

For: County Offices

Filing UCC Documents in Oklahoma

Approved by: State Executive Director



1 Overview

A

Background

Notice FLP-209, Uniform Commercial Code (UCC) Revisions was issued on June 14, 2001. Since July 1, 2001, Oklahoma has adopted the Revised Article 9 UCC law revisions.

B

Purpose

The purpose of this notice is to inform County Offices of filing procedures on UCC's with the Oklahoma County Clerk's Office and to provide additional information regarding the following:

- Collection of filing fees for FLP
- Direction on filing in other states

2 Guidelines for Filing UCC Documents

A

FLP Filing

For all new FLP loans requiring a lien on crops, livestock, and farm machinery, file a new UCC-1/EFS-1 under the correct full legal name and location of the individual or entity, as applicable. These forms are available on-line at the following internet web addresses:

www.oklahomacounty.org/countyclerk
www.sos.state.ok.us

See subparagraph 2D for required signatures and use of the "Authorization" form.

Disposal Date: August 1, 2003	Distribution: County Offices
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2. Guidelines for Filing UCC Documents, Continued

B

Fixture and Machinery Only Filings

For new loans secured by fixtures or machinery only, file a new UCC-1 with the Oklahoma County Clerk. Fixture filings shall also be filed in the real estate records in the county the fixture is located in.

C

Collateral Descriptions

Note: Legal descriptions for growing crops are no longer required on financing statements.

For FLP filings covering crops, livestock, or farm products use the following description in Part 4 of Form UCC-1/EFS-1:

All crops, livestock products, equipment, certificates of title, goods, supplies, inventory, accounts, deposit accounts, supporting obligations, payment intangibles, general intangibles, investment property, crop insurance, indemnity payments, and all entitlements, benefits, and payments from all state and federal farm programs; and all proceeds, products, accessions, and security acquired hereafter.

For the EFS-1 collateral description: Identify the county code for all the counties that the producer operates in and the collateral codes for all the products the producer raises.

For FLP filings covering fixtures or machinery only, describe the specific collateral to be taken for security in Part 4 of Form UCC-1/EFS-1.

D

Signatures and Authorization Form

Under the new rules, security agreements must still be signed by every person or entity with an ownership interest in the security property. New FLP application forms (410-1) with a revision date of 09-14-01 authorizes FSA to file a financing statement on behalf of the debtor(s).

E

Filing Locations

The proper place to file has changed for some debtors and the location of the collateral will be irrelevant to the filing location except the EFS filings. Use the following table to determine the proper locations to file UCC/EFS documents. See paragraph 3 for filing across state lines.

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2. Guidelines for Filing UCC Documents, Continued

E
Filing Locations
 (Continued)

If the producer is...	AND...	THEN file...
an individual Note: Estates are treated as individuals	Their principal residence is Oklahoma	UCC/EFS in Oklahoma
	Their principal residence is out of state AND the collateral is located out of state	UCC in the applicable state of residence.
	Their principal residence is out of state AND the collateral is located in Oklahoma	<ul style="list-style-type: none"> • UCC/EFS in Oklahoma <li align="center">AND • UCC in the applicable state of residence.
A "registered" entity EXAMPLE: Corporation; Limited Liability Company (LLC); Limited Liability Partnership (LLP); Limited Partnership, etc. Note: A registered organization will have an organization number, have organizational documents, and a certificate of good standing.	The entity was "registered" or "organized" in Oklahoma	UCC/EFS in Oklahoma
	The entity was "registered" or "organized" out of state AND collateral is located out of state	UCC in the state where "registered" or "organized".
	The entity was "registered" or "organized" out of state AND the collateral is located in Oklahoma	<ul style="list-style-type: none"> • UCC/EFS in Oklahoma <li align="center">AND • UCC in the state where "registered" or "organized"
An entity not created by a filing of "organization" or "registration" with the Secretary of State's Office EXAMPLE: General Partnership; Joint Venture	The place of business and chief executive office is Oklahoma	UCC/EFS in Oklahoma
	The place of business and chief executive office is out of state AND the collateral is located out of state	UCC in the applicable state of business.
	The place of business and chief executive office is out of state AND the collateral is located in Oklahoma	<ul style="list-style-type: none"> • UCC/EFS in Oklahoma <li align="center">AND • UCC in the applicable state of business.

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2 Guidelines for Filing UCC Documents, Continued

E

**Filing
Locations**

If FSA currently has outstanding loans with producers who reside, are registered, are doing business, or have their chief executive office in states other than Oklahoma and the UCC filings are only in Oklahoma, please contact the State Office for specific guidance.

F

**Amendments,
Continuations,
And
Terminations**

Form UCC-3/EFS-2 will be used for amending, continuing, or terminating a UCC filing. The original reception number and original filing date is required when completing one of these transactions. The name of the secured party authorizing the change will be the United States of America, acting through the Farm Service Agency.

G

Filing Fees

Filing fees are \$ 10.00 per document. The number of signatures does not change the fee.

H

**Collection
Of Filing Fees**

For FLP loans to be filed, continue to have the producer submit a \$ 10.00 check made payable to the Oklahoma County Clerk or the Secretary of State as applicable.

3 Lien Searches and UCC Filings in Other States

A

**Search
Location**

Due to the revised Article 9 provisions, lien searches and UCC-1 filings must be made in the state of the individual producer's principal place of residence or the state of formation for Registered organizations. On-line lien searches can be accessed through the Oklahoma County Clerk's website.

The website for doing lien searches is: <http://www.oklahomacounty.org/countyclerk>

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4 Lien Searches and UCC Filings in Other States (Continued)

A

Search Location

On the home page screen click on “Search UCC & Real Estate Filings”. On the next screen (Public Access System) you will see the following...”I understand and accept the above statement” – Click Yes.

On the next screen click the button “UCC Public Access” on the top right of the page. This will take you to the Uniform Commercial Code page. Click on the button “General Search” located at the bottom right corner of the page.

Search by debtor’s name. Put in the last name first with a comma afterwards, a space, and then the debtor’s first name (Example: Doe, Johnathan C.) Click “Search Now”. This will give all the matching records found of debtors listed under the name searched. Put a check mark in each record you want to search and click “Next Step”. The records selected will appear on the screen with filing information such as lienholder, lien security, etc. You may print this information to obtain a copy for your information.

B

Contacting Counties in Other States

If a producer resides in another state or the organization was formed in another state, contact the applicable County FSA Office directly and ask them to do a lien search and file the UCC-1. If a county in another state contacts your office, perform the requested search and/or filing as requested. FAX copies of the search results and filing to the requesting county Office.
