Reprinted
March 13, 2013

ENGROSSED
HOUSE BILL No. 1054

DIGEST OF HB 1054 (Updated March 12, 2013 1:51 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. Prohibits a recorder from recording an instrument contaminated by blood or another bodily fluid.

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.
March 12, 2013, read second time, amended, ordered engrossed.

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Reprinted
March 13, 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.

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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:

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 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

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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 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 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

Copy

_____

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
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)]

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. IC 36-2-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The recorder shall record all instruments that are proper for recording, in the order in which they are received in the recorder's office for record. The recorder shall record deeds and mortgages in separate records.

(b) The recorder shall establish a written procedure for the public to obtain access to the original instrument in order to protect the instrument from loss, alteration, mutilation, or destruction. The recorder shall post the written procedure in the recorder's office.

(c) Providing an exact copy of an original instrument in the possession of the recorder is sufficient to comply with the inspection of public records provided under IC 5-14-3-3 if the original document

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has not been archived.

(d) Any instrument that is contaminated by blood or another bodily fluid, or that appears to be contaminated by blood or another bodily fluid, is not proper for recording. The recorder shall not record an instrument that is contaminated by blood or another bodily fluid or that appears to be contaminated by blood or another bodily fluid.

SECTION 6. **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 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 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/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)

C o p y

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)

C o p y

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
_____

C o p y

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 o p y

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.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1054 be amended to read as follows:

Page 8, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 36-2-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The recorder shall record all instruments that are proper for recording, in the order in which they are received in the recorder's office for record. The recorder shall record deeds and mortgages in separate records.

(b) The recorder shall establish a written procedure for the public to obtain access to the original instrument in order to protect the instrument from loss, alteration, mutilation, or destruction. The recorder shall post the written procedure in the recorder's office.

(c) Providing an exact copy of an original instrument in the possession of the recorder is sufficient to comply with the inspection of public records provided under IC 5-14-3-3 if the original document has not been archived.

(d) Any instrument that is contaminated by blood or another bodily fluid, or that appears to be contaminated by blood or another bodily fluid, is not proper for recording. The recorder shall not record an instrument that is contaminated by blood or another bodily fluid or that appears to be contaminated by blood or another bodily fluid.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1054 as printed March 8, 2013.)

STEELE

C o p y