State of Georgia
Georgia Superior Court Clerks' Cooperative Authority

Uniform Commercial Code, Article 9

Administrative Rules

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Section 1. General Provisions

100 Definitions. Terms used in these filing-office rules but not defined in this Section that are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

100.1 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.

100.2 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.

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

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

100.5 Information statement. "Information statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

100.6 Filing office/officer. "Filing office" and "filing officer" mean the Clerk of Superior Court.

100.7 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.

100.8 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.

100.9 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.

100.10 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.

100.11 Secured party of record. "Secured party of record" includes a secured party of record as defined in the UCC as well as 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 the assignor listed on an amendment that purports to be an assignment.

100.12 UCC. "UCC" means the Uniform Commercial Code as adopted in this State.

100.13 UCC information management system. "UCC information management system" means the information management system used by the Georgia Superior Court Clerks' Cooperative Authority to store, index, and retrieve information relating to financing statements as described in Section 3 of these rules.

100.14 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.

100.15 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 UCC Section 9-515 with respect to all secured parties of record.

101 Means to deliver UCC records; time of filing. UCC records may be tendered for filing at the filing office as follows:

101.1 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.

101.2 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, 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 next close of business 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 101.1.

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 of the close of business on the next day the filing office is open for business.

101.3 Postal service delivery, to the filing office's mailing address. The file time for a UCC record delivered by this method is the next close of business following the time of delivery (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). 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 of the close of business on the next day the filing office is open for business.

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 of the close of business on the next day the filing office is open for business.

101.4 Electronic filing. UCC records may be transmitted electronically using only methods prescribed and approved by the Georgia Superior Court Clerks' Cooperative Authority Direct. Website data entry and payment procedures are available as provided at https://efile.gsccca.org/. The file time for a UCC record delivered by this method is the time the office of the clerk of superior court reviews and accepts the filing.

101.5 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 an acceptable character set. 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.

102 Search request delivery. UCC-11 search requests must be submitted to the Georgia Superior Court Clerks' Cooperative Authority by electronic transmission. The requester must have an account in good standing with the Georgia Superior Court Clerks' Cooperative Authority. The Authority may, in its discretion, accept a UCC-11 search request by another means of delivery described in Rule 101 on a case-by-case basis.

102.1 A search request may not be delivered by checking a box or otherwise including a search request in or on an initial financing statement.

103 Forms. The Georgia Superior Court Clerks' Cooperative Authority approves for use Uniform Commercial Code forms UCC-1, UCC-3, UCC-1AD, UCC-3AD and UCC-11 set forth in the amendments to Article 9 of the Uniform Commercial Code promulgated by the International Association of Commercial Administrators (IACA) with a revision date of April 20, 2011, or later. If a filing is submitted on an IACA UCC form with a revision date prior to April 20, 2011, filing offices will reject the filing as not communicated by a method of communication authorized by the filing office.

104 Fees. The fee for filing a UCC record is prescribed by OCGA §15-6-77(f)(B).

104.1 UCC-11 search fee. The fee for processing a UCC-11 Information Request is $15 per debtor name.

104.2 UCC search - copies. The fee for UCC search copies is $.50 per page (or page equivalent for electronically transmitted search responses).

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

105.1 Cash. Payment in cash shall be accepted if paid in person at the filing office.

105.2 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. Checks may be made payable in an amount to be filled in by the filing office if the filing office is clearly authorized to fill in the amount.

105.3 Electronic funds transfer for eFiling only. The GSCCCA 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 Prepaid account for eFiling only. A remitter may open an account for prepayment of fees by submitting an application prescribed by the Georgia Superior Court Clerks' Cooperative Authority and prepaying an amount not less than $100 USD. The GSCCCA shall deduct filing fees from the remitter's prepaid account when authorized to do so by the remitter.

105.5 Debit and/or credit cards. The filing office, at the superior court clerk's discretion, may accept payment by debit cards and credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, 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 for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment.

106 Overpayment and Underpayment of Fees. Overpayment of fees is prescribed in OCGA §15-6-77(n).

106.1 Underpayment. Upon receipt of a UCC record with an insufficient fee, the filing officer shall return to the remitter as provided in rule 203.

107 Public records services. Public records services are provided on a non-discriminatory basis to any member of the public. Copies of individual UCC records, bulk copies of records and data elements from the filing offices UCC information management system

are made available in such forms, at such times and for such fees as the Georgia Superior Court Clerks' Cooperative Authority may prescribe from time to time.

108 Fees for public records services. Fees for public records services (other than those established under rule 104) are established by the Georgia Superior Court Clerks' Cooperative Authority from time to time and are available upon request.

Section 2. Acceptance and Refusal of Records

200 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.

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 would lapse, six months 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 take delivery of the continuation statement as tendered and to rule 101.

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 foregoing rule is subject to the ability of the filing office to take delivery of the continuation statement as tendered and to rule 101. Accordingly, the time of filing of the continuation statement under rule 101 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.

201.3 Filed on February 29. A financing statement filed on February 29 will have a lapse date of March 1. Rule 201.2 shall apply.

202 Grounds for refusal. In addition to refusing a record for any reason, or multiple reasons, as set forth in OCGA §11-9-516, a filing office shall refuse to accept a UCC record that does not provide an address that meets the minimum requirements, as set forth in these filing-office rules (See Section 100.2).

203 Procedure upon refusal. Except as provided in rule 106, if the filing officer finds grounds to refuse a UCC record, the filing officer shall refund the filing fee. 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 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 demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused under rule 202, 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.

205 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.

Section 3. UCC Information Management System

300 General. The Georgia Superior Court Clerks' Cooperative Authority 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.

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 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.

301.1.2 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.

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.

301.3 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.

301.4 Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC records to 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 Indexes of names. The Georgia Superior Court Clerks' Cooperative Authority maintains in the UCC information management system a searchable index of organization debtor names, searchable index of individual debtor names and a searchable index of names of secured parties of record.

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 files that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for surnames (last or family names), first personal names (given), and additional name(s)/intitial(s) 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 individual surname field. The filing officer 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 a debtor's name. Suffixes used to distinguish between family members with identical names (e.g., "JR.") should be provided in the Suffix field. However, when entering a "name" into the UCC information management system, the data will be entered exactly as they appear.

302.3 Extended debtor name field. The Financing Statement form has limited space for individual debtor names. If any portion of the individual debtor name is too long for the corresponding field, the filer is instructed to check the box that indicates the

name was too long and enter the name in item 10 of the Addendum Form UCC1AD. A filing officer shall not refuse to accept a Financing Statement that lacks debtor information in item 1 and/or item 2 if the record includes an Addendum that provides a debtor name 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 officer, up to the maximum length of the data entry field.

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 database is 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 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 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 exactly as it appears in such fields.

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. 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, 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 exactly as it appears in such fields.

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 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.

306.2 Status of debtor. Each debtor name provided by the initial financing statement shall be indexed in the UCC information management system so long as the financing statement is an Active Record.

306.3 Status of financing statement. The financing statement shall be an Active Record. A lapse date shall be calculated, five years from the file date.

307 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.

308 Continuation statement.

308.1 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 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 postponement of the lapse date with respect to one or more 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 or not 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.

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 to the information maintained in the information management system.

311 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.

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 as an Active Record until at least one year after it lapses. On or after the first anniversary of such lapse or termination date, the filing office or the GSCCCA 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.

Section 4. Filing and Data Entry Procedures

400 Errors of the filing office. The Georgia Superior Court Clerks' Cooperative Authority may correct data entry and indexing errors of GSCCCA personnel, or its agent, in the UCC information management system at any time.

401 Data entry. Data are entered into the UCC information management system exactly as provided in a UCC record, without regard to apparent errors.

402 Verification of data entry. The filing office will verify accuracy of the data from UCC records entered in accordance with Rule 401 into the UCC information management system, except that debtor name data are verified by double-blind keying.

403 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.

404 Redaction of certain information. The Georgia Superior Court Clerks' Cooperative may choose to redact certain information from the information it provides to searchers and bulk data purchasers.

Section 5. Search Requests and Reports

500 General requirements. The Georgia Superior Court Clerks' Cooperative Authority 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.

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

501.1 Name searched. A search request must set forth the name of the debtor to be searched using designated fields for organization or individual surname, first personal name and additional name(s)/initial(s). 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 and address of the person to whom the search results are to be sent.

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

501.4 Search logic. The request shall specify if a search methodology other than that described in rule 503 is to be applied in conducting the search. If no such methodology is specified, the one described in rule 503 shall be applied.

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

502.1 Copies. The request may limit the copies of UCC records that would normally be provided with a search report by requesting that no copies be provided or that copies be limited to those UCC records that:

502.1.1 include a particular debtor address;

502.1.2 include a particular city in the debtor address;

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 Active Records retrieved by the search rather than only Unlapsed Records retrieved by the search.

502.3 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 GSCCCA and all requisite fees are tendered.

502.4 Submission. Search requests must be submitted to the Georgia Superior Court Clerks' Cooperative Authority through its online system.

503 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. Please see http://search.gsccca.org/UCC_Search/files/UCC_Search_Logic.pdf

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 will provide 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 of personal identifying information required by law.

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

505.2.1 Filing office identification. Identification of the filing office responsible for 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.

505.2.7 Search logic used. http://search.gsccca.org/UCC_Search/files/UCC_Search_Logic.pdf

505.2.8 Name provided. Name as provided by searcher.

505.2.9 Search string. Normalized name as provided by rule 503.

505.2.10 Lien type searched. UCC.

505.2.11 Copies. Copies may be obtained at www.gsccca.org

505.3 Report. The search report shall contain the following.

505.3.1 Identification. The Georgia Superior Court Clerks' Cooperative Authority is responsible for producing 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 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:

505.3.3.1 Initial financing statement file number. The initial financing statement file number.

505.3.3.2 Initial financing statement filing date and time. The date and time it was filed.

505.3.3.3 Lapse date. Provide lapse date.

505.3.3.4 Debtor name. The debtor name(s) that appear(s) of record.

505.3.3.5 Debtor address. The debtor address(s) that appear(s) of record.

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

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

505.3.3.8 Amendment type. An indication of type of each amendment, if any.

505.3.3.9 Amendment filing date and time. The date and time each amendment, if any, was filed.

505.3.3.10 Amendment file number. The amendment file number of each amendment, if any.

505.3.3.11 Information statement filing date and time. The date and time an information statement, if any, was filed.

505.3.3.12 Filing officer statement filing date and time. The date and time a filing officer statement, if any, was filed.