

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

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:*

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

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

1 identify an initial financing statement to which it relates, as
2 required by IC 26-1-9.1-512, IC 26-1-9.1-514, or IC 26-1-9.1-518,
3 is an initial financing statement.

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

9 SECTION 2. IC 26-1-9.1-521, AS AMENDED BY P.L.54-2011,
10 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 521. A filing office that accepts written
12 records may not refuse to accept a written initial financing statement
13 in the following form and format except for a reason set forth in
14 IC 26-1-9.1-516(b) or IC 26-1-9.1-901:

15 UCC FINANCING STATEMENT
16 FOLLOW INSTRUCTIONS

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

18 _____

19 B. E-MAIL CONTACT AT FILER (optional)

20 _____

21 C. SEND ACKNOWLEDGMENT TO: (Name and Address)

22 _____

23 THE ABOVE SPACE IS FOR
24 FILING OFFICE USE ONLY

25 1. DEBTOR'S NAME - provide only one Debtor name (1a or 1b) (use exact, full name; do
26 not omit, modify, or abbreviate any word in the Debtor's name)

27 1a. ORGANIZATION'S NAME

28 _____

29 OR

30 1b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

31 _____

32 ADDITIONAL NAME(S)/INITIAL(S) THAT ARE SUFFIX

33 PART OF THE NAME OF THIS DEBTOR

34 _____

35 1c. MAILING ADDRESS

36 _____

37 CITY STATE POSTAL CODE COUNTRY

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39 2. DEBTOR'S NAME - provide only one Debtor name (2a or 2b) (use exact, full name;
40 do not omit, modify, or abbreviate any word in the Debtor's name)

41 2a. ORGANIZATION'S NAME

42 _____

43 OR

44 2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

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46 ADDITIONAL NAME(S)/INITIAL(S) THAT

1 ARE PART OF THE NAME OF THIS DEBTOR SUFFIX
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3 2c. MAILING ADDRESS
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5 CITY STATE POSTAL CODE COUNTRY
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7 3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED
8 PARTY) - provide only one Secured Party name (3a or 3b)
9 3a. ORGANIZATION'S NAME
10 _____
11 OR
12 3b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
13 _____
14 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
15 _____
16 3c. MAILING ADDRESS
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18 CITY STATE POSTAL CODE COUNTRY
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20 4. COLLATERAL: This financing statement covers the following collateral:
21 _____
22 5. Check only if applicable and check only one box:
23 Collateral is held in a Trust (see Instructions)
24 being administered by a Decedent's Personal Representative.
25 6a. Check only if applicable and check only one box:
26 Public-Finance Transaction Manufactured-Home Transaction
27 A Debtor is a Transmitting Utility
28 6b. Check only if applicable and check only one box:
29 Agricultural Lien Non-UCC Filing
30 7. ALTERNATIVE DESIGNATION (if applicable): Lessee/Lessor
31 Consignee/Consignor Seller/Buyer Bailee/Bailor Licensee/Licensor
32 8. OPTIONAL FILER REFERENCE DATA
33 _____
34 [UCC FINANCING STATEMENT (Form UCC1)]
35 UCC FINANCING STATEMENT ADDENDUM
36 FOLLOW INSTRUCTIONS
37 9. NAME OF FIRST DEBTOR (same as item 1a or 1b on Financing Statement)
38 9a. ORGANIZATION'S NAME
39 _____
40 OR
41 9b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
42 _____
43 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
44 _____
45 THE ABOVE SPACE IS FOR
46 FILING OFFICE USE ONLY
47 10. ADDITIONAL DEBTOR'S NAME - provide only one Debtor name (10a or 10b) (use
48 exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)
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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)

B. E-MAIL CONTACT AT FILER (optional)

C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

- 1 1a. INITIAL FINANCING STATEMENT FILE NUMBER
 2 _____
 3 1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or
 4 recorded) in the REAL ESTATE RECORDS.
 5 Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor's name in
 6 item 13.
 7 2. TERMINATION: Effectiveness of the Financing Statement identified above is
 8 terminated with respect to the security interest(s) of Secured Party authorizing this
 9 Termination Statement
 10 3. ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b, and
 11 address of Assignee in item 7c and name of
 12 Assignor in item 9. For partial assignment, complete items 7 and 9 and also indicate
 13 affected collateral in item 8
 14 4. CONTINUATION: Effectiveness of the Financing Statement identified above with
 15 respect to the security interest(s) of Secured Party authorizing this Continuation
 16 Statement is continued for the additional period provided by applicable law
 17 5. PARTY INFORMATION CHANGE:
 18 Check one of these two boxes:
 19 This Change affects Debtor or Secured Party of record.
 20 AND
 21 Check one of these three boxes to:
 22 CHANGE name and/or address: Complete item 6a or 6b, and item 7a or 7b and item
 23 7c.
 24 ADD name: Complete item 7a or 7b, and item 7c.
 25 DELETE name: Give record name to be deleted in item 6a or 6b.
 26 6. CURRENT RECORD INFORMATION: Complete for Party Information Change -
 27 provide only one name (6a or 6b) (use exact, full name; do not omit, modify, or
 28 abbreviate any word in the Debtor's name)
 29 6a. ORGANIZATION'S NAME
 30 _____
 31 OR
 32 6b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
 33 _____
 34 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
 35 _____
 36 7. CHANGED OR ADDED INFORMATION: Complete for Assignment or Party
 37 Information Change - provide only one name (7a or 7b) (use exact full name; do not
 38 omit, modify, or abbreviate any word in the Debtor's name)
 39 7a. ORGANIZATION'S NAME
 40 _____
 41 OR
 42 7b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
 43 _____
 44 ADDITIONAL NAME(S)/INITIAL(S) THAT ARE
 45 PART OF THE NAME OF THIS DEBTOR SUFFIX
 46 _____
 47 7c. MAILING ADDRESS
 48 _____
 49 CITY STATE POSTAL CODE COUNTRY
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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

- 1 16. Name and address of a RECORD OWNER of real estate described in item 17 (if
 2 Debtor does not have a record interest):
 3 _____
- 4 17. Description of real estate
 5 _____
- 6 18. MISCELLANEOUS:
 7 _____
- 8 [UCC FINANCING STATEMENT AMENDMENT ADDENDUM (Form UCC3Ad)].
- 9 Page 1, line 1, delete "IC 26-1-9.1-900" and insert "IC
 10 26-1-9.1-901".
- 11 Page 1, line 3, delete "JULY 1, 2013]:" and insert "UPON
 12 PASSAGE]:".
- 13 Page 1, line 3, delete "Sec. 900." and insert "**Sec. 901.**".
- 14 Page 1, line 4, delete "document" and insert "**financing statement**".
- 15 Page 1, line 5, delete "document" and insert "**financing statement**".
- 16 Page 1, line 7, delete "document" and insert "**financing statement**".
- 17 Page 1, line 10, delete "document" and insert "**financing**
 18 **statement**".
- 19 Page 1, line 11, delete "document" and insert "**financing**
 20 **statement**".
- 21 Page 2, line 4, after "consent" insert "**or participation**".
- 22 Page 2, line 13, delete "document" and insert "**financing**
 23 **statement**".
- 24 Page 2, delete lines 14 through 22.
- 25 Page 2, line 23, delete "(d)" and insert "(c)".
- 26 Page 2, line 24, delete "document" and insert "**financing**
 27 **statement**".
- 28 Page 2, line 26, delete "IC 26-1-9.1-901" and insert
 29 "IC 26-1-9.1-902".
- 30 Page 2, line 28, delete "JULY 1, 2013]:" and insert "UPON
 31 PASSAGE]:".

- 1 Page 2, line 28, delete "Sec. 901." and insert "**Sec. 902.**".
- 2 Page 2, line 29, delete "900" and insert "**901**".
- 3 Page 3, after line 3, begin a new paragraph and insert:
- 4 "**SECTION 5. An emergency is declared for this act.**".
- 5 Renumber all SECTIONS consecutively.
(Reference is to HB 1054 as introduced.)

and when so amended that said bill do pass.

Representative Steuerwald