ARKANSAS
SECRETARY OF STATE

Proposed Rules:
Uniform Commercial Code
Filing Office Rules

Proposed Draft Dated
January 13, 2014

1.0 TITLE

1.01 These rules shall be known as the Uniform Commercial Code (hereinafter UCC) Filing Office Rules.

2.0 AUTHORITY AND PURPOSE

2.01 These rules are promulgated pursuant to Ark. Code Ann. § 4-9-526.

2.02 The purpose of these rules is to provide procedures for the UCC Filing Office.

3.0 DEFINITIONS

3.01 Active Record. "Active Record" means a UCC Record that has been stored in the UCC Information Management System and indexed in, but not yet removed from, the Searchable Indexes.

3.02 Address. "Address" means information provided as an address on a UCC Record as long as it includes at least a city and a state or foreign country.

3.03 Amendment. "Amendment" means a UCC Record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

3.04 Assignment. "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

3.05 Filing Office or Filing Officer. "Filing Office" or "Filing Officer" means the Arkansas Secretary of State.

3.06 Filing Officer Statement. "Filing Officer Statement" means a statement entered into the Filing Office's information system to correct an error made by the Filing Office.

3.07 Information Statement. "Information Statement" means a UCC Record that indicates that a financing statement is inaccurate or wrongfully filed. (Previously called a "Correction Statement").

3.08 Initial Financing Statement. "Initial Financing Statement" means a UCC Record that causes the Filing Office to establish the initial record of the filing of a financing statement.

3.09 Remitter. "Remitter" means a person who tenders a UCC Record to the Filing Officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a

person responsible merely for the delivery of the record to the 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.

3.10 Searchable Indexes. "Searchable Indexes" means the searchable index of individual debtor names and the searchable index of organization debtor names maintained in the UCC Information Management System.

3.11 Secured Party of Record. "Secured Party of Record" includes a secured party of record as defined in the UCC, as well as a person who has been a secured party of record with respect to whom an amendment has been filed purporting to delete them as a secured party of record. The term includes an assignor listed on an amendment that purports to be an assignment.

3.12 UCC. "UCC" means the Uniform Commercial Code as adopted by the Arkansas Legislature and currently codified at Ark. Code Ann. § 4-9-101 et seq.

3.13 UCC Information Management System. "UCC Information Management System" means the information management system used by the Filing Office to store, index, and retrieve information relating to financing statements as described in Section 11.0 of these filing-office rules.

3.14 UCC Record. "UCC Record" means an Initial Financing Statement, an amendment, an assignment, a continuation statement, a termination statement, a Filing Officer Statement or an Information Statement, and includes a record thereof maintained by the Filing Office. The term shall not be deemed to refer exclusively to paper or paper-based writings.

3.15 Unlapsed Record. "Unlapsed Record" means a UCC Record that has been stored and indexed in the UCC Information Management System, which has not yet lapsed under Ark. Code Ann. § 4-9-515 with respect to all secured parties of record.

4.0 MEANS TO DELIVER UCC RECORDS AND TIME OF FILING

4.01 Personal delivery by Remitter, at the Filing Office's street address. The file time for a UCC Record delivered by this method is when delivery of the UCC Record is taken by the Filing Office (even though the UCC Record may not yet have been accepted for filing and subsequently may be rejected). This rule applies only to a Remitter who tenders a UCC Record to the Filing Office and awaits an immediate determination of whether or not the UCC Record will be taken or not.

4.02 Courier delivery by a person other than a Remitter, at the Filing Office's street address. The file time for a UCC Record delivered by this method is, notwithstanding the time of delivery, the earlier of the time the UCC Record is first examined by a Filing Officer for processing (even though the UCC Record

may not yet have been accepted for filing and may be subsequently rejected), or the close of business on the next business day following the time of delivery. This rule does not apply to a courier who is acting as an agent of the Remitter and who tenders a UCC Record to the Filing Office and awaits an immediate determination of whether or not the UCC Record will be taken or not under Rule 4.01.

A UCC Record delivered after regular business hours or on a day the Filing Office is not open for business will have a filing time at the earlier of the time the UCC Record is first examined by a Filing Officer for processing (even though the UCC Record may not yet have been accepted for filing and may be subsequently rejected), or the close of business on the next business day following the time of delivery.

4.03 Postal service delivery, to the Filing Office's mailing address. The file time for a UCC Record delivered by this method is the earlier of the time the UCC Record is first examined by a Filing Officer for processing (even though the UCC Record may not yet have been accepted for filing and may be subsequently rejected), or the close of business on the next business day following the time of delivery. A UCC Record delivered after regular business hours or on a day the Filing Office is not open for business will have a filing time at the earlier of the time the UCC Record is first examined by a Filing Officer for processing (even though the UCC Record may not yet have been accepted for filing and may be subsequently rejected), or the close of business on the next business day following the time of delivery.

4.04 Electronic mail and tele-facsimile (FAX) delivery. UCC Records delivered to the Filing Office's email address or the Filing Office's fax filing telephone number are **not accepted**.

4.05 Electronic filing. UCC Records are not accepted in the XML Language.

4.06 Direct online or web page data entry. UCC Records may be delivered by online data entry using the Filing Office's website on the internet. Website data entry and payment rules are available as provided at www.sos.arkansas.gov. The file time for a UCC Record delivered by this method is the time the entry of all required elements of the UCC Record in the proper format is acknowledged by the online entry system.

4.07 Means of communication. Regardless of the method of delivery, information submitted to the UCC Filing Office must be communicated only in the form of characters that are defined in a character set acceptable to the Filing Office. A financing statement or amendment form that does not designate separate fields for organization and individual names, and separate fields for the surname, first personal name, additional name(s)/initial(s), and suffixes for individual names is not an acceptable means of communication to the Filing Office.

4.08 Transmitting utility, manufactured-home and public-finance transactions. The only means to indicate to the Filing Office that an Initial Financing Statement is being filed in connection with a manufactured-home or public-finance transaction, or that a financing statement is being or has been filed against a debtor that is a transmitting utility, in order to affect the Filing Office's determination of the lapse date under Rule 11.07 or Rule 11.08, is to so indicate by checking the appropriate box on a UCC1 Financing Statement or by transmitting the requisite information in the proper field in an electronic filing that is such Initial Financing Statement or is part of such financing statement.

4.09 Receipt of Payment. Filings with the Filing Office are only effective upon receipt of payment. See Section 7.0 for Methods of Payment.

5.0 FORMS

5.01 Approved forms. The forms prescribed by Ark. Code Ann. § 4-9-521 are accepted by the Filing Office. Paper-based forms approved by the International Association of Commercial Administrators from time to time will be accepted when specifically approved by the Filing Office or the Arkansas General Assembly. A list of forms approved by the Filing Office will be made available on request.

6.0 FEES

6.01 UCC Record. The fee for filing a UCC Record is prescribed by Ark. Code Ann. § 4-9-525.

6.02 Federal tax lien. The fee for filing a federal tax lien is $6.00 and is prescribed by Ark. Code Ann. § 18-47-205.

7.0 METHODS OF PAYMENT

7.01 Cash. Payment in cash (U.S. currency only) shall be accepted if paid in person at the Filing Office.

7.02 Checks. Personal checks, cashier's checks and money orders made payable to the Filing Office shall be accepted for payment provided that the drawer (or the issuer in the case of a cashier's check or money order) is deemed creditworthy by the Filing Office in its discretion.

7.03 Electronic funds transfer. The Filing Office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from Remitters who have entered into appropriate NACHA approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

7.04 Prepaid. Remitter may create a unique submitter account and deposit funds into the account to be used for payment of fees. The Filing Officer shall deduct filing fees from the Remitter's prepaid account when filings or information requests are received from the Remitter and shall provide the Remitter with a monthly statement of transactions recorded to the account.

7.05 Credit cards. The Filing Office shall accept payment by credit cards issued by approved issuers. Remitters shall provide the Filing Officer with the card number, the authorization code, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address and phone number for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment.

8.0 OVERPAYMENT AND UNDERPAYMENT POLICIES

8.01 Overpayment. Any overpayment will be held in the filer's submitter account to be applied to future transactions. A request for the return of any of these funds must be made in writing on the filer's letterhead.

8.02 Underpayment. Upon receipt of a document with an insufficient fee, the Filing Officer shall return the document to the Remitter as provided in Section 10.0.

9.0 PUBLIC RECORDS SERVICES

9.01 Public records. Public records services are provided on a non-discriminatory basis to any member of the public on the terms described in these rules.

9.02 Individually identified documents. Copies of individually identified UCC documents are available in the form of copies of images produced by the Filing Office's information system if copies are of documents contained in that system.

9.03 Copies of multiple documents. Copies of multiple UCC documents are available in the form of copies of images produced by the Filing Office's information system if copies are of documents contained in that system.

9.04 Data from the information management system. A list of available data elements from the UCC Information Management System, the images contained on the system and the file layout of the data elements are available from the Filing Officer upon request. Data from the information management system is available as follows.

9.04.1 Full extract. A bulk data extract of information from the UCC Information Management System is available in an electronic format. Check with the online service provider for the available receipt mediums.

9.04.2 Update extracts. Updates of information from the UCC Information Management System are available.

9.04.3 Format. Extracts from the UCC Information Management System are available by accessing the FTP through the web services provider.

9.05 Fees for public records services. Fees for public records services are established within this section.

9.05.1 Copies of individual documents. Fees are as provided in Ark. Code Ann. § 4-9-525.

9.05.2 Copies of multiple documents. Fees are as provided in Ark. Code Ann. § 4-9-525.

9.05.3 Data from the information management system.

9.05.3 (a) Extracts provided on electronic medium. The fee for full or update data extracts provided on CD-ROM is $2,000.00 per month.

9.05.3 (b) Extracts accessed via FTP through the web services provider. The fee for download of data from the server is $2,000.00 per month.

10.0 ACCEPTANCE AND REFUSAL OF RECORDS

10.01 Role of Filing Officer. The duties and responsibilities of the Filing Officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC Record pursuant to these rules, the Filing Officer does not determine the legal sufficiency or insufficiency of the UCC Record, determine that information in the record is correct or incorrect, in whole or in part, or create a presumption that information in the UCC Record is correct or incorrect, in whole or in part.

10.02 Time for filing a continuation statement.

10.02.1 First day permitted. The first day on which a continuation statement may be filed is the date corresponding to the date, six months preceding the day of the month in which such financing statement would lapse. If there is no such corresponding date, the first day on which a

continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The foregoing rule is subject to the ability of the Filing Office to take delivery of the continuation statement as tendered, and to Section 4.0.

10.02.2 Last day permitted. The last day on which a continuation statement may be filed is the date upon which the related financing statement lapses. The foregoing rule is subject to the ability of the Filing Office to take delivery of the continuation statement as tendered and to Section 4.0. Accordingly, the time of filing of the continuation statement under Section 4.0 must be on, or prior to, such last day and delivery by certain means of communication may not be available on such last day if the Filing Office is not open for business on such day.

10.03 Grounds for refusal. In determining under Ark. Code Ann. § 4-9-516 whether or not there is one or more grounds to refuse a UCC Record, the Filing Office will refuse a record that does not provide an Address that meets the minimum requirements for an Address as set forth in these filing-office rules.

10.04 Rule upon refusal. If the Filing Officer finds grounds to refuse a UCC Record, the Filing Officer will hold the funds in the filer's submitter account to be applied to future transaction(s). The rule for a refund of these funds is described in Section 8.0. Communication of the refusal, the reason(s) for the refusal and other related information will be made to the Remitter as soon as practicable and in any event within two business days after the refused UCC Record was received by the Filing Office, by the same means as the means by which such UCC Record was delivered to the Filing Office, or by mail or such more expeditious means as the Filing Office shall determine. Records of refusal, including a copy of the refused UCC Record and the ground(s) for refusal, shall be maintained at least until the first anniversary of the delivery date of the UCC Record.

10.05 Refusal errors. If a secured party or a Remitter demonstrates to the satisfaction of the Filing Officer that a UCC Record that was refused for filing should not have been refused under Rule 10.03, the Filing Officer will file the UCC Record with the filing date and time the UCC Record was originally tendered for filing. A Filing Officer Statement record relating to the relevant initial financing statement will be placed in the UCC Information Management System on the date that the corrective action was taken. The Filing Officer Statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the Initial Financing Statement is preserved in the UCC Information Management System.

10.06 Notification of defects. Nothing in these rules prevents a Filing Officer from communicating to a filer or a Remitter that the Filing Officer noticed apparent potential defects in a UCC Record, whether or not it was filed or refused

for filing. However, the Filing Office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and Remitters and the Filing Office bears no responsibility for such effectiveness.

11.0 UCC INFORMATION MANAGEMENT SYSTEM

11.01 General. The Filing Officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors included on financing statements that are Active Records. The rules in this section describe the UCC Information Management System.

11.02 Primary data elements. The primary data elements used in the UCC Information Management System are the following:

11.02.1 Identification numbers.

11.02.1 (a) Each Initial Financing Statement is identified by its file number. Identification of the Initial Financing Statement is stamped on written UCC Records or otherwise permanently associated with the record maintained for UCC Records in the UCC Information Management System. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in the system. The record is identified by the same information assigned to the Initial Financing Statement.

11.02.1 (b) A UCC Record other than an Initial Financing Statement is identified by a unique file number assigned by the Filing Officer. In the UCC Information Management System, records of all UCC Records other than Initial Financing Statements are linked to the record of their related Initial Financing Statement.

11.02.2 Type of record. The type of UCC Record from which data is transferred is identified in the UCC Information Management System from information supplied by the Remitter.

11.02.3 Filing date and filing time. The filing date and filing time of UCC Records are stored in the UCC Information Management System. Calculation of the lapse date of an Initial Financing Statement is based upon the filing date.

11.02.4 Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC Records to the UCC Information Management System.

11.02.5 Page count. The total number of pages in a UCC Record is maintained in the UCC Information Management System.

11.02.6 Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in Rules 11.07, 11.08 and 11.09.

11.02.7 Indexes of names. The Filing Office maintains in the UCC Information Management System a searchable index of organization debtor names, and a searchable index of individual debtor names. The Filing Office may also maintain a searchable index of names of secured parties of record. Such an index need not be a separate database but may be comprised of records in the UCC Information Management System identified to be included in such searchable index.

11.03 Individual debtor names. For purposes of these rules, an "individual debtor name" is any name provided as a debtor name in a UCC Record in a format that identifies the name as that of a debtor who is an individual, without regard to the nature or character of the name or to the nature or character of the actual debtor.

11.03.1 Individual name fields. Individual debtor names are stored in files that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for first personal names (given), additional name(s)/initial(s), and surnames (last or family names) of individuals. The name of a debtor with a single name (e.g., "Cher") is treated as a surname and shall be entered in the surname field. The Filing Officer assumes no responsibility for the accurate designation of the components of a name but enters the data in accordance with the filer's designations.

11.03.2 Titles, prefixes and suffixes. Titles, prefixes (e.g. "Ms.") and suffixes or indications of status (e.g. "M.D.") are not typically part of a debtor's name. However, when entering a "name" into the UCC Information Management System, the data is entered as it appears.

11.03.3 Truncation - individual names. Personal name fields in the UCC Information Management System are fixed in length. Although filers should continue to provide full names on their UCC Records, 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 name fields are as follows:

11.03.3 (a) First personal name: 100 characters.

11.03.3 (b) Additional name(s)/initial(s): 100 characters.

11.03.3 (c) Surname: 100 characters.

11.03.3 (d) Suffix: 20 characters.

11.04 Organization debtor names. For purposes of these rules, an "organization debtor name" is any name provided as a debtor name in a UCC Record in a format that identifies the name as that of a debtor who is an organization, without regard to the nature or character of the name or to the nature or character of the actual debtor.

11.04.1 Single field. Organization debtor names are stored in files that include only organization debtor names and not individual debtor names. A single field is used to store an organization debtor name.

11.04.2 Truncation-organization names. The organization debtor name field in the UCC database is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC Records, a name that exceeds the fixed length is entered as presented to the Filing Officer, up to the maximum length of the organization debtor name field.

11.05 Estates. The debtor name to be provided on a financing statement for a debtor that is an estate is the name of the relevant decedent. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the filer should provide the debtor name as an individual debtor name. However, the Filing Office will enter data submitted by a filer in the fields designated by the filer as it appears in such fields.

11.06 Trusts. The debtor name to be provided for a debtor that is a trust or a trustee acting in respect of trust property is the name of the trust as set forth in its organic record(s), if the trust has such a name or, if the trust is not so named, the name of the trust's settlor. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the name of a trust or of a settlor that is an organization should be provided as an organization debtor name, and the name of a settlor who is an individual should be provided as an individual debtor name, and in each case without regard to the nature or character of the debtor. Notwithstanding the foregoing, the Filing Office will enter data submitted by a filer in the fields designated by the filer as it appears in such fields.

11.07 Initial Financing Statement. Upon the filing of an Initial Financing Statement the status of the parties and the status of the financing statement shall be as follows:

> **11.07.1 Status of secured party**. Each secured party named on an Initial Financing Statement shall be a Secured Party of Record, except that if the UCC Record names an assignee, the secured party/assignor shall not be a Secured Party of Record and the secured party/assignee shall be a Secured Party of Record.
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> **11.07.2 Status of debtor.** Each debtor name provided by the Initial Financing Statement as entered by the Filing Office is indexed in the UCC Information Management System so long as the financing statement is an Active Record.
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> **11.07.3 Status of financing statement.** The financing statement shall be an Active Record. A lapse date shall be calculated, five years from the file date, unless: (a) the Initial Financing Statement indicates as provided in Rule 4.08 that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date; or (b) the Initial Financing Statement indicates as provided in Rule 4.08 that it is filed against a transmitting utility, in which case there shall be no lapse date.

11.08 Amendments generally. Upon the filing of an amendment, the status of the parties shall be unchanged, except that in the case of an amendment that adds a debtor or a secured party, the new debtor or secured party shall be added to appropriate index and associated with the record of the financing statement in the UCC Information Management System, and an amendment that designates an assignee shall cause the assignee to be added as a Secured Party of Record with respect to the affected financing statement in the UCC Information Management System. Notwithstanding the filing of an amendment that deletes a debtor or a secured party from a financing statement, no debtor or Secured Party of Record is deleted from the UCC Information Management System. A deleted secured party will still be treated by the Filing Office as a Secured Party of Record as the Filing Office cannot verify the effectiveness of an amendment. In general, the filing of an amendment does not affect the status of the financing statement other than the "additions" noted above. An amendment that indicates that the debtor is a transmitting utility will cause the Filing Office to reflect in the information management system that the amended financing statement has no lapse date.

11.09 Continuation statement.

11.09.1 Continuation of lapse date. Upon the timely filing of one or more continuation statements by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years. The lapse date is postponed one time notwithstanding the fact that more than one continuation statement is filed within a given six-month period prior to a lapse date. Notwithstanding the immediate postponement of the lapse date with respect to one or more secured parties of record who file timely a continuation statement within a given six-month period prior to a lapse date, such lapse date remains effective solely for purposes of determining whether or not a subsequent continuation statement filed in the same six-month period is timely.

11.09.2 Status. The filing of a continuation shall have no effect upon the status of any party to the financing statement or upon the status of the financing statement.

11.10 Termination. The filing of a termination shall have no effect upon the status of any party to the financing statement or upon the status of the financing statement.

11.11 Information Statement. The filing of an Information Statement shall have no effect upon the status of any party to the financing statement, the status of the financing statement or to the information maintained in the information management system.

11.12 Filing Officer Statement. A Filing Officer Statement affects the status of parties and of the relevant financing statement as provided in the corrective action described as having been taken in the Filing Officer Statement.

11.13 Rule upon lapse. If there is no timely filing of a continuation statement with respect to a financing statement, the financing statement lapses on its lapse date, but no action is then taken by the Filing Office.

11.14 Removal of record. A financing statement must remain as an Active Record until at least one year after it lapses, or if it is indicated to be filed against a transmitting utility, until at least one year after it is terminated with respect to all secured parties of record. On or after the first anniversary of such lapse or termination date, the Filing Office or the UCC Information Management System may remove the financing statement and all related UCC Records from the Searchable Indexes or from the UCC Information Management System and upon such removal, the removed UCC Records shall cease to be Active Records.

12.0 FILING AND DATA ENTRY

12.01 Errors of the Filing Office. The Filing Office may correct data entry and indexing errors of Filing Office personnel in the UCC Information Management System at any time. If a correction is made to a record of a financing statement after the Filing Office has issued a search report with a through date and time [see Rule 13.07(3)(e)] that is on or after the filing date and time of the financing statement, the Filing Office will associate with the record of the financing statement in the UCC Information Management System a Filing Officer statement on the date that the corrective action was taken providing the date and an explanation of the correction.

12.02 Data entry. Data is entered into the UCC Information Management System as provided in an Initial Financing Statement or an amendment, without regard to apparent errors. Data provided in electronic form is transferred to the information management system as submitted by the filer without re-keying. Data provided on a paper-based form is keyed (or scanned) into the system as it appears. If a UCC Record is tendered that provides characters not permitted under Rule 4.07 on a paper-based form, and the Filing Office nevertheless accepts the form for filing, the Filing Office may substitute, the English equivalent character (à = a) in its information management system.

12.03 Verification of data entry. The Filing Office will periodically test its electronic filing intake systems to ensure that data from UCC Records that are transmitted electronically to the Filing Office or electronically scanned by the Filing Office are accurately transferred into the UCC Information Management System. Data from UCC Records that are keyed (or scanned) by the Filing Office into the UCC Information Management System are verified by review of the data, except that debtor name data are verified by double-blind keying. Data entry performed by filers or Remitters with respect to electronically filed UCC Records is the responsibility of the filer and is not verified by the Filing Office.

12.04 Notice of bankruptcy. The Filing Officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC Information Management System.

13.0 SEARCH REQUESTS AND REPORTS

13.01 General requirements. The Filing Officer maintains for public inspection a searchable index for all Active Records in the UCC Information Management System. Active Records will be retrievable by the name of the debtor or by the file number of the related Initial Financing Statement, and each Active Record related to an Initial Financing Statement is retrieved with the Initial Financing Statement using either retrieval method.

13.02 Search request delivery. UCC search requests may only be made using a UCC11 form and may be delivered to the Filing Office by any of the means by which UCC Records may be delivered to the Filing Office. A UCC11 form may include only one debtor per form. Multiple search requests may be submitted at the same time, but each debtor must be listed on a separate UCC11 form. If a search request is delivered at the same time as the Initial Financing Statement, the search will be processed after the Initial Financing Statement is filed.

13.03 Search requests – required information. Search requests shall include the following:

> **13.03.1 Name searched.** A search request must set forth the name of the debtor to be searched using designated fields for organization and individual first personal name, additional name(s)/initial(s), and surname. A search request will be processed using the data and designated fields as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor that is the subject of the search.
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> **13.03.2 Requesting party**. The name and address of the person to whom the search results is to be sent.
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> **13.03.3 Fee.** The appropriate fee shall be tendered by a method described in Section 7.0.

13.04 Search requests - optional information. Search requests may include the following:

> **13.04.1 Copies**. The request may limit copies of UCC Records that would normally be provided with a search report by requesting that no copies be provided.
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> **13.04.2 Scope of search**. A search request may ask for a search that reports all Active Records retrieved by the search rather than only Unlapsed Records retrieved by the search.
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> **13.04.3 Mode of delivery**. A search request may specify a mode of delivery for search results and that request will be honored if the requested mode is made available by the Filing Office, and all requisite fees are tendered.
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> **13.04.4 Search request with filing**. If a filer requests a search at the time an Initial Financing Statement is filed by submitting a search request with the Initial Financing Statement at the time it is tendered for filing, the search request shall be deemed to request a search to be conducted as soon as practicable such that it would include all relevant UCC Records filed on

or prior to the date the Initial Financing Statement is filed. A search request may only be made using a UCC11 form.

13.05 Search methodology. Search results are produced by the application of search logic to the name presented to the Filing Officer. Human judgment does not play a role in determining the results of the search.

13.05.1 Standard search logic. The following rules describe the Filing Office's standard search logic and apply to all searches:

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

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

13.05.1 (c) The character "&" (the ampersand) and the characters "and" are interchangeable.

13.05.1 (d) Punctuation marks and accents are disregarded. For the purposes of these rules, punctuation includes all characters other than the numerals 0 through 9 and the letters A through Z (in any case) of the English alphabet.

13.05.1 (e) The following words and abbreviations at the end of an organization name that indicate the existence or nature of the organization are disregarded to the extent practicable as determined by the Filing Office's programming of its UCC Information Management System:

Agency, Association, Assn, Associates, Assc, Assoc, Attorneys at Law, Bank, National Bank, Business Trust, Charter, Chartered, Company, Co, Corporation, Corp, Credit Union, CU, Federal Savings Bank, FSB, General Partnership, Genpart, GP, Incorporated, Inc, Limited, Ltd, Ltee, Limited Liability Company, LC, LLC, LLLP, Limited Liability Partnership, Limited Liability Limited Partnership, LLP, Limited Partnership, LP, Medical Doctors Professional Association, MDPA, Medical Doctors Professional Corporation, MDPC, National Association, NA, Partners, Partnership, Professional Association, Prof Assn, PA, Professional Corporation, Prof Corp, PC, Professional Limited Liability Company, Professional Limited Liability Co, PLLC, Railroad, RR, Real Estate Investment Trust, REIT, Registered Limited Liability Partnership, RLLP, Savings Association, SA, Service Corporation, SC, Sole Proprietorship, SP, SPA, Trust, Trustee, As Trustee, OD.

13.05.1 (f) The word "the" at the beginning of an organization debtor name is disregarded.

13.05.1 (g) All spaces are disregarded.

13.05.1 (h) For first personal names and additional name(s)/initial(s), of individual debtor names, initials are treated as the logical equivalent of all names that begin with such initials, and first personal name and no additional name(s)/initial(s) is equated with all additional name(s)/initial(s). For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first personal name, "Smith" as the surname, and with the initial "A" or any name beginning with "A" in the additional name(s)/initial(s) field. If the search request were for "John Smith" (first personal and surnames with no designation in the additional name(s)/initial(s) name field), the search would retrieve all filings against individual debtors with "John" or the initial J as the first personal name, "Smith" as the surname and with any name or initial or no name or initial in the additional name(s)/initial(s) field.

13.05.1 (i) If the name being searched is the surname of an individual debtor without any first personal name or additional name(s)/initial(s) provided, the search will retrieve from the UCC Information Management System all Unlapsed Records or, if requested by the searcher, all Active Records that pertain to financing statements with individual debtor names that consist of such surname, additional name(s)/initials and no first personal name.

13.05.1 (j) After using the preceding rules to modify the name being searched, the search will retrieve from the UCC Information Management System all Unlapsed Records, or, if requested by the searcher, all Active Records, that pertain to financing statements with debtor names that, after being modified as provided in this Rule 13.05, exactly match the modified name being searched.

13.06 Changes in standard search logic. If the Filing Office changes its standard search logic or the implementation of its standard search logic in a manner that could alter search results, the Filing Office will provide public notice of such change.

13.07 Search responses. Response to a search request shall include the following:

13.07.1 UCC Record Request Acknowledgement. The record request acknowledgement shall contain the following:

13.07.1 (a) Filing Office identification. Identification of the Filing Office responsible for the search report.

13.07.1 (b) Requester. The name and address to which the request is to be returned.

13.07.1 (c) Document number. The document number of the Information Request Form (UCC11)

13.07.1 (d) Record request items. List of request items, item fee and total fee charged for search.

13.07.2 Copy of information request. File marked copy of information request form (UCC11).

13.07.3 UCC filing search records report. The Filing Office shall include the following information on a report for each search:

13.07.3 (a) Filing Office identification. Identification of the Filing Office responsible for search report.

13.07.3 (b) Through date. The date at or prior to which a UCC Record must have been filed with the Filing Office in order for it to be reflected on the search.

13.07.3 (c) Search date and time. The date and time the report was generated.

13.07.3 (d) Search criteria. A summary of the search criteria used to complete the search.

13.07.3 (e) Identification of financing statement. Identification of each Initial Financing Statement, including a listing of all related Amendments, Information Statements, or Filing Officer notices, filed on or prior to the through date corresponding to the search criteria (including whether the searcher has requested Active Records or only Unlapsed Records). Financing statement information shall include, but is not limited to the following:

(i) Initial Financing Statement file number.

(ii) Filing type.

(iii) Initial Financing Statement filing date and time.

(iv) Lapse date as calculated as of the through date and time.

(v) Number of pages in filing.

(vi) The debtor name(s) that appear(s) of record.

(vii) The debtor address(es) that appear(s) of record.

(viii) The secured party name(s) that appear(s) of record.

(ix) The secured party address(es) that appear(s) of record.

(x) The type of each amendment, if any.

(xi) The date and time each amendment, if any, was filed.

(xii) The amendment file number of each amendment, if any.

(xiii) The date and time an Information Statement, if any, was filed.

(xiv) The date and time a Filing Officer Statement, if any, was filed.

13.07.3 (f) Certification language. A report created by the Filing Officer in response to a request shall contain the following statement:

13.07.3 (f)(i) If the search returned results (copies request): The undersigned, as Secretary of State of Arkansas, hereby certifies that the above is a listing of all available documents now in my lawful custody and possession, as the same are filed in the Uniform Commercial Code Section of my office as of mm/dd/yyyy at hh:mm a.m./p.m. and which name the above debtor. My acceptance for filing and custody of these documents in no way confirms, denies, or implies, the legal effect, or enforceability of the attached documents.

13.07.3 (f)(ii) If the search returned results (no copies request):
The undersigned, as Secretary of State of Arkansas, hereby certifies that the above is a listing of all available documents now in my lawful custody and possession, as the same are filed in the Uniform Commercial Code Section of my office as of mm/dd/yyyy at hh:mm a.m./p.m. and which name the above debtor. My acceptance for filing and custody of these documents in no way confirms, denies, or implies, the legal effect, or enforceability of the attached documents.

13.07.3 (f)(iii) If the search returned no results:
The undersigned, as Secretary of State of Arkansas, hereby certifies that there are NO DOCUMENTS FILED in the Uniform Commercial Code section of my office as of mm/dd/yyyy at hh:mm a.m./p.m. which name the above Debtor.

13.07.4 Copies. Copies of all UCC Records retrieved by the search unless no copies are requested.

13.08 Search responses for specific copies only. Response to a search request for specific copies only shall include the following:

13.08.1 UCC record request acknowledgement. The record request acknowledgement shall contain the following:

13.08.1 (a) Identification of the Filing Office responsible for search report.

13.08.1 (b) The name and address to which the request is to be retuned.

13.08.1 (c) The document number of the Information Request Form (UCC11).

13.08.1 (d) List of request items, item fee and total fee charged for search.

13.08.2 Copy of information request. File marked copy of information request form (UCC11)

13.08.3 Certificate. The Filing Office shall include the following information on a certificate for each request:

13.08.3 (a) Identification of the Filing Office responsible for the certificate.

13.08.3 (b) A summary of the search criteria used to complete the search.

13.08.3 (c) The file number of the document.

13.08.3 (d) The date the document was filed.

13.08.3 (e) The time the document was filed.

13.08.3 (f) The type of document filed.

13.08.3 (g) A certificate created by the Filing Officer in response to a request shall contain the following statement:
In Testimony Whereof, I have hereunto set my hand and Affixed hereto the Seal of the Secretary of State of Arkansas.

13.08.3 (h) The date and time the certificate was generated.

13.08.4 Copies. Copies of all UCC Records retrieved by the request for specific copies only.

14.0 AGRICULTURAL LIENS AND FARM-RELATED SECURITY INTERESTS

Act 942 of 2009, codified at Ark. Code Ann. §§ 4-9-501, 4-9-510 & 4-9-525, provides for central filing of agricultural liens and farm-related security with the Secretary of State. See Administrative Rule # 116.00.09.002 (located on the Secretary of State's website www.sos.arkansas.gov) for transition provisions.

15.0 FEDERAL TAX LIENS

15.01 Data entry and indexing. Data entry and indexing of federal tax liens are performed in the same manner as they are performed for the UCC Information Management System. The process is noted in Section 12.0.

15.02 Search requests and reports. Search requests and reports of federal tax liens are performed in the same manner as they are performed for the UCC Information Management System. The process is noted in Section 13.0.

15.03 Fees. The fees for filings and searches of federal tax liens are detailed in Rule 6.02.

16.0 FOOD SECURITY ACT OF 1985. The Arkansas Secretary of State's UCC Information Management System is **not** certified by the United States Department of Agriculture as a central filing system under the Food Security Act of 1985.