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Passage of SB 185 brings UCC changes

With the May 6 signing of the legislation by Governor Nathan Deal, SB 185 (the 2010

Amendments to Article 9) will usher in new UCC filing requirements. Chief among the

changes that will affect Superior Court Clerks' offices is the requirement that filers submit filings using new UCC forms.

The new UCC forms, required to be accepted by Superior Court Clerks' offices with the effective date of July 1, 2013, are part of broader filing requirements imposed upon the filer. Clerks' offices will see minimal, but important, changes. The Clerks' Authority will provide training via three webinars scheduled for May 21, June 20 and July 25. The webinars will provide an in-depth review of the changes and how they impact the Clerk's office. Please register for the webinars or other training programs at www.gsccca.org/training. With training questions, contact Rachel Rice at 404. 327.7322, 800.304.5175 x 1010 or rachel.rice@gsccca.org.

The Clerks' Authority will provide training via three webinars scheduled for May 21, June 20 and July 25.

The forms, promulgated by the American Law Institute and the Uniform Law Commission as part of the 2010 Amendments to Article 9, have been adopted by the International Association of Commercial Administrators (IACA) of which the Clerks' Authority is a member. ■

2013 Training Schedule

Classroom Training on Real Estate

Indexing Standards:

May 22	Dawsonville
August 7	Blackshear
October 24	Thomaston

Webinars:

May 21	New UCC Forms
June 4	Protective Order Registry
June 11	UCC Training
June 20	New UCC Forms
July 11	Fines & Fees
July 25	New UCC Forms
August 21	Pooling & Servicing
September 10	Protective Order Registry
September 26	UCC Training
October 30	Fines & Fees

April Board Meeting Review

The Authority Board met on April 10 for its quarterly meeting. Following is a summary of the reports and actions of the meeting.

Swearing in of New Board Member:

Mike Smith, a notary public and communications director for the Authority, administered the oath of office to new board member Dana Chastain, Clerk of Superior Court of Fannin County.



General Business:

The minutes of the January 9, 2013 scheduled board meeting were approved.

Greg Morgan presented the Accountant's Review of Financials. He reported the

following: the cash account is up approximately \$400,000 which is statistically a good sign; real estate revenue is slowly recovering; fixed assets have increased; accounts payable has been reduced \$800,000; revenue from real estate deed filings YTD is up \$900,000; and revenues over expenses is approximately \$986,000. The balance sheet reveals that the Authority is on sound financial ground. A motion to accept the Accountant's Report as presented was approved.

The 2013-2014 Authority Budget was then presented. FY 2014 revenues will remain relatively flat compared to FY 2013 estimated year-end numbers. Total expenses will increase approximately 8.25% for FY 2014 compared to FY 2013. This increase will predominately involve the Real Estate Deed Project. The FY 2014 budget includes re-opening the Historical Deed Project (for 1992 only) at an estimated cost of \$760,000. A motion to adopt the budget as presented was approved by the Board.

UCC Project:

An update was given on the UCC Project and it was reported that the number of filings statewide is on par with FY 2012. As expected, the number of certified search requests continues to fall compared to historical numbers.

Fines & Fees Division:

In an update on the Fines & Fees Division, it was reported that approximately \$76.7M has been col-

lected through the latest reporting period. Projected through end of FY 2013, collections would be slightly less than FY 2012.

eFiling Project:

An update was given on the eFiling Project and the following was reported:

- ❖ **Lien eFiling** – The Authority continues to work with the Department of Revenue to develop an eFiling process.
- ❖ **Real Estate eFiling** – Payment options have been added to make the process easier for filers. The first filing was processed in Clarke County the week of April 1.
- ❖ **Plat eFiling** – Staff was asked to research whether black/white requirements were ever formally adopted.

Historical Deed Project:

The Historical Deed Project has been suspended since April 2009 due to budgetary constraints. Authority staff recommended that the project remain suspended until review at the next Board meeting. The cost to take all counties back to January 1, 1990 is estimated to be \$4.3 million. A motion to continue the suspension of the Historical Deed Project due to budgetary constraints was approved.

Voluntary Historical Deed Project:

Regarding the Voluntary Historical Deed Project, it was reported that Clerks' offices are allowed to index and submit historical deeds for inclusion in the statewide index so that revenue may be generated by print image fees initiated through the Authority website. All print revenue is remitted to the Clerks' offices.

Any participating Clerk's office must complete a survey in order to reveal any unusual naming/numbering of deed dockets. This will identify potential conflicts so that when the data is submitted, the system will more readily accept it. Once data is indexed and transmitted, the data is then quarantined and checked for quality before being published to the website.

Six counties have submitted surveys which are under review. Three counties have submitted surveys and contracts for review. Most of the data is from 1990-1991. Burke, McIntosh and



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Fulton counties have had data reviewed, accepted and released/published to the website.

Training Update:

During the training update, it was reported that almost 23,000 users are taking advantage of the Authority's online training courses. Almost 21,000 of these users are from the general public. This year, the Authority has conducted 5 training classes and had 146 attendees.

IACA Meeting Preview:

It was reported that the Authority will participate in the 36th Annual IACA Conference in May. This participation enables the Authority to have a seat at the table when decisions are made that could have long-term effects on secured transactions and the IT areas. Of note, a session will be held addressing fraudulent UCC filings as well as work on completion of the UCC Filing Chart to be used as a teaching tool for clerks' offices and indexing employees.

Legislative Report:

An update was given on SB 185. With the passage of this bill (the 2010 Amendments to Article 9), filing offices will be required to accept revised

UCC forms as of July 1, 2013, which coincides with the effective date of the legislation. Further, Administrative UCC Rules are being modified and will be recommended to the Board for adoption prior to July 1, 2013.

The following motion was approved: "The Georgia Superior Court Clerks' Cooperative Authority approves for use on or after July 1, 2013, Uniform Commercial Code forms set forth in the amendments to Article 9 of the Uniform Commercial Code promulgated by the American Law Institute and the National Conference of Commissioners on Uniform State Laws. The Authority approves a grace period of 30 days from the July 1, 2013 effective date provided for in the 2010 amendments during which filing offices shall accept prior versions of the forms. On or after August 1, 2013, filing officers shall be authorized to accept only the new forms that were revised on April 20, 2011."

Other Business:

- ❖ **Board Resolution** – A resolution honoring the service of Rhett Walker on the Authority Board was approved.
- ❖ **Next Board Meeting** – July 9-10, 2013 ■



Current and former Authority Board members posed for a group shot. Front row: Judge Brenda Weaver. Middle row: Dana Chastain, Sandra Glass, Joanne Caldwell, Connie Cheatham, Charles Baker, and former Chairman Woodson Daniel. Back row: Jean Rogers, Jim Weidner, Dan Massey, Dwight Wood, Dan Jordan and Chairman Barry Wilkes.



Chastain appointed to Authority Board

At the April Board meeting, Dana Chastain was sworn in as the Board's newest member. Dana is Clerk of Superior Court of Fannin County.

Dana has worked in the clerk's office for the last 25 years and was elected Clerk in 2000. She was recognized by her peers as "Clerk of the Year" in the 9th district in 2008, and currently serves as secretary/treasurer for the Superior Court Clerks' Association of Georgia.

Active in her community, Dana participates in the Youth Apprenticeship Program at Fannin County High School, has served on numerous school councils, and has been involved in the March of Dimes, Relay for Life, Chamber of Commerce and Optimist Club.

Born and raised in Fannin County, she is married to Eric Chastain, a Dekalb County firefighter.



They have one daughter, Morgan, who will graduate from high school this spring. Outside the courthouse, Dana enjoys spending time with her family biking, hiking and going to the beach. She also loves watching her daughter play basketball and racing box stock cars with her.

When asked about serving as Clerk, Dana responded: "I never want to take this position for granted. It is an honor and a pleasure to serve the citizens of Fannin County. I also enjoy working with my fellow clerks and others

throughout the state."

Dana was appointed to the Authority Board of Directors by Speaker of the House David Ralston and will serve a three-year term.

Congratulations, Dana! ■

SB 231 changes DETF surcharge

Passed during the 2013 legislative session and signed by Governor Nathan Deal on May 6, SB 231 amends the statute related to the Driver's Education Training Fund (DETF) and will affect all courts that handle traffic violations. Specifically, O.C.G.A. § 15-21-179 was modified to reduce the assessment of the DETF surcharge from 5% to 1.5% of the original fine and to extend the repeal date of this code section to June 30, 2016 unless extended by an Act of the General Assembly. As a result, the GSCCCA Consolidated Monthly Remittance Reports have been modified and are available on the Authority's fines and fees website, www.courttrax.org. Current forms have an effective date of May 6, 2013.

Since the bill became effective upon the Governor's signature on May 6, 2013, traffic violations with an offense date between May 11, 2005 and May 5, 2013 will incur a 5% DETF surcharge.

Traffic violations with an offense date on or after May 6, 2013 will incur a 1.5% DETF surcharge. All courts will be affected as all forms have been modified. Courts should contact their vendor to make them aware of these changes.

The Authority has scheduled Fines & Fees webinar training sessions in which SB 231 will be addressed. The Authority's complete training schedule is listed on Page 1. To register for any program, go to www.gsccca.org/training.

If you have questions regarding SB 231, please contact the Authority's Fines & Fees' staff ...

- ❖ By phone: 404.327.7320 or 866.847.4058
- ❖ By email: Finesandfees@gsccca.org

For complete information, visit our website at www.courttrax.org. ■

