

§ 25-9-611. Notification before disposition of collateral.

(a) "Notification date." – In this section, "notification date" means the earlier of the date on which:

- (1) A secured party sends to the debtor and any secondary obligor an authenticated notification of disposition; or
- (2) The debtor and any secondary obligor waive the right to notification.

(b) Notification of disposition required. – Except as otherwise provided in subsection (d) of this section, a secured party that disposes of collateral under G.S. 25-9-610 shall send to the persons specified in subsection (c) of this section a reasonable authenticated notification of disposition.

(c) Persons to be notified. – To comply with subsection (b) of this section, the secured party shall send an authenticated notification of disposition to:

- (1) The debtor;
- (2) Any secondary obligor; and
- (3) If the collateral is other than consumer goods:
 - a. Any other person from which the secured party has received, before the notification date, an authenticated notification of a claim of an interest in the collateral;
 - b. Any other secured party or lienholder that, 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:
 1. Identified the collateral;
 2. Was indexed under the debtor's name as of that date; and
 3. Was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and
 - c. Any other secured party that, 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in G.S. 25-9-311(a).

(d) Subsection (b) inapplicable: perishable collateral; recognized market. – Subsection (b) of this section does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(e) Compliance with sub-subdivision (c)(3)b. – A secured party complies with the requirement for notification prescribed by sub-subdivision (c)(3)b. of this section if:

- (1) Not later than 20 days or earlier than 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in sub-subdivision (c)(3)b. of this section; and
- (2) Before the notification date, the secured party:
 - a. Did not receive a response to the request for information; or
 - b. Received a response to the request for information and sent an authenticated notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral. (1965, c. 700, s. 1; 1975, c. 862, s. 7; 2000-169, s. 1.)