

# **Uniform Commercial Code, Article 9**

## **Model Administrative Rules**

**2024 Edition**

**Revised May 23, 2024**

As promulgated by International Association of Commercial Administrators  
Secured Transactions Section



NORTH DAKOTA  
**SECRETARY  STATE**

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## Section 1. General Provisions

- 100 **Definitions.** Terms used in these filing office rules that are defined in the UCC and not otherwise defined in this Section shall have the respective meanings accorded such terms in the UCC.
- 100.1 **Address.** “Address” means either (i) a street address, route number (may include box) or PO Box number plus the city, state and zip code, or (ii) an address that purports to be a mailing address outside the United States of America.
- 100.2 **Amendment.** “Amendment” means any UCC record filed that relates to the initial financing statement. Amendments include party or collateral changes, assignments, continuations, and terminations.
- 100.3 **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.
- 100.4 **Filing office.** “Filing office” means *North Dakota Secretary of State*.
- 100.5 **Filing office statement.** “Filing office statement” means a statement entered into the filing office’s UCC information management system to explain an action by the filing office.
- 100.6 **Information statement.** “Information statement” means a UCC record that indicates a financing statement is inaccurate or wrongfully filed.
- 100.7 **Initial financing statement.** “Initial financing statement” means a UCC record that causes the filing office to establish the initial record of filing of a financing statement.
- 100.8 **Remitter.** “Remitter” means a person who communicates a UCC record to the filing office for filing, whether the person is a filer or an agent of a filer responsible for communicating the record for filing. “Remitter” does not include a person responsible

merely for the drop-off delivery of a record to the filing office for later processing, such as the postal service or delivery service. The remitter, aka “submitter” or “filer”, is not necessarily the secured party.

- 100.9 **Searchable indexes.** “Searchable indexes” means the searchable index of individual debtor names and the searchable index of organization debtor names the filing office must maintain in the UCC information management system.
- 100.10 **Secured party of record.** “Secured party of record” means every party designated as a secured party in a financing statement, including those for whom an amendment has been filed purporting to delete them as a secured party or purporting to indicate they have assigned their secured interest, except as provided in Rule 306.1.
- 100.11 **UCC.** “UCC” means the Uniform Commercial Code as adopted in the State of North Dakota.
- 100.12 **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 3 of these filing-office rules.
- 100.13 **UCC record.** “UCC record” means an initial financing statement, an amendment of party or collateral information, an assignment, a continuation statement, a termination statement, a filing office statement, or an information statement, in any medium accepted by the filing office, and includes a record thereof maintained by the filing office.
- 100.14 **Unlapsed record.** “Unlapsed record” means a UCC record that has been stored and indexed in the UCC information management system, which has a lapse date that has not yet occurred.
- 100 **Means to deliver UCC records; time of filing.** UCC records may be communicated for filing at the filing office as follows. All UCC filings must be completed online with the exception of limited federal filings. The file time for a UCC record is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the online entry system.
- 100.1 **Reserved** - Personal delivery by Remitter, at the filing office’s street address.
- 100.2 **Reserved** - All other methods of drop-off delivery at the filing office’s street address at a place designated by the filing office.

- 100.3 **Reserved** - Postal service delivery, to the filing office's mailing address.
- 100.4 **Reserved** - Electronic mail and facsimile delivery, to the filing office's e-mail address or the filing office's fax filing telephone number.
- 100.5 **Direct Electronic filing.** UCC records may be transmitted electronically using an API, XML, or similar format approved by the International Association of Commercial Administrators. At the request of an authorized Remitter, the filing office shall identify which versions and releases of the electronic format are acceptable to the filing office. The filing office publishes an implementation guide that prescribes the use of the electronic format. An implementation guide shall be available to approved stakeholders upon request. The file time for a UCC record delivered by this method is the time that the filing office's UCC information management system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.
- 100.6 **Direct online web page data entry.** UCC records may be delivered by online data entry using the filing office's website on the internet. The file time for a UCC 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.
- 100.7 **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 appear on the American standard keyboard or such information will be modified, upon entry into the UCC information management system, as provided in Rule 401. A financing statement or amendment that does not designate separate fields for organization and individual names, and separate fields for the last name, first name, middle name, and suffixes for individual names is not an acceptable means of communication to the filing office.
- 100.8 **Transmitting utility, manufactured-home and public-finance transactions.** The only means to indicate that an initial financing statement is filed in connection with a manufactured-home or public-finance transaction, or that the debtor is a transmitting utility, is on the initial financing statement.
- 101 **Search request delivery.** UCC search requests may be delivered to the filing office by any of the following means: direct online web page data entry in Central Indexing System.
- 102 **Forms.** North Dakota Century Code requires that all Central Indexing System filings and search requests be completed online. Paper filings/forms and search requests are not accepted by the state except for IRS Filings.

**Fees.**

<b>Lien Type and Transaction</b>	<b>Fee</b>
Combination Filings (for UCC/CNS combination filings only 1 fee is charged per transaction)	
<b>UCC Lien – Initial Financing Statement</b>	
• Initial Filing	\$40.00
• Amendment	\$40.00
• Assignment	\$40.00
• Continuation	\$30.00
• Termination	No Fee
• Information Statement	\$40.00
<b>UCC Transmitting Utility</b>	
• Initial Filing	\$40.00
• Amendment	\$40.00
• Assignment	\$40.00
• Termination	No Fee
• Information Statement	\$40.00
<b>CNS Agricultural Farm Product Lien</b>	
• Initial Financing	\$40.00
• Amendment	\$40.00
• Assignment	\$40.00
• Continuation	\$30.00
• Termination	No Fee
<b>Miscellaneous Statutory Lien (MSL) – Includes Repairman's and Insurance</b>	
• Initial Filing	\$40.00
• Amendment	\$40.00
• Assignment	\$40.00
• Termination	No Fee
<b>Child Support Lien</b>	No Fee
<b>Agricultural Statutory Lien (ASL) – (includes Processor, Supplier, Agister, Landlord)</b>	
• Initial Filing	\$40.00
• Amendment	\$40.00
• Assignment	\$40.00
• Termination	No Fee
<b>State Tax Lien</b>	No Fee

<b>Federal Tax Lien</b>	
• Tax Initial Filing	\$40.00
• Tax Amendment	\$40.00
• Tax Refiling	\$40.00
• Tax Release	No Fee
<b>Federal Judgment</b>	
• Initial Filing	\$40.00
• Amendment	\$40.00
• Full Release	No Fee
• Partial Release	\$40.00

104 **Reserved - Expedited services.**

105 **Methods of payment.** Filing fees and fees for public records services may be paid by the following methods.

105.1 **Reserved - Cash.**

105.2 **Checks.** Personal checks, cashier's checks, and money orders may be accepted at the filing office's discretion to cover replacement payments and NSF fees only and should be made payable to North Dakota Secretary of State.

105.3 **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.

105.4 **Reserved - Prepaid account.**

105.5 **Debit and credit cards.** The filing office shall accept payment by debit cards and credit cards of types approved by the filing office. Payment will not be deemed tendered until the issuer or its agent has confirmed payment.

105.6 **Reserved - Other payment methods.**

106 **Overpayment and underpayment policies.**

106.1 **Overpayment.** The Secretary of State will issue a refund under limited circumstances, including system and administrative errors.

106.2 **Underpayment.** The UCC record shall be returned to the Remitter as provided in Rule 203. Any fee received will be returned with the UCC record or under separate cover.

107 **Bulk Data services.** Contact the filing office for information about availability, cost, format, and method of delivery. Information about data reports and subscriptions is available on the Secretary of State website: [Data and Report Subscriptions | Secretary of State | North Dakota](#)



## Section 2. Acceptance and Refusal of Records

- 200     **Role of filing office.** Unless otherwise expressly provided for by statute, the duties and responsibilities of the filing office with respect to the administration of the UCC are ministerial. Regarding the acceptance for filing a UCC record, the filing office does not determine the legal sufficiency of the record. The filing office also does not determine that the record's information is correct, in whole or in part, or create a presumption that the UCC record information is correct.
- 201     **Time for filing a continuation statement.**
- 201.1   **First day permitted.** The first day on which a continuation statement may be filed is the date corresponding to the date upon which the related financing statement (i) would lapse, and (ii) of the month which is the sixth month preceding 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 accept the continuation statement at the time and by the means submitted.
- 201.2   **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 last day permitted for a February 29 filing date shall be March 1 in non-leap years.
- 202     **Grounds for refusal.** The filing office shall refuse a record for each applicable ground as set forth in UCC Section 9-516 and will not refuse a record for any other reason. A record that does not provide an address that meets the minimum requirements set forth in Rule 100.1 does not provide a mailing address as required by UCC Section 9-516.
- 203     **Procedure upon refusal.** If the filing office finds grounds to refuse a UCC record, the filing office shall refund any filing fee received by the filing office. 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. The information will be sent to the customer by the same means as it was initially delivered. Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, shall be maintained until the first anniversary of the lapse date that applies or would have applied to the related financing statement, assuming that the refused record had been accepted and filed.

- 204     **Refusal errors.** If a secured party or a Remitter believes that a UCC record that the filing office refused to file should not have been refused under Rule 202, the person may contact the filing office to request a review of the refusal decision. The person requesting review shall provide the filing office with a copy of the reasons for refusal, a copy of the refused record, and a statement of the basis for the person's belief that the filing office wrongfully refused to file the record. Upon receipt of a request for review, the North Dakota Secretary of State shall investigate the claim. If the investigator confirms that the record should have been refused, the filing office shall provide a written explanation of the grounds for refusal. But if it is determined that the filing office refused to accept the record in error, the filing office shall file the UCC record with the filing date and time that was assigned, based on the method of delivery, by the filing office after the record was originally delivered for filing. A filing office statement record relating to the relevant initial financing statement shall be placed in the UCC information management system on the date that the corrective action was taken. The filing office 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.
- 205     **Notification of defects.** Nothing in these rules prevents a filing office from communicating to a filer or a Remitter that the filing office 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.

### **Section 3. UCC Information Management System**

- 300     **General.** The filing office uses the UCC information management system (Central Indexing System) to store, index, and retrieve information relating to financing statements. The UCC information management system includes the searchable indexes. The rules in this section describe the UCC information management system.
- 301     **Primary data elements.** The primary data elements used in the UCC information management system are the following.
- 301.1   **Identification numbers.**
- 301.1.1   Each initial financing statement is identified by a unique file number. Identification of the initial financing statement is printed on UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. A record is created for each initial financing statement and all information comprising such initial financing statement is maintained in the system.

- 301.1.2 A UCC record other than an initial financing statement is identified by a unique file number on UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. In the UCC information management system, records other than initial financing statements are linked to the related initial financing statement.
- 301.2 **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. Types of records include initial financing statement, amendment, assignment, continuation, termination, and other records permitted to be filed in relation to the financing statement.
- 301.3 **Filing date and filing time.** The filing date and filing time of UCC records are stored in the UCC information management system.
- 301.4 **Identification of parties.** The names and addresses of debtors and secured parties are stored in the UCC information management system.
- 301.5 **Page count.** The total number of pages in a UCC record is maintained in the UCC information management system.
- 301.6 **Lapse indicator.** An indicator is maintained by which the UCC 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 306.3 and 308.
- 301.7 **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.
- 302 **Individual debtor names.** For purposes of this rule, 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.
- 302.1 **Individual name fields.** Individual debtor names are stored in data fields that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for *l a s t n a m e s* (last or family names), first names (given), and middle names of individuals. The name of a debtor with a single name (e.g., “Cher”, “Madonna” or “Prince”) is treated as a *l a s t n a m e* and shall be entered in the individual last name field. The filing office assumes no responsibility for the accurate designation of the components of a name but shall accurately enter the data in accordance with the filer’s designations.

- 302.2 **Titles, prefixes, and suffixes.** Titles, prefixes (e.g. “Ms.”), and suffixes or indications of status (e.g. “M.D.”) are not typically part of an individual debtor’s name. Suffixes used to distinguish between family members with identical names (e.g., “JR.”) should be provided in the Suffix field. However, if the suffix appears on a driver’s license or identity card used as the source of an individual name, then the filer should consider also providing the name as a separate individual debtor with the suffix included in the Last Name field. Regardless of how provided, when entering a “name” into the UCC information management system, the filing office shall enter the data exactly as they appear.
- 302.3 **Extended debtor name field.** The filing office shall not refuse to accept an initial financing statement consisting of a tangible written record or an image of the UCC forms approved by the filing office that lacks debtor information in item 1 and/or item 2 if the record includes an addendum that provides debtor information in item 10.
- 302.4 **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 office, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows.
- 302.4.1 Last Name: 50 characters.
- 302.4.2 First Name: 50 characters.
- 302.4.3 Middle Name: 50 characters.
- 302.4.4 Suffix: 10 characters.
- 303 **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.
- 303.1 **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.
- 303.2 **Truncation - Organization names.** The organization debtor name field in the UCC information management system is fixed in length. The maximum length is 254 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 office, up to the maximum length of the organization debtor name field.

- 304     **Collateral being administered by a Decedent's Personal Representative.** The debtor name to be provided on a financing statement when the collateral is being administered by a decedent's personal representative is the name of the relevant decedent. In order for the UCC 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 shall enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields. The indication that the collateral is being administered by the decedent's personal representative may only be made on the initial financing statement.
- 305     **Collateral held in a Trust.** The debtor name to be provided when the collateral is held in a trust that is not a registered organization 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 or testator. In order for the UCC information management system to function in accordance with the usual expectations of filers and searchers, the name of a trust or the name of a settlor or testator that is an organization should be provided as an organization debtor name, and the name of a settlor or testator who is an individual should be provided as an individual debtor name, in each case without regard to the nature or character of the debtor. Notwithstanding the foregoing, the filing office shall enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields. The indication that the collateral is being held in a trust may only be made on the initial financing statement.
- 306     **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.
- 306.1    **Status of secured party.** Each secured party named on an initial financing statement shall be indexed as a secured party of record.
- 306.2    **Status of debtor.** Each debtor name provided by the initial financing statement shall be indexed in the UCC information management system and shall remain on the record in accordance with UCC Section 9-519(g).
- 306.3    **Status of financing statement.** A lapse date shall be calculated, five years from the file date, unless (i) the initial financing statement indicates that the debtor is a transmitting utility as provided in rule 101.8, in which case there shall be no lapse date. The lapse date for a financing statement filed on February 29 shall be March 1 in the fifth year following the year of the filing date.
- 307     **Amendments generally.** The filing office shall not delete any information from the information management system in response to an amendment. 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 the appropriate index and associated with the record of the financing statement in the UCC information management system. 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 purports to delete 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. Except in the case of a continuation statement, the filing of an amendment does not affect the status of the financing statement.

308     **Continuation statement.**

308.1     **Continuation of lapse date.** Upon the timely filing of one or more continuation statements, the lapse date of the financing statement shall be extended for an additional five-year period beginning on the date the record would have lapsed in the absence of the filing of a continuation statement. The lapse date is extended once, notwithstanding the fact that more than one continuation statement is filed within a given 6-month period prior to a lapse date. Notwithstanding the immediate extension of the lapse date for those secured parties of record who file timely a continuation statement within a given 6-month period prior to a lapse date, such lapse date remains effective solely for purposes of determining whether a subsequent continuation statement filed in the same 6-month period is timely.

308.2     **Status.** The filing of a continuation statement shall have no effect upon the status of any party to the financing statement or upon the status of the financing statement except to extend the lapse date as provided in 308.1.

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

310     **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 the information maintained in the UCC information management system.

311     **Filing office statement.** A filing office statement explains a corrective action taken by the filing office with respect to the financing statement to which it relates.

312     **Procedure upon lapse.** If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date, but no action is then taken by the filing office.

313     **Removal of record.** A financing statement must remain in the searchable index within the UCC information management system until at least one year after it lapses. On or after the first anniversary of such lapse, the financing statement and all related UCC records may be removed from the Searchable Indexes or from the UCC information management system.

313.1     **Transmitting Utilities.** A financing statement that indicates a debtor is a transmitting utility must remain in the searchable index within the UCC information management system until at least one year after it is terminated with respect to all secured parties of record. On or after the first anniversary of the termination date of the last remaining secured party of record, the financing statement may be removed from its searchable index or from the UCC information management system.

314     **Archives - general.** UCC records removed from the UCC information management system will be maintained as provided in the Records Retention Schedule for Secretary of State.

314.1     **Reserved - Paper UCC documents.**

314.1.1 **Reserved** - Storage.

314.1.2 **Reserved** - Retention.

314.2 **Record Images.**

314.2.1 **Storage.** Federal Tax Liens and Transmitting Utilities are stored electronically in the UCC information management system or system database.

314.2.2 **Retention.** Federal Tax Liens and Transmitting Utilities are transferred to State Archives for permanent retention.

314.3 **Databases.** The UCC information management system is a web-based application. North Dakota Information Technology, in conjunction with the agency and vendor, ensures back-up safeguarding is in place for this application. There is an application server and SQL database. The system falls into tier 4 – which requires that the application be available within 48 hours of an incident.

314.3.1 **Archives – data retention.** Data in the searchable index shall not be removed until one year after the financing statement lapses. Databases are maintained as provided in the Records Retention Schedule for Secretary of State.

## **Section 4. Filing and Data Entry Procedures**

400 **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, the filing office shall associate a filing office statement with the record in the UCC information management system. The filing office statement shall include the date that the corrective action was taken and an explanation of the correction.

401 **Data entry.** Data are entered into the UCC information management system exactly as provided in a UCC record, without regard to apparent errors. Data provided in electronic form are transferred to the UCC information management system exactly as submitted by the Remitter. The filing office will reject a filing containing characters not in the Latin-1 character set.

402 **Verification of data entry.** The filing office shall verify accuracy of the data from UCC records entered in accordance with Rule 401 into the UCC information management system. Data entry performed by Remitters with respect to electronically filed UCC records is the responsibility of the Remitter and is not verified by the filing office.

403 **Reserved.**

404 **Redaction of certain information.** The filing office is obligated to redact certain

information from the information it provides to searchers and bulk data purchasers in accordance with applicable privacy and identity theft protection laws. Such information should not be included in UCC records and will be redacted in accordance with such laws.

405 **Reserved** – Master amendments.

## Section 5. Search Requests and Reports

500 **General requirements.** The filing office maintains records for public inspection in a searchable index within the UCC information management system. Records will be retrievable by the name of the debtor or by the file number of the related initial financing statement, and each record related to an initial financing statement is retrieved with the initial financing statement using either retrieval method.

501 **Search requests.** The following elements are required to request a search:

501.1 **Name searched.** A search request must set forth the name of the debtor to be searched using designated fields for organization name or individual last name, first name and middle name, filing number, Social Security Number or Tax Identification Number, or Secured Party Name. A search request will be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor that is subject of the search.

501.2 **Requesting party.** The name of the person to whom the search results are to be communicated and the information required for the designated method of communication. Communication methods are described in Rule 506.

501.3 **Fee.** The appropriate fee shall be tendered by a method described in Rule 106.

501.4 **Search logic.** The request shall specify whether a search methodology other than that described in Rule 503.1, if an alternative search logic is available, is to be applied in conducting the search. If no such methodology is specified, the one described in Rule 503.1 shall be applied.

502 **Search requests - optional information.** The requesting party for a search request submitted under Rule 501 may designate the following options:

502.1 **Copies.** The request may limit the results of UCC records that would normally be provided with a search report by requesting that copies be provided, information only be provided, or that information and copies be provided and the results be limited to those UCC records that:

502.1.1 include up to 2 cities of the debtor or secured party;

502.1.2 reserved

502.1.3 were filed on a particular date or within a particular range of dates; or



502.1.4 include a particular secured party name.

502.2 **Scope of search.** A search request may ask for a search that reports all Records or all Unlapsed Records from the UCC information management system's searchable indexes.

503 **Search methodology.** Search results are produced by the application of search logic to the name presented to the filing office. Human judgment does not play a role in determining the results of the search.

503.1 **Standard search logic.** The following rules describe the filing office's standard search logic and apply to all searches except for those where the search request specifies that a non-standard search logic be used:

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

503.1.2 No distinction is made between upper- and lower-case letters.

503.1.3 The following rules apply only to organization names:

- (a) The character "&" (the ampersand) is deleted and replaced with the characters "and" each place it appears in the name.
- (b) Punctuation marks and accents are disregarded. For the purposes of this rule, punctuation and accents include all characters other than the numerals 0 through 9 and the letters A through Z (in upper and lower case) of the English alphabet.
- (c) 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*
- *Gen part*
- *GP*
- *Incorporated*
- *Inc*
- *Limited*
- *Ltd*
- *Ltee*
- *Limited Liability Company*
- *LC*
- *LLC*
- *Limited Liability 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*

The search logic will disregard all words, phrases or abbreviations from the preceding list beginning at the end of the name and working back until an unlisted word, phrase, or abbreviation appears.

- (d) The word “the” at the beginning of an organization debtor name is disregarded.
- (e) All spaces are disregarded.

503.1.4 The following search rules apply to individual debtor names:

- (a) **Last Name.** The search logic will provide equivalencies for the last name field. The search logic disregards titles, suffixes, or ending noise words of any type if entered in the last field.
- (b) **First Name.** The following equivalencies apply:
  - (1) A first name is the logical equivalent of the first initial of the name.
  - (2) An initial (a single letter) is the logical equivalent of all first names that begin with that letter.
  - (3) No first name or initial is the logical equivalent of all first names and initials.
- (c) **Middle Name.** The following equivalencies apply:
  - (1) A name is the logical equivalent of the first initial of the name.
  - (2) An initial (a single letter) is the logical equivalent of all names that begin with that letter and no entry in the additional names/initials field.
  - (3) No entry in the additional names/initials field is the logical equivalent of all names and initials.
- (d) **Search Results.** Only records that exactly match the last name field under subsection (a); exactly match the first name after application of the equivalency rules in subsection (b); and that exactly match the middle name field after application of the equivalency rules in subsection (c) will be reported.
- (e) **Single Names.** If the name being searched is the last name of an individual debtor name without any first name or middle name provided, the search will retrieve all financing statements from the UCC information management system with individual debtor names that consist of only the last name.
- (f) **Search Result Examples.**
  - (1) A search request for “John A. Smith” (first name and last name with an initial in the middle name field) would cause

the search to retrieve all filings against all individual debtors with (i) “John” or the initial “J” as to the first name, (ii) “Smith” as the last name, and (iii) no name or initial, the initial “A” or any name beginning with “A” in the middle initial field.

- (2) A search request for “J.A. Smith” (initial for first name, last name and an initial for the middle name field), would retrieve all filings against individual debtors with (i) the initial “J” or any name beginning with “J” as the first name, (ii) “Smith” as the last name, and (iii) no name or initial, the initial “A” or any name beginning with “A” in the middle name field.
- (3) A search request for “John Smith” (first name and last name with no designation in the middle name field), would retrieve all filing against individual debtors with (i) “John” or the initial “J” as the first name, (ii) “Smith” as the last name and (iii) any entry or no entry in the middle name field.

503.1.5 After applying the preceding rules to the name being searched, the search will retrieve from the UCC information management system’s searchable index all Unlapsed Records, or, if requested by the searcher, all Records, that pertain to financing statements with debtor names that, after application of this Rule 503, exactly match the modified name being searched.

503.2 **Reserved – Non-standard search logic.**

503.2.1 **Reserved**

503.2.2 **Reserved**

504 **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 shall provide prior public notice of such change.

505 **Search responses.** Responses to a search request shall include the following:

505.1 **Copies.** Copies of all UCC records retrieved by the search unless only limited copies are requested by the searcher. Copies will reflect any redaction required by law.

505.2 **Introductory information.** A filing office shall include the following information with a UCC search response:

505.2.1 **Filing office identification.** Identification of the filing office providing the search response.

505.2.2 **Unique search report identification number.** Unique number which identifies the search report

505.2.3 **Report date and time.** The date and time the report was generated.

- 505.2.4     **Through date and time.** The date and time 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.
- 505.2.5     **Certification language.**
- 505.2.6     **Scope of search.** Lapsed or Unlapsed
- 505.2.7     **Search logic used.** IACA Recommended Standard Search Logic.
- 505.2.8     **Search logic disclaimer language.**
- 505.2.9     **Name provided.** Name as provided by searcher.
- 505.2.10    **Reserved.** Search string.
- 505.2.11    **Lien type or types searched.**
- 505.2.12    **Information Options.** Information Only, Copies Only, or Information and Copies.
- 505.3    **Report.** The search report shall contain the following.
  - 505.3.1     **Identification.** Identification of the filing office providing the search report.
  - 505.3.2     **Search report identification number.** Unique number assigned under Rule 505.2.2.
  - 505.3.3     **Identification of financing statement.** Identification of each initial financing statement, including a listing of all related amendments, information statements, or filing office notices, filed on or prior to the through date corresponding to the search criteria (including whether the searcher has requested all Records or only Unlapsed Records from the searchable index). Financing statement information shall include, but is not limited to the following:
    - 505.3.3.1     Initial financing statement file number.
    - 505.3.3.2     Initial financing statement filing date and time.
    - 505.3.3.3     Lapse date.
    - 505.3.3.4     The name of each debtor that appears of record.
    - 505.3.3.5     The address of each debtor that appears of record.

- 505.3.3.6 The name of each secured party that appears of record.
- 505.3.3.7 The address of each secured party that appears of record.
- 505.3.3.8 An indication of each type of amendment, if any.
- 505.3.3.9 The date and time each amendment, if any, was filed.
- 505.3.3.10 The file number of each amendment, if any.
- 505.3.3.11 The filing date and time of each information statement, if any.
- 505.3.3.12 The filing date and time of each filing office statement, if any.

#### 506. **Mode of Communication.**

506.1 **Reserved** – Personal pick-up.

506.2 **Reserved** – U.S. Postal Service.

506.3 **Reserved** – All other delivery service methods (aka UPS, FedEx, etc.).

506.4 **Electronic mail.** The filing office creates user accounts that store the requesting party's electronic mail address. An email is sent to the requesting party when the search results are available to be viewed.

506.5 **Reserved** – Facsimile.

506.6 **Online Portal.** The requesting party must submit search requests online through the UCC information management system (Central Indexing System). There are 4 types of searches available. Search results are returned to the requesting party through the UCC information management system. Search results for the public search or UCC search are returned immediately to the requestor on the search screen. Requestors are notified via email when results for UCC-11 searches and secured party searches are available to be viewed. Results will be in PDF format and may be returned in a ZIP file.

## **Section 6. Other Notices of Liens**

### **600 Indexes**

600.1 In addition to UCC, there are 5 separate databases, referred to as indexes, in which filing information is maintained and searched.

- Farm Products Central Notice Index (CNS)
- Miscellaneous Statutory Lien Index (MSL)
- Agricultural Statutory Lien Notice Index (ASL)
- State Tax Lien Index
- Federal Lien Index

600.2 There are 4 types of search options available in the NDCIS.

- Public Search (login not required)
- UCC Search
- UCC-11 Search
- Secured Party Search

There is no difference between how searches in these indexes are conducted compared to those conducted in the UCC Index.