

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 848

Short Title: UCC Filing.

(Public)

Sponsors: Representative Redwine.

Referred to: Judiciary II.

April 17, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE REQUIREMENTS CONCERNING THE INDEXING  
3 AND FILING OF CERTAIN UCC STATEMENTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 25-9-403(4) reads as rewritten:

6 "(4) A filing officer shall mark each statement with a file number and with the  
7 date and hour of filing and shall hold the statement or a microfilm or other photographic  
8 copy thereof for public inspection. In addition the filing officer shall index the statement  
9 according to the name of the debtor and shall note in the index the file number ~~and the~~  
10 ~~address of the debtor given in the statement."~~

11 Sec. 2. G.S. 25-9-404(1) reads as rewritten:

12 "**§ 25-9-404. Termination statement.**

13 (1) If a financing statement covering consumer goods is filed on or after July 1,  
14 1976, then ~~within one month or within 10 days following written demand by the debtor~~ after  
15 there is no outstanding secured obligation and no commitment to make advances, incur  
16 obligations or otherwise give value, the secured party must file with each filing officer  
17 with whom the financing statement was filed a termination statement to the effect that  
18 he no longer claims a security interest under the financing statement, which shall be  
19 identified by file number and also by the most current file number if any continuation  
20 was filed. In other cases whenever there is no outstanding secured obligation and no  
21 commitment to make advances, incur obligations or otherwise give value, the secured  
22 party must ~~on written demand by the debtor send the debtor, for each file with each filing~~  
23 officer with whom the financing statement was filed, a termination statement to the  
24 effect that he no longer claims a security interest under the financing statement, which

1 shall be identified by file number and also by the most current file number if any  
2 continuation was filed. A termination statement signed by a person other than the  
3 secured party of record must be accompanied by a separate written statement of  
4 assignment signed by the secured party of record and complying with subsection (2) of  
5 G.S. 25-9-405, including payment of the required fee. If the affected secured party fails  
6 to file such a termination statement as required by this subsection, ~~or to send such a~~  
7 ~~termination statement~~ subsection within 10 days, ~~days after proper demand therefor~~, he shall  
8 be liable to the debtor for one hundred dollars (\$100.00), and in addition for any loss  
9 caused to the debtor by such failure."

10           Sec. 3. This act is effective upon ratification.