debtor name (13a or 13b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

“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)]”.

(r) Section 28:9-607(b)(2)(A) is amended by striking the semicolon and inserting the phrase “with respect to the obligation secured by the mortgage;” in its place.

Amend
§ 28:9-607

(s) A new Part 8 is added to read as follows:

“Part 8.

“Transition Provisions for 2012 Amendments.

“§ 28:9-801. Definitions.

New
§ 28:9-801

“In this part:

“(1) “Applicability date” means July 1, 2013.

“(2) “2012 Act” means the Uniform Commercial Code Article 9 Amendments Act of 2012.

“§ 28:9-802. Savings clause.

New
§ 28:9-802

“(a) Except as otherwise provided in this part, the amendments made by the 2012 Act apply to a transaction or lien within its scope, even if the transaction or lien was entered into or created before the applicability date.

“(b) The 2012 Act does not affect an action, case, or proceeding commenced before the

applicability date.

“§ 28:9-803. Security interest perfected before applicability date.

New
§ 28:9-803

“(a) A security interest that is a perfected security interest immediately before the applicability date is a perfected security interest under Article 9 as amended by the 2012 Act if, on the applicability date, the applicable requirements for attachment and perfection under Article 9 as amended by 2012 Act are satisfied without further action.

“(b) Except as otherwise provided in § 28:9-805, if, immediately before the applicability date, a security interest is a perfected security interest, but the applicable requirements for perfection under Article 9 as amended by the 2012 Act are not satisfied on the applicability date, the security interest remains perfected thereafter only if the applicable requirements for perfection under Article 9 as amended by the 2012 Act are satisfied within one year after the applicability date.

“§ 28:9-804. Security interest unperfected before applicability date.

New
§ 28:9-804

“A security interest that is an unperfected security interest immediately before the applicability date becomes a perfected security interest:

“(1) Without further action, on the applicability date, if the applicable requirements for perfection under Article 9 as amended by the 2012 Act are satisfied before or at that time; or

“(2) When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

“§ 28:9-805. Effectiveness of action taken before applicability date.

New
§ 28:9-805

“(a) The filing of a financing statement before the applicability date is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under Article 9 as amended by the 2012 Act.

“(b) The 2012 Act does not render ineffective an effective financing statement that, before the applicability date, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Article 9 as it existed before the applicability date. However, except as otherwise provided in subsections (c) and (d) of this section and § 28:9-806, the financing statement ceases to be effective:

“(1) If the financing statement is filed in the District, at the time the financing statement would have ceased to be effective had the 2012 Act not taken effect; or

“(2) If the financing statement is filed in another jurisdiction, at the earlier of:

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

“(B) June 30, 2018.

“(c) The filing of a continuation statement after the applicability date does not continue the effectiveness of a financing statement filed before the applicability date. However, upon the timely filing of a continuation statement after the applicability date and in accordance with the law of the jurisdiction governing perfection as provided in Article 9 as amended by the 2012 Act,

the effectiveness of a financing statement filed in the same office in that jurisdiction before the applicability date continues for the period provided by the law of that jurisdiction.

“(d) Subsection (b)(2)(B) of this section applies to a financing statement that, before the applicability date, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Article 9 as it existed before the applicability date, only to the extent that Article 9 as amended by the 2012 Act provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

“(e) A financing statement that includes a financing statement filed before the applicability date and a continuation statement filed after the applicability date only to the extent that it satisfies the requirements of this part as added by the 2012 Act for an initial financing statement. A financing statement that indicates that the debtor is a decedent’s estate indicates that the collateral is being administered by a personal representative within the meaning of § 28:9-503(a)(2) as amended by the 2012 Act. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of § 28:9-503(a)(3) as amended by the 2012 Act.

“§ 28:9-806. When initial financing statement suffices to continue effectiveness of financing statement.

New
§ 28:9-806

“(a) The filing of an initial financing statement in the office specified in § 28:9-501 continues the effectiveness of a financing statement filed before the applicability date if:

“(1) The filing of an initial financing statement in that office would be effective to perfect a security interest under Article 9 as amended by the 2012 Act;

“(2) The pre-effective-date financing statement was filed in an office in another state; and

“(3) The initial financing statement satisfies subsection (c) of this section.

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

“(1) If the initial financing statement is filed before the applicability date, for the period provided in § 28:9-515 as it existed before the applicability date with respect to an initial financing statement; and

“(2) If the initial financing statement is filed after the applicability date, for the period provided in § 28:9-515 as amended by the 2012 Act with respect to an initial financing statement.

“(c) To be effective for purposes of subsection (a) of this section, an initial financing statement must:

“(1) Satisfy the requirements of Part 5 as amended by the 2012 Act for an initial financing statement;

“(2) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if

any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

“(3) Indicate that the pre-effective-date financing statement remains effective.

“§ 28:9-807. Amendment of pre-effective-date financing statement.

New
§ 28:9-807

“(a) For the purposes of this section and § 28:9-806, “pre-effective-date financing statement” means a financing statement filed before the applicability date.

“(b) After the applicability date, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in Article 9 as amended by the 2012 Act. However, the effectiveness of a pre-effective-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

“(c) Except as otherwise provided in subsection (d) of this section, if the law of the District governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended after the applicability date only if:

“(1) The pre-effective-date financing statement and an amendment are filed in the office specified in § 28:9-501;

“(2) An amendment is filed in the office specified in § 28:9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies § 28:9-806(c); or

“(3) An initial financing statement that provides the information as amended and satisfies § 28:9-806(c) is filed in the office specified in § 28:9-501.

“(d) If the law of the District governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under § 28:9-805(c) and (e) or § 28:9-806.

“(e) Whether or not the law of the District governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in the District may be terminated after the applicability date by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies § 28:9-806(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in Article 9 as amended by the 2012 Act as the office in which to file a financing statement.

“§ 28:9-808. Person entitled to file initial financing statement or continuation statement.

New
§ 28:9-808

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

“(a) The secured party of record authorizes the filing; and

“(b) The filing is necessary under this part:

“(1) To continue the effectiveness of a financing statement filed before the applicability date; or

“(2) To perfect or continue the perfection of a security interest.

“§ 28:9-809. Priority.

New
§ 28:9-809

“Article 9 as amended by the 2012 Act determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before the applicability date, Article 9 as it existed before the applicability date determines priority.”.

Sec. 3. Conforming amendment.

Amend
§ 28:2A-103

Section 28:2A-103(c) of the District of Columbia Official Code is amended by striking the phrase “§ 28:9-102(a)(68)” in the definition of “Pursuant to commitment” and inserting the phrase “§ 28:9-102(a)(69)” in its place.

Sec. 4. Applicability.

Delayed
Applicability

This act shall apply as of July 1, 2013.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.