



March 8, 2013

**ENGROSSED
HOUSE BILL No. 1054**

DIGEST OF HB 1054 (Updated March 6, 2013 12:48 pm - DI 106)

Citations Affected: IC 26-1.

Synopsis: Secretary of state filings and recordings. Provides that the secretary of state may refuse to accept certain filings or recordings. Provides that the secretary of state does not have a duty to inspect, evaluate, or investigate a financing statement that is presented for filing or recording. Provides that certain individuals may file a motion for judicial review of a financing statement to determine if the financing statement is fraudulent. Allows a court to order certain actions if a financing statement is fraudulent.

Effective: Upon passage.

Steuerwald, Bauer, Koch

(SENATE SPONSORS — WYSS, LANANE)

January 7, 2013, read first time and referred to Committee on Judiciary.
January 15, 2013, amended, reported — Do Pass.
January 17, 2013, read second time, ordered engrossed. Engrossed.
January 22, 2013, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Judiciary.
March 7, 2013, reported favorably — Do Pass.

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EH 1054—LS 6528/DI 107+



March 8, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1054

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 26-1-9.1-516, AS AMENDED BY P.L.54-2011,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 516. (a) Except as otherwise provided in
4 subsection (b) **or section 901 of this chapter**, communication of a
5 record to a filing office and tender of the filing fee or acceptance of the
6 record by the filing office constitutes filing.
7 (b) Filing does not occur with respect to a record that a filing office
8 refuses to accept because:
9 (1) the record is not communicated by a method or medium of
10 communication authorized by the filing office;
11 (2) an amount equal to or greater than the applicable filing fee is
12 not tendered;
13 (3) the filing office is unable to index the record because:
14 (A) in the case of an initial financing statement, the record
15 does not provide a name for the debtor;
16 (B) in the case of an amendment or information statement, the
17 record:

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- 1 (i) does not identify the initial financing statement as
 2 required by IC 26-1-9.1-512 or IC 26-1-9.1-518, as
 3 applicable; or
 4 (ii) identifies an initial financing statement whose
 5 effectiveness has lapsed under IC 26-1-9.1-515;
 6 (C) in the case of an initial financing statement that provides
 7 the name of a debtor identified as an individual or an
 8 amendment that provides a name of a debtor identified as an
 9 individual which was not previously provided in the financing
 10 statement to which the record relates, the record does not
 11 identify the debtor's surname; or
 12 (D) in the case of a record recorded in the filing office
 13 described in IC 26-1-9.1-501(a)(1), the record does not
 14 provide a sufficient description of the real property to which
 15 it relates;
 16 (4) in the case of an initial financing statement or an amendment
 17 that adds a secured party of record, the record does not provide a
 18 name and mailing address for the secured party of record;
 19 (5) in the case of an initial financing statement or an amendment
 20 that provides a name of a debtor that was not previously provided
 21 in the financing statement to which the amendment relates, the
 22 record does not:
 23 (A) provide a mailing address for the debtor; or
 24 (B) indicate whether the name provided as the name of the
 25 debtor is the name of an individual or an organization;
 26 (6) in the case of an assignment reflected in an initial financing
 27 statement under IC 26-1-9.1-514(a) or an amendment filed under
 28 IC 26-1-9.1-514(b), the record does not provide a name and
 29 mailing address for the assignee; or
 30 (7) in the case of a continuation statement, the record is not filed
 31 within the six (6) month period prescribed by IC 26-1-9.1-515(d).
 32 (c) For purposes of subsection (b):
 33 (1) a record does not provide information if the filing office is
 34 unable to read or decipher the information; and
 35 (2) a record that does not indicate that it is an amendment or
 36 identify an initial financing statement to which it relates, as
 37 required by IC 26-1-9.1-512, IC 26-1-9.1-514, or IC 26-1-9.1-518,
 38 is an initial financing statement.
 39 (d) A record that is communicated to the filing office with tender of
 40 the filing fee, but which the filing office refuses to accept for a reason
 41 other than one (1) set forth in subsection (b), is effective as a filed
 42 record except as against a purchaser of the collateral which gives value

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in reasonable reliance upon the absence of the record from the files.
SECTION 2. IC 26-1-9.1-521, AS AMENDED BY P.L.54-2011,
SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 521. 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
IC 26-1-9.1-516(b) or IC 26-1-9.1-901:

UCC FINANCING STATEMENT
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 word in the Debtor's name)

1a. ORGANIZATION'S NAME

OR

1b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

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

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 word in the Debtor's name)

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

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

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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:

- Agricultural Lien Non-UCC Filing

7. ALTERNATIVE DESIGNATION (if applicable): Lessee/Lessor

Consignee/Consignor Seller/Buyer Bailee/Bailor Licensee/Licensor

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)

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. ADDITIONAL DEBTOR'S NAME - provide only one Debtor name (10a or 10b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

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

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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)]

(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 described in IC 26-1-9.1-516(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

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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 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

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THE ABOVE SPACE IS FOR
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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)]

SECTION 3. IC 26-1-9.1-901 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 901. (a) If a person presents a financing statement to the secretary of state for filing or recording, the secretary of state may refuse to accept the financing statement for filing or recording if:**

- (1) the financing statement is not required or authorized to be filed or recorded with the secretary of state; or
- (2) the secretary of state has reasonable cause to believe the financing statement is materially false or fraudulent.

(b) A fraudulent financing statement that the secretary of state may refuse to accept includes the following:

- (1) Any financing statement that has the same name listed as both the debtor and the secured party.
- (2) Any financing statement that identifies an individual debtor as a transmitting utility.
- (3) Any financing statement that is determined to be intended for an improper purpose, such as hindering, harassing, or wrongfully interfering with another person or entity.
- (4) Any financing statement that is filed:
 - (A) without the consent or participation of the:
 - (i) obligor named in the financing statement;
 - (ii) person named in the financing statement as debtor;

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and
(iii) owner of collateral described or indicated in the financing statement; or
(B) by consent of an agent, a fiduciary, or another representative of the secured party of record without the consent of the secured party.

(5) Any financing statement that is forged.
(c) The secretary of state does not have a duty to inspect, evaluate, or investigate a financing statement that is presented for filing or recording.

SECTION 4. IC 26-1-9.1-902 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 902. (a) A person who believes that a financing statement is fraudulent under section 901 of this chapter may file a motion for judicial review of the financing statement.**

(b) If a court determines that a financing statement is fraudulent, the court may:

- (1) award the prevailing party all costs related to the review, including:**
 - (A) filing fees;**
 - (B) attorney's fees;**
 - (C) administrative costs; and**
 - (D) other reasonable costs;**
- (2) declare the financing statement ineffective; and**
- (3) order the office or agency that possesses the financing statement to terminate or purge the financing statement.**

(c) The secretary of state shall create a form to assist pro se individuals with a filing described in this section, and shall post the form on the secretary of state's Internet web site.

SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1054, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 26-1-9.1-516, AS AMENDED BY P.L.54-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 516. (a) Except as otherwise provided in subsection (b) **or section 901 of this chapter**, communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Filing does not occur with respect to a record that a filing office refuses to accept because:

- (1) the record is not communicated by a method or medium of communication authorized by the filing office;
- (2) an amount equal to or greater than the applicable filing fee is not tendered;
- (3) the filing office is unable to index the record because:
 - (A) in the case of an initial financing statement, the record does not provide a name for the debtor;
 - (B) in the case of an amendment or information statement, the record:
 - (i) does not identify the initial financing statement as required by IC 26-1-9.1-512 or IC 26-1-9.1-518, as applicable; or
 - (ii) identifies an initial financing statement whose effectiveness has lapsed under IC 26-1-9.1-515;
 - (C) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's surname; or
 - (D) in the case of a record recorded in the filing office described in IC 26-1-9.1-501(a)(1), the record does not provide a sufficient description of the real property to which it relates;
- (4) in the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a

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name and mailing address for the secured party of record;
(5) in the case of an initial financing statement or an amendment that provides a name of a debtor that was not previously provided in the financing statement to which the amendment relates, the record does not:

- (A) provide a mailing address for the debtor; or
- (B) indicate whether the name provided as the name of the debtor is the name of an individual or an organization;

(6) in the case of an assignment reflected in an initial financing statement under IC 26-1-9.1-514(a) or an amendment filed under IC 26-1-9.1-514(b), the record does not provide a name and mailing address for the assignee; or

(7) in the case of a continuation statement, the record is not filed within the six (6) month period prescribed by IC 26-1-9.1-515(d).

(c) For purposes of subsection (b):

(1) a record does not provide information if the filing office is unable to read or decipher the information; and

(2) a record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by IC 26-1-9.1-512, IC 26-1-9.1-514, or IC 26-1-9.1-518, is an initial financing statement.

(d) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one (1) set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

SECTION 2. IC 26-1-9.1-521, AS AMENDED BY P.L.54-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 521. 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 IC 26-1-9.1-516(b) or IC 26-1-9.1-901:

UCC FINANCING STATEMENT
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 word in the Debtor's name)
 - 1a. ORGANIZATION'S NAME

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OR _____
 1b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

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

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 word in the Debtor's name)
 2a. ORGANIZATION'S NAME

OR
 2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

 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:
 Agricultural Lien Non-UCC Filing

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

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)

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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. ADDITIONAL DEBTOR'S NAME - provide only one Debtor name (10a or 10b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

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)]

(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 described in IC 26-1-9.1-516(b):

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS

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

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COPY



- 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

COPY



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 -
 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
- _____

COPY



18. MISCELLANEOUS:

[UCC FINANCING STATEMENT AMENDMENT ADDENDUM (Form UCC3Ad)].

Page 1, line 1, delete "IC 26-1-9.1-900" and insert "IC 26-1-9.1-901".

Page 1, line 3, delete "JULY 1, 2013]:" and insert "UPON PASSAGE]:".

Page 1, line 3, delete "Sec. 900." and insert "**Sec. 901.**".

Page 1, line 4, delete "document" and insert "**financing statement**".

Page 1, line 5, delete "document" and insert "**financing statement**".

Page 1, line 7, delete "document" and insert "**financing statement**".

Page 1, line 10, delete "document" and insert "**financing statement**".

Page 1, line 11, delete "document" and insert "**financing statement**".

Page 2, line 4, after "consent" insert "**or participation**".

Page 2, line 13, delete "document" and insert "**financing statement**".

Page 2, delete lines 14 through 22.

Page 2, line 23, delete "(d)" and insert "(c)".

Page 2, line 24, delete "document" and insert "**financing statement**".

Page 2, line 26, delete "IC 26-1-9.1-901" and insert "IC 26-1-9.1-902".

Page 2, line 28, delete "JULY 1, 2013]:" and insert "UPON PASSAGE]:".

Page 2, line 28, delete "Sec. 901." and insert "**Sec. 902.**".

Page 2, line 29, delete "900" and insert "**901**".

Page 3, after line 3, begin a new paragraph and insert:

"SECTION 5. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1054 as introduced.)

STEUERWALD, Chair

Committee Vote: yeas 12, nays 0.

C
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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1054, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1054 as printed January 15, 2013.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 0.

C
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y

