

UNIFORM COMMERCIAL CODE REGULATIONS

Rules and Regulations - Department of State

Title 19, Chapter III, Administration

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Part 143

Standard Forms and Procedures

Subpart 143-1

General Provisions

Section 143-1.1 Definitions.

(a) The following terms shall have the respective meanings provided in this section 143-1.1. Terms not defined in this section 143-1.1 which are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

(1) "Approved form" means a form promulgated under subdivision 143-1.3(a), or any other form deemed by the filing office, in its sole discretion, to be substantially similar to a form promulgated under subdivision 143-1.3(a).

(2) "Authorized XML remitter" means a remitter who has received express authorization from the central filing office to transmit XML documents to the central filing office, and whose authorization has not been revoked or suspended.

(3) "Central filing office" means the office of the Secretary of State.

(4) "Electronic federal tax lien document" means a federal tax lien document communicated to a filing office in a medium which is other than on paper or in a paper-based format.

(5) "Electronic UCC document" means a UCC document communicated to a filing office in a medium which is other than on paper or in a paper-based format.

(6) "Federal tax lien document" means a notice of lien for taxes payable to the United States of America, or a certificate or notice affecting any such lien.

(7) "File number" means the unique identifying information assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. The filing number bears no relation to the time of filing and is not an indicator of priority.

(i) For an initial financing statement filed in the central filing office on or before November 14, 2002, the "file number" shall consist of (A) the date of filing of the initial

financing statement and (B) the six digit number assigned to the initial financing statement by the central filing office.

(ii) For an initial financing statement filed in the central filing office on or after November 15, 2002, the "file number" shall consist of the fifteen-digit number assigned to the initial financing statement by the central filing office.

(8) "Filing office" means an office in which UCC documents are filed.

(9) "Local-filing office" means a filing office referred to in UCC section 501(a)(1).

(10) "Regular business hours" of a filing office means the hours during which the UCC unit of such filing office is regularly open to the public for transaction of business, on those days during which the UCC unit of such filing office is open to the public for the transaction of business, as established from time to time by such filing office.

(11) "Remitter" means a person who tenders a UCC document to a filing office for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. "Remitter" does not include a person responsible merely for the delivery of the document to a filing office, such as the postal service or a courier service, but does include a service provider who acts as a filer's representative in the filing process.

(12) "UCC" means the Uniform Commercial Code as adopted in this State and in effect from time to time.

(13) "UCC document" means an initial financing statement, an amendment, an assignment, a continuation statement, a termination statement, a correction statement, or a cooperative addendum that relates to a previously filed financing statement.

(14) "Written federal tax lien document" means a federal tax lien document communicated to a filing office on paper or in a paper-based format (including, but not limited to, a federal tax lien document communicated to a filing office by facsimile delivery).

(15) "Written UCC document" means a UCC document communicated to a filing office on paper or in a paper-based format (including, but not limited to, a UCC document communicated to a filing office by facsimile delivery).

(16) "XML" means eXtensible Markup Language.

(17) "XML document" means a UCC document transmitted to the central filing office by XML techniques authorized under Subpart 143-3.

(b) Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.

Section 143-1.2 UCC document delivery; UCC document file date and time stamp; UCC search request delivery; UCC copy request delivery.

(a) Delivery of Written UCC Documents. The central filing office will accept written UCC documents, subject to the provisions set forth in this subdivision 143-1.2(a).

(1) The central filing office will accept written UCC documents only during the regular business hours of the central filing office.

(2) The central filing office will accept written UCC documents only if communicated by one of the following methods:

(i) Personal Delivery. The file time for a UCC document delivered by this method is when delivery of the UCC document is time stamped by the UCC unit of the central filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(ii) Courier Delivery. The file time for a UCC document delivered by this method is when delivery of the UCC document is time stamped by the UCC unit of the central filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(iii) Postal Service Delivery. The file time for a UCC document delivered by this method is when delivery of the UCC document is presented to the UCC unit of the central filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(iv) Facsimile Delivery to the fax filing telephone number of the UCC unit of the central filing office. Notwithstanding the time of receipt by the UCC unit's fax machine, and notwithstanding any time stamp that may be generated by the UCC unit's fax machine or by the remitter's fax machine, the file time for a UCC document delivered by this method is the time the UCC document is first examined by the UCC unit for processing (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). The central filing office shall time stamp a UCC document delivered by this method with the time of such first examination.

(b) Delivery of Electronic UCC Documents. The central filing office will accept electronic UCC documents, subject to the provisions set forth in this subdivision 143-1.2(b).

(1) XML transmission. The central filing office will accept initial financing statements and amendments transmitted using the XML standard as described in Subpart 143-3, subject to the provisions set forth in Subpart 143-3. The file date and time for an initial financing statement or amendment submitted by XML transmission will be determined in accordance with the provisions set forth in section 143-3.5.

(2) Other electronic delivery methods. The central filing office may from time to time establish and make available for public use such electronic delivery method or methods (in addition to XML transmission) as it may deem appropriate. Upon making any such electronic delivery system available for public use, the central filing office shall prepare written instructions for the use of such electronic delivery method. The central filing office shall update such instructions when in the judgment of the central filing office such updating is appropriate. Such instructions (as updated from time to time) shall (i) describe the use of such electronic delivery method, (ii) identify the types of UCC documents that can be transmitted through such electronic delivery method, (iii) identify any limitation on the number of characters that may be included in the fields of a UCC document transmitted through such electronic delivery method, (iv) identify any limitation on the number of debtors or the number of secured parties that may be named in a UCC document delivered by such electronic delivery method, (v) identify the methods that may be used to pay fees applicable to UCC documents submitted by such electronic delivery method, (vi) identify the times during which UCC documents may be submitted

by such electronic delivery method, (vii) identify the manner in which the file date and time for a UCC document submitted by such electronic delivery method will be determined, and (viii) include such other matters relating to such electronic delivery method as the central filing office may deem appropriate.

(3) For the purposes of this Part 143, facsimile shall not be considered to be an electronic delivery method, and a UCC document submitted to the central filing office by facsimile delivery shall not be considered to be an electronic UCC document.

(c) Delivery of Written UCC Search Requests. The central filing office will accept written UCC search requests only if communicated to the UCC unit of the central filing office by personal delivery, courier delivery, or postal service delivery. The central filing office will not accept written UCC search requests communicated by facsimile delivery. The central filing office will not accept UCC search requests submitted by XML transmission or by any other electronic delivery method.

(d) Delivery of Written UCC Copy Requests. The central filing office will accept written UCC copy requests only if communicated to the UCC unit of the central filing office by personal delivery, courier delivery, or postal service delivery. The central filing office will not accept UCC copy requests communicated by facsimile delivery. The central filing office will not accept UCC copy requests submitted by XML transmission or by any other electronic delivery method.

(e) Delivery to Local-Filing Offices. Each local-filing office shall accept written UCC documents, shall accept UCC documents during the regular business hours of such local-filing office, and shall accept UCC documents communicated by personal delivery, courier delivery, or postal delivery. In addition, any local-filing office may, at its option, authorize communication of documents to such local-filing office in any additional medium, during any additional hours, or by any additional method or medium of communication.

Section 143-1.3 Approved forms.

(a) Pursuant to section 9-521 of the UCC, the Department of State hereby promulgates the following forms:

- (1) Financing Statement: UCC Financing Statement (Form UCC1) (Rev. 5/22/02).
- (2) Financing Statement Addendum: UCC Financing Statement Addendum (Form UCC1Ad) (Rev. 5/22/02)
- (3) Financing Statement Additional Party: UCC Financing Statement Additional Party (Form UCC1AP) (Rev. 5/22/02)
- (4) Amendment: UCC Financing Statement Amendment (Form UCC3) (Rev. 5/22/02)
- (5) Amendment Addendum: National UCC Financing Statement Amendment Addendum (Form UCC3Ad) (Rev. 7/29/98)
- (6) Amendment Additional Party: UCC Financing Statement Amendment Additional Party (Form UCC3AP) (Rev. 5/22/02)
- (7) Cooperative Addendum: New York UCC Financing Statement Cooperative

Addendum (Form UCC1CAAd) (Rev. 6/14/01)

(8) Correction Statement: National Correction Statement (Form UCC5) (Rev. 5/01/01)

(9) Information Request: National Information Request (Form UCC11) (Rev. 5/09/01)

(b) The “filing office copy” of each form mentioned in subdivision 143-1.3(a) is set forth in Appendix 3 of this Title.

(c) Each form promulgated under subdivision 143-1.3(a) and each form deemed by the filing office, in its sole discretion, to be substantially similar to a form promulgated under subdivision 143-1.3(a) shall be considered to be an “approved form”

(d) In the event of any conflict between any instruction on any approved form and any provision in this Part 143 or any provision in the UCC, the provision in this Part 143 or the provision in the UCC, as the case may be, shall prevail.

(e) A single UCC3 form promulgated under paragraph 143-1.3(a)(4), with any appropriate addendum/addenda, can be filed for the purpose of accomplishing any action contemplated by such form, or any combination of two or more of such actions. However, any UCC3 form intended to accomplish two or more actions (hereinafter referred to as a “combination filing”) shall be subject to the following conditions and provisions:

(1) All actions intended to be accomplished by a combination filing must relate to the same initial financing statement.

(2) The actions to be accomplished by a combination filing cannot include a termination (i.e., a single UCC3 form cannot be filed for the purpose of accomplishing both (i) a termination and (ii) any other action(s)). If a single UCC3 form submitted for filing indicates that it is intended to accomplish both a termination and any other action(s), the filing office may reject such UCC3 form.

(3) If the actions to be accomplished by a combination filing include a continuation, the combination filing must be presented for filing within the six-month period prescribed by UCC section 9-515(d). If a combination filing that includes a continuation is submitted for filing outside such six-month period, the filing office may reject such combination filing.

(4) A combination filing cannot be submitted to the central filing office by XML transmission.

(5) Without regard to the number of actions intended to be accomplished by the combination filing, the fee for filing the combination filing shall be the same as the fee for filing a single written UCC document, as determined in accordance with paragraph 143-5.1(a)(1); provided, however, that with respect to a combination filing filed in the filing office in any county located in the city of New York or in the filing office in the county of Nassau, if the actions intended to be accomplished by such combination filing include a continuation, then in addition to the fee determined in accordance with paragraph 143-5.1(a)(1), the filing office in such county shall also collect the additional fee(s) determined in accordance with paragraph 143-5.1(a)(4).

(6) The filer shall be solely responsible for determining the proper manner to complete

the UCC3 form (and any addendum/addenda annexed thereto) in order to accomplish all desired actions. In no event shall a filing office be responsible for any failure of a combination filing to accomplish any or all of the desired actions.

Section 143-1.4 Rejection of written UCC documents that are not on approved forms.

(a) A filing office may reject any written UCC document that is not on an approved form.

(b) For the purposes of applying section 9-516(b) of the UCC, a filing office may treat any name, address, file number, or other matter as not having been provided in a written UCC document if such name, address, file number, or other matter is not set forth in the appropriate space provided therefor on an approved form.

(c) Nothing in this section 143-1.4 shall be construed as prohibiting a filer from including an exhibit, schedule or other attachment that is not on an approved form as part of a written UCC document, provided that the appropriate approved form is used as the first page of such written UCC document, and provided further that for the purposes of applying section 9-516(b) of the UCC, a filing office may treat any name, address, file number, or other matter that is contained in any such non-approved exhibit, schedule or attachment as not having been provided in the UCC document.

Section 143-1.5 Rejection of written UCC search requests and written UCC copy requests that are not on approved forms.

A filing office may refuse to process any written UCC search request or written UCC copy request that is not on an approved form as promulgated under paragraph 143-1.3(a)(9), or on a form deemed by the filing office, in its sole discretion, to be substantially similar to such approved form.

**Subpart 143-2
Filing and Indexing**

Section 143-2.1 Names of debtors who are individuals.

(a) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals, and for any suffix. A filer should place the name of an individual debtor with a single name (e.g., "Cher") in the field designated for the last name. The filing officer assumes no responsibility for the accurate designation of the components of a name but will enter the data in accordance with the filer's designations.

(b) Titles and prefixes before names. Titles and prefixes, such as "Doctor," "Reverend", "Mr.," and "Ms.," should not be provided by filers in UCC documents. However, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(c) Titles and suffixes after names. Titles or indications of status such as "M.D." and "Esquire" are not part of an individual's name and should not be provided by filers in UCC documents. Suffixes that indicate which individual is being named, such as "Senior," "Junior", "I", "II", and "III", are appropriate. In either case, they will be entered into the information management system exactly as received.

(d) Truncation - individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry fields in the central filing office are as follows:

first name:	60 characters
middle name:	30 characters
last name:	100 characters
suffix:	10 characters

(e) The central filing office may from time to time specify the maximum number of characters that may be contained in the fields of a UCC document transmitted to the central filing office by XML transmission or by any other electronic delivery method. The numbers so specified by the central filing office for the first name field, middle name field, last name field and suffix field of an individual may be less than, equal to or greater than the respective numbers specified in subdivision 143-2.1(d).

Section 143-2.2 Names of debtors that are organizations.

(a) Organization name field. The names of organizations are stored in files that include only the names of organizations, and not the names of individuals. A single field is used to store an organization name.

(b) Truncation - organization names. The organization name field in the UCC database is fixed in length. The length of the data entry field in the central filing office is 200 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

(c) The central filing office may from time to time specify the maximum number of characters that may be contained in the fields of a UCC document transmitted to the central filing office by XML transmission or by any other electronic delivery method. The number so specified by the central filing office for the name field of an organization may be less than, equal to or greater than the number specified in subdivision 143-2.2(b).

Section 143-2.3 Decedent's Estates.

If the debtor is a decedent's estate, the financing statement should provide the name of the decedent and indicate that the debtor is an estate.

Section 143-2.4 Trusts or Trustees.

If the debtor is a trust or a trustee acting with respect to property held in trust, the financing statement should provide the name specified for the trust in its organic documents(s). If no name for the trust is specified in its organic document(s), the financing statement should provide the name of the settlor and additional information sufficient to distinguish the debtor from other trusts having one or more of the same settlor(s). In either case, the financing statement should also indicate, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust. If such indication is provided by inclusion of a statement or phrase in the debtor's name, such statement or phrase will be entered in the filing office's UCC information management system as part of the debtor's name.

Section 143-2.5 Errors of the filing office.

The filing office may correct the errors of filing office personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification date, the filing office shall file a statement in the UCC information management system. The statement shall identify the record to which it relates, specify the date of the corrective action taken, and explain the nature of the corrective action taken. The statement shall be preserved as long as the record of the initial financing statement is preserved in the UCC information management system.

Section 143-2.6 Refusal errors.

(a) If a secured party or a remitter demonstrates to the satisfaction of the filing office that a UCC document that was refused for filing should have been filed, the filing office will file the UCC document. The filing office will also file a notice in the UCC information management system. The notice shall state the effective date and time of filing of the UCC document, which shall be the date and time the UCC document was originally tendered for filing and was acceptable, in accordance with section 9-516 of the UCC.

(b) Requests for review must be presented to the filing office, in writing, within 45 days of the date on the filing office's rejection notice. The documents submitted with the request for review must include (1) the original rejected UCC document, (2) the filing office's rejection notice, and (3) a written statement by the person requesting the review explaining why that person believes that the UCC document was wrongfully rejected.

Section 143-2.7 Inability to read or decipher information.

(a) For the purposes of UCC section 9-516(c)(1), a filing office shall be considered to be unable to read or decipher information in a written UCC document, and the written UCC document shall be deemed not to provide such information, if:

- (1) the information is so faint, illegible, or otherwise unintelligible as to be unable to be read, copied or otherwise processed by the filing office's equipment, or
- (2) the written UCC document is not on an approved form, or
- (3) the written UCC document is on an approved form, but the information is not provided in the space designated on such approved form for such information.

(b) For the purposes of UCC section 9-516(c)(1), a filing office that accepts electronic UCC documents shall be considered to be unable to read or decipher information in a electronic UCC document, and the electronic UCC document shall be deemed not to provide such information, if:

- (1) the information in the electronic UCC document cannot be read, copied or otherwise processed by the filing office's equipment for any reason, or
- (2) the electronic UCC document, or the information in the electronic UCC document, is not in a format authorized by the filing office, or
- (3) the electronic UCC document is not a form approved by the filing office for electronic transmission to the filing office, or
- (4) the electronic UCC document is on a form approved by the filing office for electronic transmission to the filing office, but the information is not provided in the place designated in such form for such information, or
- (5) the electronic UCC document is transmitted by a person who is not authorized by the filing office to transmit electronic UCC documents to the filing office.

Section 143-2.8. Ministerial nature of filing office duties and responsibilities.

(a) The duties and responsibilities of the filing offices with respect to the administration of the UCC are ministerial. In accepting a document for filing (or in refusing to file a document) a filing office makes no determination, and creates no presumption, with respect to any of the following:

- (1) whether such document is (or is not) legally sufficient;
 - (2) whether the information in such document is (or is not) correct;
 - (3) whether the name of any person is (or is not) sufficiently provided in such document;
 - (4) whether the collateral is (or is not) properly or sufficiently described in such document;
 - (5) whether any person, collateral, obligation, security interest, lease, consignment, bailment, sale, agricultural lien, or other transaction, lien or interest of any kind does (or does not) exist;
 - (6) whether any person does (or does not) have title to, possession of, or any other rights in, any collateral or other property of any kind;
 - (7) whether such filing office is (or is not) a proper office for the filing of such document;
- or

(8) whether some other or additional filing or act is (or is not) necessary to perfect, continue, terminate, assign, amend, give notice of, or otherwise affect any security interest, lease, consignment, bailment, sale, agricultural lien, or other lien or interest of any kind.

(b) The name of a debtor or secured party or other party will be entered in the UCC information management system exactly as such name appears on the record to be filed (provided, however, that any filing office may, at its option, enter and store names and other information in the UCC information management system in all upper case, without regard to the case(s) used in the UCC document as submitted for filing). The filing office assumes no responsibility for the correct spelling of a name, and will enter the data in accordance with the filer's spelling (provided, however, that any filing office may, at its option, enter and store names and other information in the UCC information management system in all upper case, without regard to the case(s) used in the UCC document as submitted for filing). The filing office assumes no responsibility for determining whether the debtor's name complies with the requirements of section 9-503 of the UCC.

(c) Nothing in this section 143-2.8 prevents a filing office from communicating to a filer or a remitter that the filing office noticed an apparent or potential defect or error in a document submitted for filing. However, a filing office is not required to search for any such defect or error, and a filing office is not required to notify any filer, remitter, or other person of any such defect or error, or otherwise to call any such defect or error to the attention of any filer, remitter, or other person. The responsibility for the legal effectiveness of a filing rests with the filer and remitter. Filing offices bear no responsibility for such effectiveness.

Subpart 143-3 XML Documents

Section 143-3.1 Authorization to transmit XML documents.

(a) Only authorized XML remitters may transmit XML documents to the central filing office. The central filing office shall give a remitter express authorization to transmit XML documents to the central filing office if:

- (1) the remitter has established a prepaid account with the central filing office in accordance with section 143-5.2, and
- (2) the central filing office has determined, after appropriate testing of transmissions in accordance with the such office's specifications, that the remitter is capable of transmitting XML documents in a manner that permits the central filing office to process the XML documents.

(b) Upon receiving authorization to transmit XML documents to the central filing office, the remitter will be assigned a client identification, a client account number, and a password.

(c) In addition to all other rights and remedies that may be available to the central filing office upon the occurrence of any event mentioned in this subdivision 143-3.1(c), the central filing office may suspend or revoke a remitter's authorization if:

- (1) the central filing office determines that the remitter's transmissions, or a significant number or percentage of the remitter's transmissions, are incompatible with the central filing office's XML system,
- (2) the remitter (or any person using the remitter's equipment) has (i) transmitted or attempted to transmit any virus, worm, or other similar matter to the central filing office's XML system, (ii) used or attempted to use the central filing office's XML system for any purpose other than the purpose intended by the central filing office, or (iii) otherwise breached or attempted to breach the security of the central filing office's XML system,
- (3) the remitter's client identification, client account number, password, or prepaid account is terminated or suspended for any reason, or
- (4) the central filing office determines that any other good cause to suspend or revoke the authorization exists.

Section 143-3.2 XML Format.

The central filing office shall, from time to time, designate the XML format to be used as the format for transmission of XML documents to the central filing office. The central filing office shall, at the request of an authorized XML remitter, identify which versions and releases of the XML format are then in use by and acceptable to the central filing office.

Section 143-3.3 XML Implementation Guide.

The central filing office shall prepare an XML implementation guide that will (a) describe in further detail the use of the XML format in the UCC filing system, (b) identify the version(s) or release(s) of the XML format currently in use by the central filing office, (c) identify the types of UCC documents and related responses that can currently be transmitted through XML, (d) identify the maximum number of characters that may be included in each field of a UCC document transmitted through XML, (e) describe the manner of transmission of all information contained in a UCC document and any other information required by the central filing office to be transmitted with a UCC document, and (f) contain such other instructions with regard to XML transmissions as may be deemed appropriate by the central filing office. The central filing office shall update such XML implementation guide when in the judgment of the central filing office such updating is appropriate.

Section 143-3.4 XML Document types.

(a) The central filing office will accept only initial financing statements and amendments by XML transmission. The transmission of an XML document shall include an appropriate identifier designating the type (initial financing statement or amendment) of the XML document

(b) The central filing office, in responding to a request for a paper copy of a filed XML document, shall print the data included in the XML document requested on a form that is substantially similar to the appropriate form type (initial financing statement or amendment), as promulgated under subdivision 143-1.3(a), for such XML document.

Section 143-3.5 Acceptance of XML documents.

(a) An XML document is not accepted for filing at the time it is received by the central filing office's XML system, even if said XML system then sends a signal to the remitter indicating that the remitter's XML transmission has been received. An XML document is accepted for filing only after the XML document is analyzed by the central filing office's XML system, and the central filing office determines that

- (1) the XML document is machine-readable,
- (2) all required elements of the transmission have been received in an approved format, and
- (3) the XML document is not to be refused under section 143-3.6.

(b) The central filing office may from time to time determine the days and times during which the central filing office's XML system will receive XML transmissions, and the days and times during which the central filing office's XML system will analyze XML documents in the manner described in subdivision 143-3.5(a). The days and times during which the central filing office's XML system will analyze XML documents will not necessarily be the same as the days and times during which the central filing office's XML system will receive XML transmissions, and an XML transmission will not necessarily be analyzed on the same business day that it is received by the central filing office's XML system.

(c) Upon acceptance of an XML document for filing, the central filing office shall provide electronic notice to the remitter to confirm such acceptance, and to confirm the date and time of filing.

Section 143-3.6 Refusal of XML document.

(a) The central filing office may refuse an XML document if

- (1) the XML document, as received by the central filing office, (i) is not machine-readable, (ii) does not contain all required elements in an approved format, or (iii) does not contain all required information in an acceptable format;
- (2) the XML document is transmitted from a person who is not then an authorized XML

remitter; or

(3) the XML document may be refused for any other reason specified in Article 9 of the UCC or in this Part 143.

(b) The central filing office shall provide an electronic notice to the remitter of a refused XML document, which notice shall contain an identification of the refused XML document and, when possible, an error code or other indication of the reason for the refusal. However, a remitter will not receive a refusal notice if:

(1) the XML document cannot be read because it is garbled or in improperly structured data packets,

(2) the remitter is not an authorized XML remitter, or

(3) the XML document includes an entry in the “county” field or in the “cooperative interest” field.

Section 143-3.7 Limitations applicable to XML documents and XML transmissions.

Notwithstanding any other provision of this Part 143 to the contrary, XML documents and XML transmissions shall be subject to the limitations and restrictions set forth in this section 143-3.7.

(a) The central filing office will not accept any UCC search request or UCC copy request submitted by XML transmission. In particular, but not by way of limitation, an initial financing statement submitted to the central filing office by XML transmission may not contain a request for search report(s) on any debtor(s) named in such initial financing statement. If an initial financing statement submitted to the central filing office by XML transmission contains any such search request, the search request will not be processed even if the initial financing statement is accepted for filing.

(b) The central filing office will not accept any correction statement (UCC-5) submitted by XML transmission.

(c) The central filing office will not accept a “combination filing” (as described in subdivision 143-1.3(c)) submitted by XML transmission. An amendment submitted to the central filing office by XML transmission can be filed as one, but only one, of the following: a termination statement, a continuation statement, a full assignment, a party information amendment (i.e., an amendment that changes, deletes, or adds a debtor or a secured party), or a collateral information amendment (i.e., an amendment that deletes collateral, adds collateral, or restates the description of collateral). In particular, but not by way of limitation:

(1) a single amendment submitted by XML transmission cannot be filed as both a party information amendment and a collateral information amendment;

(2) in the case of a party information amendment, only one debtor or one secured party may be changed, deleted, or added, and

(3) a partial assignment affecting only some (but not all) of the collateral covered by the identified financing statement (see clause “iii” in instruction number 4 on the reverse of the amendment form promulgated under paragraph 143-1.3(a)(4)) is considered to be two actions, as it involves both an assignment and a collateral information amendment; therefore, such a partial assignment cannot be accomplished by a single amendment submitted to the central filing office by XML transmission.

(d) All information in a document submitted to the central filing office by XML transmission must be included within the available fields of the XML document. A document submitted to the central filing office by XML transmission cannot include any exhibits, schedules or other attachments.

Section 143-3.8 XML documents intended to be filed in a local-filing office.

The central filing office will not accept any XML document intended to be filed in any local-filing office. If any XML document submitted to the central filing office includes any entry in the “county” data element field or any entry in the “cooperative interest” data element field:

- (a) the central filing office will not forward such XML document to any local-filing office,
- (b) the central filing office will not process such XML document,
- (c) the central filing office will not file such XML document, and
- (d) the central filing office will not be required to send a refusal notice under section 143-3.6 with respect to such XML document.

Subpart 143-4 Search Requests

Section 143-4.1 - General requirements.

- (a) The central filing office maintains a searchable index for all records of UCC documents. The index provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates, and associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement.
- (b) The searchable index maintained by the central filing office consists of an index of names entered prior to July 1, 2001 (the “Pre-July 1, 2001 Index”) and an index of names entered on or after July 1, 2001 (the “Post-July 1, 2001 Index”). The following rules were followed when names were entered in the Pre-July 1, 2001 Index:

- (1) Debtors were not classified as organizations or individuals. The Pre-July 1, 2001 Index is a single index that includes all debtors (individual and organization).
- (2) Debtor names were entered into the Pre-July 1, 2001 Index exactly as the names appeared in the filed document.
- (3) In the case of debtors that were (or appeared to be) individuals, no distinction was made between prefixes (if any), first names, middle names or initials (if any), last names, or suffixes (if any). Each name component was entered in the Pre-July 1, 2001 Index in the order specified in the filed document (e.g., if the document specified the debtor name as “John C. Smith”, the name was entered in the Pre-July 1, 2001 Index as “JOHN C. SMITH”, and if the document specified the debtor name as “Smith, John C.”, the name was entered in the Pre-July 1, 2001 Index as “SMITH JOHN C.”).
- (4) The Central filing office also maintains an “alternative name index” (the “Alternative Name Index”) for certain filings made prior to July 1, 2001. In some cases, one or more variations of the debtor name as specified in a document filed prior to July 1, 2001 may have been entered in the Alternative Name Index. For example, if a document filed prior to July 1, 2001 specified the debtor name as “John and Mary Smith”, the name would have been entered in the Pre-July 1, 2001 Index as “JOHN AND MARY SMITH” and, in some cases, the name may also have been entered in the Alternative Name Index as “JOHN SMITH” and “MARY SMITH”, and if a document filed prior to July 1, 2001 specified the debtor name as “John Smith, d/b/a John’s Garage”, the name would have been entered in the Pre-July 1, 2001 Index as “JOHN SMITH D/B/A JOHN’S GARAGE” and, in some cases, the name may also have been entered in the Alternative Name Index as “JOHN SMITH” and “JOHN’S GARAGE”. Note, however, in some cases (including but not limited to some cases similar to the examples set forth in the preceding sentence), no entry in the Alternative Name Index was made.

Section 143-4.2 - Search requests.

- (a) The central filing office will accept a UCC search request only if such request
 - (1) is in writing,
 - (2) is communicated to the UCC unit of the central filing office by personal delivery, courier delivery, or postal service delivery,
 - (3) specifies the name of the debtor to be searched,
 - (4) specifies whether the debtor is an individual or an organization,
 - (5) in the case of a search request that specifies that the debtor is an individual, specifies the last name of such individual (such a search request may also specify a first name or initial, a middle name or initial, and/or a suffix),
 - (6) specifies the name and address of the person to whom the search report is to be sent, and
 - (7) is accompanied by the appropriate fee, paid using a payment method authorized by section 143-5.2.
- (b) The central filing office may refuse to process a search request made on any form other than the approved Information Request form promulgated under paragraph 143-

1.3(a)(9), or on a form determined by the central filing office to be substantially similar to such approved form.

(c) Except as otherwise provided in paragraph 143-4.3(c)(9), a search request will be processed using the exact name of the debtor as specified in the search request (as modified by the filing office by application of the rules set forth in section 143-4.3).

(d) A search request may contain only one name to be searched. However, a search request that is made by checking the box in item 7 of the Financing Statement form promulgated under paragraph 143-1.3(a)(1) may request a search against any one or more of the debtors named in such Financing Statement. The filing office may refuse to process a search request that is made in such Financing Statement form if such Financing Statement is not accepted for filing.

(e) A search request may limit the records requested by limiting them by the city (or city and state) of the debtor. The request may limit the records requested to notices of liens for taxes payable to the United States of America, and certificates and notices affecting such liens, only. A report created by the filing office in response to a request with either such limitation may contain a statement substantially similar to the following: "A limited search may not reveal all filings against the debtor searched and the requesting party bears the risk of relying on such a search." If the Information Request form promulgated under paragraph 143-1.3(a)(9) is used to make such a limited search request, the request to limit the search and the parameters of the limitation (i.e., the city [or city and state] to be searched, or an indication that the search request is for notices of liens for taxes payable to the United States of America, and certificates and notices affecting such liens, only) should be stated in item 3 of that form.

(f) A search request may include instructions on the mode of delivery desired, if other than by ordinary mail. Such delivery instruction will be honored, provided that (1) the requested mode of delivery is then made available by the filing office and (2) any additional cost associated with such delivery is paid for by the requestor in advance. If the Information Request form promulgated under paragraph 143-1.3(a)(9) is used, instructions on the mode of delivery should be stated in item 4 of that form.

(g) A search request may request that the search results reflect (1) unexpired filings only or (2) all filings as to which a record is still maintained by the filing office under section 9-522(a) of the UCC on the certification date. A search request that does not specify if it is requesting unexpired filings only or all filings will be processed as a request for unexpired filings only.

(h) A single request form may not be used to request both a search and copies from the central filing office. If a single form requesting both a search and copies is submitted to the central filing office, the central filing office will process the search request and will not process the copy request. To request copies from the central filing office, a separate request must be submitted. A request for copies must be accompanied by the appropriate fees for such copies.

(i) The person requesting a search from the central filing office may request that the search results be issued under seal. If the Information Request form promulgated under paragraph 143-1.3(a)(9) is used to make the search request, the request to issue the results under seal should be set forth in item 3 of that form. Checking the “certified” box in item 2a of the that form will not be treated as a request that the search results be issued under seal.

Section 143-4.3 - Rules applied to search requests presented to the central filing office.

(a) With respect to search requests presented to the central filing office, (1) search results are produced by applying standardized search logic to the name presented by the person requesting the search, and (2) human judgment does not play a role in determining the results of the search. The central filing office applies the rules set forth in this section 143-4.3 when conducting searches.

(b) The search request presented to the central filing office will be processed as follows:

(1) First, the name in the search request will be modified in accordance with the rules set forth in subdivision 143-4.3(c), and the Pre-July 1, 2001 Index (including the Alternative Name Index) will be searched in the manner described in subdivision 143-4.3(c). (2) Next, the name specified in the search request will be modified in accordance with the rules set forth in subdivision 143-4.3(d), and the Post-July 1, 2001 Index for the category (individual or organization) specified in the search request, will be searched in the manner described in subdivision 143-4.3(d).

(c) The rules set forth in this subdivision 143-4.3(c) apply to names stored in the Pre-July 1, 2001 Index and to searches by the central filing office for names stored in the Pre-July 1, 2001 Index:

(1) There is no limit to the number of matches that may be returned in response to the search criteria.

(2) No distinction is made between upper and lower case letters.

(3) Punctuation marks and accent marks are treated as follows:

(i) All periods, commas and dashes (hyphens) are replaced with a space (provided, however, that if the word “co-op” appears anywhere in the name, the hyphen in “co-op” is not replaced with a space; instead, the word “co-op” is replaced with the word “coop”).

(ii) All other punctuation marks, and all accent marks, are disregarded.

(4) (i) The following words, phrases and abbreviations, if located at the end of a name, will be disregarded:

CO
COMPANY

RL L P
RL LP
RLL P
RLLP

(ii) After the words, phrases and abbreviations set forth in subparagraph 143-4.3(c)(4)(i) have been removed from the end of the name, the name will be reviewed again, and if the word “COMPANY” or the abbreviation “CO” is then located at the end of the name, such word or abbreviation will be disregarded.

(5) The following words, anywhere in the name, will be disregarded: “the”, “of”, “and” and “or”.

(6) All spaces, and all characters other than letters (A to Z) or numbers (0 to 9), will be disregarded.

(7) Except as otherwise provided in paragraph 143-4.3(c)(9), in the case of a search against the name of an individual, the name specified in the search request (as modified by application of the rules set forth in paragraphs (1) through (6) of this subdivision 143-4.3(c)) will be used to create two character strings: the first such character string will consist of (i) the Last Name, as specified in the search request, and (ii) the First Name, as specified in the search request, and (iii) the Middle Name or Middle Initial (if any), as specified in the search request, and (iv) the Suffix (if any), as specified in the search request, and the second such character string will consist of (i) the First Name, as specified in the search request, and (ii) the Middle Name or Middle Initial (if any), as specified in the search request, and (iii) the Last Name, as specified in the search request, and (iv) the Suffix (if any), as specified in the search request. The Pre-July 1, 2001 Index (including the Alternative Name Index) will then be searched for each stored name that is an exact match to either of such character strings. In searching for such matches, the following rules will apply:

- (i) The search results will reflect only the name as submitted in the search request (as modified by application of the rules set forth in paragraphs (1) through (6) of this subdivision 143-4.3(c)), without variations. So-called “similar matches” or “proximity matches” will not be included in the search results.
- (ii) The presence or absence of a middle name or middle initial is significant.
- (iii) Initials are not treated as the logical equivalent of names that begin with such initials.
- (iv) The presence or absence of a suffix is significant.
- (v) An abbreviation of a word is not treated as the logical equivalent of the word.
- (vi) The order in which the components of the name were set forth in the filed document is significant.
- (vii) The presence or absence of a prefix in the name as set forth in the filed document is significant.
- (viii) Nicknames are not treated as the logical equivalent of a given name.

(8) In the case of a search against the name of an organizations, the Pre-July 1, 2001

Index (including the Alternative Name Index) will be searched for each stored name that is an exact match to the name specified in the search request (as modified by application of the rules set forth in paragraphs (1) through (6) of this subdivision 143-4.3(c)). In searching for such matches, the following rules will apply:

- (i) The search results will reflect only the name as submitted in the search request (as modified by application of the rules set forth in paragraphs (1) through (6) of this subdivision 143-4.3(c)), without variations. So-called “similar matches” or “proximity matches” will not be included in the search results.
- (ii) An abbreviation of a word is not treated as the logical equivalent of the word.
- (iii) The order in which the components of the name were set forth in the filed document is significant.

(9) In the case of a search against an individual, if the search request has no entry in the First Name field, then

- (i) the entry (if any) in the Middle Name field of the search request and the entry (if any) in the Suffix field of the search request will be ignored, and
 - (ii) for the purpose of searching the Pre-July 1, 2001 Index, only one character string will be created, and that character string will be the name specified in the Last Name field of the search request, and
 - (iii) the Pre-July 1, 2001 Index (including the Alternative Name Index) will be searched for each stored name that is an exact match to such character string.
- For example, if a search request has “Smith” in the Last Name field, no entry in the First Name Field, no entry (or any entry) in the Middle Name field, and no entry (or any entry) in the Suffix field, the Pre-July 1, 2001 Index will be searched for stored names that match the character string “SMITH.” The search will retrieve pre-July 1, 2001 filings in which the debtor name is specified as “Smith,” but will not retrieve any pre-July 1, 2001 filing in which the debtor name contains “Smith” and any other word(s), initial(s), or abbreviation(s).

(d) The rules set forth in this subdivision 143-4.3(d) apply to names stored in the Post-July 1, 2001 Index, and to searches by the central filing office for names stored in the Post-July 1, 2001 Index:

- (1) There is no limit to the number of matches that may be returned in response to the search criteria.
- (2) No distinction is made between upper and lower case letters.
- (3) Punctuation marks and accent marks are treated as follows:

- (i) All periods, commas and dashes (hyphens) are replaced with a space (provided, however, that if the word “co-op” appears anywhere in the name, the hyphen in “co-op”

is not replaced with a space; instead, the word “co-op” is replaced with the word “coop”).
(ii) All other punctuation marks, and all accent marks, are disregarded.

(4) (i) The words, phrases and abbreviations set forth in subparagraph 143-4.3(c)(4)(i), if located at the end of the name, will be disregarded.

(ii) After the words, phrases and abbreviations set forth in subparagraph 143-4.3(c)(4)(i) have been removed from the end of the name, the name will be reviewed again, and if the word “COMPANY” or the abbreviation “CO” is then located at the end of the name, such word or abbreviation will be disregarded.

(5) The following words, anywhere in the name, will be disregarded: “the”, “of”, “and” and “or”.

(6) All spaces, and all characters other than letters (A to Z) or numbers (0 to 9), will be disregarded.

(7) In the case of a search against the name of an individual, the Post-July 1, 2001 Index will be searched (in the individual name category only) for each stored name that is an exact match to the name specified in the search request (as modified by application of the rules set forth in paragraphs (1) through (6) of this subdivision 143-4.3(d)). In searching for such matches, the following rules will apply:

(i) The search results will reflect only the name as submitted in the search request (as modified by application of the rules set forth in paragraphs (1) through (6) of this subdivision 143-4.3(d)), without variations. So-called “similar matches” or “proximity matches” will not be included in the search results.

(ii) Notwithstanding subparagraph 143-4.3(d)(7)(i), an initial in the First Name field or the Middle Name field of a search request is treated as the logical equivalent of all names that begin with such initial (and, for example, a search request with an initial in the First Name Field will retrieve post-July 1, 2001 filings with that initial, or any name beginning with that initial, specified in the First Name field [provided that the name otherwise matches the search request]); however, an initial in the First Name field or Middle Name field of a filing is not treated as the logical equivalent of all names that begin with such initial (and, for example, a filing that specifies the initial “J.” in the First Name field will not be retrieved by a search request that specifies “John” in the First Name field).

(iii) Notwithstanding subparagraph 143-4.3(d)(7)(i), a search request with no entry in the Middle Name field will retrieve post-July 1, 2001 filings with no name or initial, or any name or initial, specified in the Middle Name field (provided that the name otherwise matches the search request).

(iv) Notwithstanding subparagraph 143-4.3(d)(7)(i), a search request with no entry in the Suffix field will retrieve post-July 1, 2001 filings with no entry, or any entry, in the Suffix field (provided that the name in the filing otherwise matches the name in the search request).

(v) If the search request contains an entry in the Suffix field:

(A) the search will retrieve a post-July 1, 2001 filing with an entry in the Suffix field only if the suffix as specified in the filing exactly matches the suffix as specified in the search request (and the name in the filing otherwise matches the name in the search request),.

and

(B) notwithstanding subparagraph 143-4.3(d)(7)(i), the search will retrieve post-July 1, 2001 filings with no entry in the Suffix field (provided that the name in the filing otherwise matches the name in the search request).

(vi) Except as provided in subparagraph 143-4.3(d)(7)(ii) with respect to initials in the First Name field and Middle Name field, an abbreviation of a word is not treated as the logical equivalent of the word.

(vii) The fields in which the components of the name were set forth in the filed document is significant.

(viii) Nicknames are not treated as the logical equivalent of a given name.

(8) In the case of a search against the name of an organization, the Post-July 1, 2001 Index will be searched (in the organization debtor category only) for each stored name that is an exact match to the name specified in the search request (as modified by application of the rules set forth in paragraphs (1) through (6) of this subdivision 143-4.3(d)). In searching for such matches, the following rules will apply:

(i) The search results will reflect only the name as submitted in the search request (as modified by application of the rules set forth in paragraphs (1) through (6) of this subdivision 143-4.3(d)), without variations. So-called “similar matches” or “proximity matches” will not be included in the search results.

(ii) An abbreviation of a word is not treated as the logical equivalent of the word.

(iii) The order in which the components of the name were set forth in the filed document is significant.

(e) After using the preceding rules to modify the name of the debtor requested to be searched, the search will reveal only names of debtors that exactly match the name requested (as modified).

(f) Reports created by the central filing office in response to a search request shall include the following:

(1) Identification of the filing office and the certification of the filing officer required by law.

(2) The date the report was generated.

(3) Identification of the name searched.

(4) The certification date and time for which the search is effective.

(5) Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by file number, and by file date (and, if requested in the search request, identification of each lapsed initial financing statement filed on or prior to the certification date corresponding to the search criteria, by name of debtor, by file number, and by file date, provided that a record of such initial financing statement is still maintained by the filing office under section 9-522(a) of the UCC on the certification date).

(6) For each initial financing statement identified in the report, a copy of the first page of

each related UCC document (if any) filed by the filing office on or prior to the certification date (or, in lieu of a copy of the first page of such related UCC document, other information sufficient to identify such related UCC document).

(g) If a search request presented to the central filing office is limited by the city (or city and state) of the debtor (see subdivision 143-4.2(e)), filings will be returned only if the city (or city and state) as specified in the search request exactly match(es) the city (or city and state) as specified in the filed document. For the purposes of determining if the city (or city and state) as specified in an address-limited search request presented to the central filing office exactly match(es) the city (or city and state) specified in a filed document:

(1) Human judgment does not play a role. The search results will reflect only the city name (or city and state names) as submitted in the search request, without variations. So-called “similar matches” or “proximity matches” will not be included in the search results.

(2) An abbreviation of a word is not considered to be an exact match for the word fully spelled out.

(3) If the address-limited search request specifies a city but not a state, the search will retrieve filings in which the city as specified in the filed document exactly matches the city as specified in the search request, without regard to the state specified in the filed document.

Section 143-4.4 - Examples

Some examples of search results produced in response to search requests submitted to the Central filing office are as follows:

(a) A search request specifying the name of an individual debtor as:

<u>Last Name:</u>	<u>First Name:</u>	<u>Middle Name:</u>	<u>Suffix:</u>
Smith	John	(No entry)	(No entry)

will be processed as follows:

(1) The Pre-July 1, 2001 Index will be searched for names that match “JOHN SMITH” or “SMITH JOHN”, and will produce the following results for documents filed prior to July 1, 2001:

<u>Name as specified in filed document</u>	<u>Result</u>	<u>Reason</u>
--	---------------	---------------

John Smith	Retrieved	Exact match
Smith, John	Retrieved	Exact match
John Smith, Inc.	Retrieved	subparagraph 143-4.3 (c)(4)(i)
John Smyth	Not retrieved	subparagraph 143-4.3 (c)(7)(i)
Smyth, John	Not retrieved	subparagraph 143-4.3 (c)(7)(i)
John A. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
Smith, John A.	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
John Alan Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
Smith, John Alan	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
J. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
Smith, J.	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
John Smith, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Smith, John, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Dr. John Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(vii)
Jack Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(viii)
Smith, Jack	Not retrieved	subparagraph 143-4.3 (c)(7)(viii)

(2) The individual debtors in the Post-July 1, 2001 Index will be searched, and the search will retrieve post-July 1, 2001 filings against individual debtors with “John” in the First Name field, “Smith” in the Last Name field, any name or initial (or no name or initial) in

the Middle Name field, and any entry (or no entry) in the Suffix field. Such a search request would not retrieve any post-July 1, 2001 filing in which the debtor name is specified as “J. Smith”, “John Smyth” or “Jack Smith”, or any post-July 1, 2001 filing against any organization.

(b) A search request specifying the name of an individual debtor as:

<u>Last Name:</u>	<u>First Name:</u>	<u>Middle Name:</u>	<u>Suffix:</u>
Smith	John	A.	(No entry)

will be processed as follows:

(1) The Pre-July 1, 2001 Index will be searched for names that match “JOHN A. SMITH” or “SMITH JOHN A.”, and will produce the following results for documents filed prior to July 1, 2001:

Name as specified in filed document	Result	Reason
John A. Smith	Retrieved	Exact match
Smith, John A.	Retrieved	Exact match
John A. Smyth	Not retrieved	subparagraph 143-4.3 (c)(7)(i)
Smyth, John A.	Not retrieved	subparagraph 143-4.3 (c)(7)(i)
John Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
Smith, John	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
John Alan Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
Smith, John Alan	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
J. A. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
Smith, J. A.	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)

John A. Smith, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Smith, John A., Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Dr. John A. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(vii)
Jack A. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(viii)

(2) The individual debtors in the Post-July 1, 2001 Index will be searched, and the search will retrieve post-July 1, 2001 filings against individual debtors with “John” in the First Name field, “Smith” in the Last Name field, the initial “A” or any name beginning with “A” in the Middle Name field, and any entry (or no entry) in the Suffix field. Such a search request would not retrieve any post-July 1, 2001 filing in which the debtor name is specified as “J. A. Smith”, “John B. Smith”, “John A. Smyth” or “Jack A. Smith”, or any post-July 1, 2001 filing against any organization.

(c) A search request specifying the name of an individual debtor as:

<u>Last Name:</u>	<u>First Name:</u>	<u>Middle Name:</u>	<u>Suffix:</u>
Smith	John	Alan	(No entry)

will be processed as follows:

(1) The Pre-July 1, 2001 Index will be searched for names that match “JOHN ALAN SMITH” or “SMITH JOHN ALAN”, and will produce the following results for documents filed prior to July 1, 2001:

Name as specified in filed document	Result	Reason
John Alan Smith	Retrieved	Exact match
Smith, John Alan	Retrieved	Exact match
John Alan Smyth	Not retrieved	subparagraph 143-4.3 (c)(7)(i)
Smyth, John Alan	Not retrieved	subparagraph 143-4.3 (c)(7)(i)
John Smith	Not	subparagraph 143-4.3

	retrieved	(c)(7)(ii)
Smith, John	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
John A. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
Smith, John A.	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
J. Alan Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
Smith, J. Alan	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
John Alan Smith, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Smith, John Alan, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Alan John Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(vi)
Smith, Alan John	Not retrieved	subparagraph 143-4.3 (c)(7)(vi)
Dr. John Alan Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(vii)
Jack Alan Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(viii)

(2) The individual debtors in the Post-July 1, 2001 Index will be searched, and the search will retrieve post-July 1, 2001 filings against individual debtors with “John” in the First Name field, “Smith” in the Last Name field, “Alan” in the Middle Name field, and any entry (or no entry) in the Suffix field. Such a search request would not retrieve any post-July 1, 2001 filing in which the debtor name is specified as “John A. Smith”, “John Allen Smith”, “John Alan Smyth” or “Jack Alan Smith”, or any post-July 1, 2001 filing against any organization.

(d) A search request specifying the name of an individual debtor as:

<u>Last Name:</u>	<u>First Name:</u>	<u>Middle Name:</u>	<u>Suffix:</u>
Smith	J.	(No entry)	(No entry)

will be processed as follows:

(1) The Pre-July 1, 2001 Index will be searched for names that match “J. SMITH” or “SMITH J.”, and will produce the following results for documents filed prior to July 1, 2001:

<u>Name as specified in filed document</u>	<u>Result</u>	<u>Reason</u>
J. Smith	Retrieved	Exact match
Smith, J.	Retrieved	Exact match
Jay Smith	Not retrieved	subparagraphs 143-4.3 (c)(7)(i), (iii)
J. A. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
Smith, J. A.	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
John Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
Smith, John	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
J. Smith, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Smith, J. Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Dr. J. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(vii)

(2) The individual debtors in the Post-July 1, 2001 Index will be searched, and the search will retrieve post-July 1, 2001 filings against individual debtors with the initial “J” or any name beginning with “J” in the First Name field, “Smith” in the Last Name field, any name or initial (or no name or initial) in the Middle Name field, and any entry (or no entry) in the Suffix field. Such a search request would not retrieve any post-July 1, 2001 filing in which the debtor name is specified as “J. Smyth”, or any post-July 1, 2001 filing against any organization.

(e) A search request specifying the name of an individual debtor as:

<u>Last Name:</u>	<u>First Name:</u>	<u>Middle Name:</u>	<u>Suffix:</u>
Smith	John	A.	Jr.

will be processed as follows:

(1) The Pre-July 1, 2001 Index will be searched for names that match “JOHN A. SMITH JR.” or “SMITH JOHN A. JR.”, and will produce the following results for documents filed prior to July 1, 2001:

<u>Name as specified in filed document</u>	<u>Result</u>	<u>Reason</u>
John A. Smith, Jr.	Retrieved	Exact match
Smith, John A., Jr.	Retrieved	Exact match
John A. Smith, II	Not retrieved	subparagraph 143-4.3 (c)(7)(i)
Smith, John A., II	Not retrieved	subparagraph 143-4.3 (c)(7)(i)
John Smith, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
Smith, John, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(ii)
J. A. Smith, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
Smith, J. A., Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(iii)
John A. Smith	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
Smith, John A.	Not retrieved	subparagraph 143-4.3 (c)(7)(iv)
John A. Smith, Junior	Not retrieved	subparagraph 143-4.3 (c)(7)(v)
Smith, John A., Junior	Not retrieved	subparagraph 143-4.3 (c)(7)(v)
Smith, Jr., John A.	Not retrieved	subparagraph 143-4.3 (c)(7)(vi)
Dr. John A. Smith, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(vii)
Jack A. Smith, Jr.	Not retrieved	subparagraph 143-4.3 (c)(7)(viii)

(2) The individual debtors in the Post-July 1, 2001 Index will be searched, and the search will retrieve post-July 1, 2001 filings against individual debtors with “John” in the First

Name field, “Smith” in the Last Name field, the initial “A” or any name beginning with “A” in the Middle Name field, and “Jr.” or no entry in the Suffix field. Such a search request will not retrieve any post-July 1, 2001 filing in which the debtor name is specified as “John A. Smith, Jr., Esq.” (the suffix “Jr., Esq.” does not match “Jr.”), or “John A. Smith, Junior” (the suffix “Junior” does not match “Jr.”), or any post-July 1, 2001 filing against any organization.

(f) A search request specifying the name of an organization debtor as “Smith’s Auto Sales, Inc.” will be processed as follows:

(1) The Pre-July 1, 2001 Index will be searched for names that match “Smith’s Auto Sales, Inc.”, and will produce the following results for documents filed prior to July 1, 2001:

<u>Name as specified in filed document</u>	<u>Result</u>	<u>Reason</u>
Smith's Auto Sales, Inc.	Retrieved	Exact match
Smith's Auto Sales, Ltd.	Retrieved	subparagraph 143-4.3 (c)(4)(i)
Smith's Auto Sales	Retrieved	subparagraph 143-4.3 (c)(4)(i)
Smith's Auto Sales Co., Inc.	Retrieved	subparagraph 143-4.3 (c)(4)(ii)
Smith's Incorporated Auto Sales	Not retrieved	(Words and abbreviations in subparagraph 143-4.3(c)(4)(i) are disregarded only if they appear at the end of the name)
Smith Auto Sales, Inc.	Not retrieved	subparagraph 143-4.3 (c)(8)(i)
Smith's Auto Sale, Inc.	Not retrieved	subparagraph 143-4.3 (c)(8)(i)
John Smith's Auto Sales, Inc.	Not retrieved	subparagraph 143-4.3 (c)(8)(i)
Smith's Automobile Sales, Inc.	Not retrieved	subparagraph 143-4.3 (c)(8)(ii)

Smith's Sales - Auto, Inc. Not retrieved subparagraph 143-4.3 (c)(8)(iii)

(2) The Post-July 1, 2001 Index will be searched for names that match “Smith’s Auto Sales, Inc.”, and will produce the following results for documents filed on or after July 1, 2001:

<u>Name as specified in filed document</u>	<u>Result</u>	<u>Reason</u>
Smith's Auto Sales, Inc.	Retrieved	Exact match
Smith's Auto Sales, Ltd.	Retrieved	subparagraph 143-4.3 (d)(4)(i)
Smith's Auto Sales	Retrieved	subparagraph 143-4.3 (d)(4)(i)
Smith's Auto Sales Co., Inc.	Retrieved	subparagraph 143-4.3 (d)(4)(ii)
Smith's Incorporated Auto Sales	Not retrieved	(Words and abbreviations in subparagraph 143-4.3(c)(4)(i) are disregarded only if they appear at the end of the name
Smith Auto Sales, Inc.	Not retrieved	subparagraph 143-4.3 (d)(8)(i)
Smith's Auto Sale, Inc.	Not retrieved	subparagraph 143-4.3 (d)(8)(i)
John Smith's Auto Sales, Inc.	Not retrieved	subparagraph 143-4.3 (d)(8)(i)
Smith's Automobile Sales, Inc.	Not retrieved	subparagraph 143-4.3 (d)(8)(ii)
Smith's Sales - Auto, Inc.	Not retrieved	subparagraph 143-4.3 (d)(8)(iii)

(g) An address-limited search request (see subdivision 143-4.2(e)) that specifies the debtor's address as follows:

City: New York State: (none specified)

will produce the following results (assuming that the name of the debtor as specified in the search request matches the name of the debtor in the filed document, after applying the rules set forth in subdivisions 143-4.3(a) to 143-4.3(e)):

<u>Debtor's City as specified in filed document</u>	<u>Debtor's State as specified in filed document</u>	<u>Result</u>	<u>Reason</u>
New York	NY	Retrieved	City is exact match; State is not relevant (see paragraph 143-4.3(g)(3))
New York	New York	Retrieved	City is exact match; State is not relevant (see paragraph 143-4.3(g)(3))
New York	PA	Retrieved	City is exact match; State is not relevant (see paragraph 143-4.3(g)(3))
New York City	NY	Not Retrieved	City does not match (see paragraph 143-4.3(g)(1))
Manhattan	NY	Not Retrieved	City does not match (see paragraph 143-4.3(g)(1))
Brooklyn	NY	Not Retrieved	City does not match (see paragraph 143-4.3(g)(1))
NY	NY	Not Retrieved	City does not match (see paragraph 143-4.3(g)(2))

(h) An address-limited search request (see subdivision 143-4.2(e)) that specifies the debtor's address as follows:

City: New York

State: NY

will produce the following results (assuming that the name of the debtor as specified in the search request matches the name of the debtor in the filed document, after applying the rules set forth in subdivisions 143-4.3(a) to 143-4.3(e)):

<u>Debtor's City as specified in filed document</u>	<u>Debtor's State as specified in filed document</u>	<u>Result</u>	<u>Reason</u>
New York	NY	Retrieved	Exact matches (City and State)
New York	New York	Not Retrieved	State does not match (see paragraph 143-4.3(g)(2))
New York	PA	Not Retrieved	State does not match
New York City	NY	Not Retrieved	City does not match (see paragraph 143-4.3(g)(1))
Manhattan	NY	Not Retrieved	City does not match (see paragraph 143-4.3(g)(1))
Brooklyn	NY	Not Retrieved	City does not match (see paragraph 143-4.3(g)(1))
NY	NY	Not Retrieved	City does not match (see paragraph 143-4.3(g)(2))

**Subpart 143-5
Fees**

Section 143-5.1 Fees.

(a) The central filing office and the local-filing offices shall collect the following fees for filing and other services specified in this subdivision 143-5.1(a) and rendered pursuant to the provisions of Article 9 of the UCC:

(1) The fee for filing and indexing a written UCC document (including, but not limited to, a written UCC document communicated to the filing office by facsimile delivery) is forty dollars (\$40.00).

(2) The fee for filing and indexing an electronic UCC document is twenty dollars (\$20.00).

(3) Notwithstanding the provisions of paragraphs 1 and 2 of this subdivision 143-5.1(a), for filing and indexing an initial financing statement that includes a cooperative addendum, or for filing and indexing a cooperative addendum that relates to a previously filed financing statement, a local-filing office shall collect a fee of forty dollars (\$40.00), without regard to the medium in which such initial financing statement or cooperative addendum is communicated to the local-filing office.

(4) In addition to the applicable fee required under paragraph 1, 2, or 3 of this subdivision 143-5.1(a),

(i) for indexing and filing an initial financing statement that is to be filed or recorded in the real estate records in a county located in the city of New York, or for filing and indexing a continuation of any such financing statement, the local-filing office in such county shall collect an additional fee of two dollars (\$2.00) for the first block and lot indexed, plus two dollars (\$2.00) for each additional block indexed, plus three dollars (\$3.00) for each additional lot indexed, and

(ii) for indexing and filing an initial financing statement that is to be filed or recorded in the real estate records in the county of Nassau, or for filing and indexing a continuation of any such financing statement, the local-filing office in the county of Nassau shall collect an additional fee of ten dollars (\$10.00) for the first block indexed, plus ten dollars (\$10.00) for each additional block indexed.

(5) The fee for searching the file and communicating (by written certificate or otherwise) the information mentioned in subsection 9-523(c) of the UCC is twenty five dollars (\$25.00) for each name searched, subject to the following:

(i) As provided in subdivision 143-4.2(i), a person requesting a search from the central filing office may request that the search results be issued under seal. The fee for search results issued under seal is fifty dollars (\$50.00) for each name searched.

(ii) As provided in subdivisions 143-4.2(e) and 143-4.2(g), a search request may provide for limitations on the records requested. The fees mentioned in this paragraph 143-5.1(a)(5) shall not be waived or reduced by reason of any such limitation in the search request.

(iii) The fees mentioned in this paragraph 143-5.1(a)(5) do not include the fee for copies of any documents. Any request for copies must be submitted in accordance with applicable filing office rules and accompanied by the appropriate fee(s).

(6) The fee for providing a plain (uncertified) copy of a filed UCC document is five dollars (\$5.00) per document.

(7) The fee for providing a certified copy of a filed UCC document is ten dollars (\$10.00) per document.

(b) The central filing office and local-filing offices shall collect the following fees for filing and other services specified in this subdivision 143-5.1(b) and rendered pursuant to Article 10-A of the Lien Law and/or paragraphs 4 and 5 of subsection 9-523(c) of the UCC:

(1) The fee for filing and indexing a written federal tax lien document (including, but not limited to, a written federal tax lien document communicated to the filing office by facsimile delivery) is forty dollars (\$40.00).

(2) The fee for filing and indexing an electronic federal tax lien document is twenty dollars (\$20.00).

(3) The fee for searching the file and communicating (by written certificate or otherwise) the information mentioned in paragraphs 4 and 5 of subsection 9-523(c) of the UCC is twenty five dollars (\$25.00) for each name searched, subject to the following:

(i) As provided in subdivision 143-4.2(i), a person requesting a search from the central filing office may request that the search results be issued under seal. The fee for search results issued under seal is fifty dollars (\$50.00) for each name searched.

(ii) As provided in subdivisions 143-4.2(e) and 143-4.2(g), a search request may provide for limitations on the records requested. The fees mentioned in this paragraph 143-5.1(b)(3) shall not be waived or reduced by reason of any such limitation in the search request.

(iii) The fees mentioned in this paragraph 143-5.1(b)(3) do not include the fee for copies of any documents. Any request for copies must be submitted in accordance with applicable filing office rules and accompanied by the appropriate fee(s).

(4) The fee for providing a plain (uncertified) copy of a filed federal tax lien document is five dollars (\$5.00) per document.

(5) The fee for providing a certified copy of a filed federal tax lien document is ten dollars (\$10.00) per document.

(c) The central filing office shall collect a fee of seventy five dollars (\$75.00) for same day expedited handling of requests for filing or other services rendered under Article 9 of the UCC and/or Article 10-A of the Lien Law. Such fee is in addition to any other fee associated with the filing or other service requested. For the purposes of this subdivision 143-5.1(c), the term "same day expedited handling" shall mean the completion of the request on the day on which the request is received by the UCC unit of the central filing office. A request for same day expedited handling must be received by the UCC unit at least two hours prior to the close of business.

(d) The central filing office shall collect a fee of three hundred dollars (\$300.00) for a copy on microfilm of UCC documents filed with the central filing office during any calendar month. Microfilm copies are offered for sale subject to availability. The central filing office may limit the production of microfilm copies to such quantity as it determines from time to time to be appropriate, and the central filing office may discontinue the production of microfilm copies at any time.

(e) Nothing in this section 143-5.1 shall be construed as (1) permitting communication of a UCC document or federal tax lien document to a filing office in any medium that has not been authorized by such filing office, or by any method that has not been authorized by such filing office, or (2) permitting the use of any form other than the standard form prescribed by the Secretary of State for filing a federal tax lien document.

(f) As provided in Executive Law section 96-a, the fees specified in this section 143-5.1 are non-refundable processing fees to be paid to the filing office at the time a document is presented for filing, and must be paid whether or not the document is accepted for filing.

Section 143-5.2 Authorized methods of payment of fees to the central filing office.

Fees paid to the central filing office for services rendered under the UCC and/or Article 10-A of the Lien Law may be paid by check, money order, approved credit card, prepaid account, or cash, subject to the following limitations and conditions:

(a) Fees may be paid in cash only when paid in person at the central filing office.

(b) Checks or money orders should be made payable to the "Department of State." Checks over five hundred dollars (\$500.00) must be certified.

(c) The central filing office accepts payments using credit cards issued by approved credit card issuers only. Upon request, the central filing office will provide a then-current list of approved credit card issuers. A person paying a fee by credit card shall provide the central filing office with the card number, the expiration date of the card, the name of the approved card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Such information shall be provided on a Credit Card Authorization Form promulgated by the central filing office and signed by an authorized user of the credit card. Payment will not be deemed tendered until the credit card issuer or its agent has confirmed to the central filing office that payment will be forthcoming.

(d) An account for prepayment of fees may be opened by submitting to the central filing office an application on a form furnished by the central filing office and a deposit (paid by check, money order or approved credit card) of not less than one hundred dollars (\$100.00). The prepaid account, and the use of the prepaid account to pay fees, shall be subject to such terms and conditions as may be established from time to time by the central filing office. Such terms and conditions may include, without limitation, specification of the manner and place(s) in which a remitter's prepaid account number is to be indicated on any UCC document submitted by the remitter and on any facsimile

cover sheet or other cover sheet submitted with such UCC document. The central filing office may refuse a UCC document on the ground that the required fee was not tendered if (1) the balance in the remitter's prepaid account is insufficient to pay all applicable fee(s), or (2) the remitter fails to indicate the remitter's prepaid account number in the then-required manner and place(s), or (3) the remitter otherwise fails to comply with any term or condition then applicable to the remitter's prepaid account.

(e) Fees paid in connection with a UCC document communicated to the central filing office by facsimile delivery must be paid by approved credit card or prepaid account.

(f) Fees paid in connection with an initial financing statement or amendment submitted to the central filing office by XML transmission must be paid by prepaid account.

(g) Fees paid in connection with a UCC copy request must be paid by check or money order (or by cash, but only if paid in person at the central filing office). Such fees cannot be paid by credit card or by prepaid account.

Section 143-5.3 Refunds of overpayment of fees by the central filing office.

Refunds of overpayments of fees paid to the central filing office under the UCC will be made in accordance with, and subject to, the provisions set forth in this section 143-5.3:

(a) No refunds will be issued for overpayment of fees under the UCC in the amount of \$1 or less.

(b) Refunds of overpayment of fees under the UCC in the amounts of \$1.01 up to and including \$5 will only be made upon specific written request. Such request for refund must include the name and address of the debtor, and secured party or requesting party, as shown on the financing statement or request for search/copy, the date of filing or search/copy, and the filing or search/copy number assigned by the central filing office's UCC Unit.

(c) Refunds will be automatically issued for overpayment of fees under the UCC in the amount of \$5.01 and up.