

State of Wisconsin



2011 Senate Bill 416

Date of enactment: April 2, 2012
Date of publication*: April 16, 2012

2011 WISCONSIN ACT 206

AN ACT *to repeal* 409.503 (1) (c) 1. and 2. and 409.516 (2) (e) 3.; *to renumber and amend* 409.105 (intro.), 409.105 (1) to (6), 409.502 (3) (c), 409.503 (1) (d) and 409.518 (3); *to amend* 409.102 (1) (bm) 2., 409.102 (1) (cg), 409.102 (1) (km), 409.102 (1) (mg), 409.102 (1) (rg), 409.307 (6) (b), 409.311 (1) (c), 409.316 (title), 409.317 (2) and (4), 409.326, 409.406 (5), 409.408 (2), 409.503 (1) (a), 409.503 (1) (b), 409.503 (1) (c) (intro.), 409.503 (2) (b), 409.507 (3), 409.515 (6), 409.516 (2) (c) 2. (intro.), 409.516 (2) (c) 3., 409.516 (2) (e) 1., 409.516 (2) (e) 2., 409.518 (1), 409.518 (2) (intro.), (a) 2. and (b), 409.607 (2) (b) 1. and 409.625 (3) (title); *to repeal and recreate* 409.521 (2) (form) and 409.521 (3) (form); and *to create* 409.102 (1) (qp), 409.316 (8) and (9), 409.502 (3) (c) 2., 409.503 (1) (c) 1m. and 2m., 409.503 (1) (dm) and (e), 409.503 (6), (7) and (8), 409.518 (3m) and (4) and subchapter VIII of chapter 409 [precedes 409.802] of the statutes; **relating to:** adopting amendments to the Uniform Commercial Code Article 9, relating to secured transactions, recommended by the National Conference of Commissioners on Uniform State Laws.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 409.102 (1) (bm) 2. of the statutes is amended to read:

409.102 (1) (bm) 2. ~~To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the With present intent of the authenticating person to identify the person and to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.~~

SECTION 2. 409.102 (1) (cg) of the statutes is amended to read:

409.102 (1) (cg) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another

record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

SECTION 2m. 409.102 (1) (km) of the statutes is amended to read:

409.102 (1) (km) "Good faith" means honesty in fact ~~and the observance of reasonable commercial standards of fair dealing in the conduct or transaction concerned.~~

SECTION 3. 409.102 (1) (mg) of the statutes is amended to read:

409.102 (1) (mg) "Jurisdiction of organization", with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

SECTION 4. 409.102 (1) (qp) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

409.102 (1) (qp) “Public organic record” means a record that is available to the public for inspection and is:

1. A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

2. An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

3. A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

SECTION 5. 409.102 (1) (rg) of the statutes is amended to read:

409.102 (1) (rg) “Registered organization” means an organization formed or organized solely under the law of a single state or the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust’s organic record be filed with the state.

SECTION 6. 409.105 (intro.) of the statutes is renumbered 409.105 (1m) and amended to read:

409.105 (1m) GENERAL RULE: CONTROL OF ELECTRONIC CHATTEL PAPER. A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

(2m) SPECIFIC FACTS GIVING CONTROL. Without limiting the generality of sub. (1m), a system satisfies sub. (1m) if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

SECTION 7. 409.105 (1) to (6) of the statutes are renumbered 409.105 (2m) (a) to (f), and 409.105 (2m) (a), (d) and (f), as renumbered, are amended to read:

409.105 (2m) (a) A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in subs. (4) to (6) pars. (d) to (f), unalterable;

(d) Copies or ~~revisions~~ amendments that add or change an identified assignee of the authoritative copy can be made only with the ~~participation~~ consent of the secured party;

(f) Any ~~revision~~ amendment of the authoritative copy is readily identifiable as an authorized or unauthorized ~~revision.~~

SECTION 8. 409.307 (6) (b) of the statutes is amended to read:

409.307 (6) (b) In the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location, including by designating its main office, home office, or other comparable office; or

SECTION 9. 409.311 (1) (c) of the statutes is amended to read:

409.311 (1) (c) A ~~certificate of title~~ statute of another jurisdiction which provides for a security interest to be indicated on the a certificate of title as a condition or result of the security interest’s obtaining priority over the rights of a lien creditor with respect to the property.

SECTION 10. 409.316 (title) of the statutes is amended to read:

409.316 (title) ~~Continued perfection of security interest following~~ Effect of change in governing law.

SECTION 11. 409.316 (8) and (9) of the statutes are created to read:

409.316 (8) EFFECT ON FILED FINANCING STATEMENT OF CHANGE IN GOVERNING LAW. The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction:

(a) A financing statement filed before the change pursuant to the law of the jurisdiction designated in s. 409.301 (1) or 409.305 (3) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(b) If a security interest perfected by a financing statement that is effective under par. (a) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in s. 409.301 (1) or 409.305 (3) or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(9) EFFECT OF CHANGE IN GOVERNING LAW ON FINANCING STATEMENT FILED AGAINST ORIGINAL DEBTOR. If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in s. 409.301 (1) or 409.305 (3) and the new debtor is located in another jurisdiction, the following rules apply:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor

before, and within 4 months after, the new debtor becomes bound under s. 409.203 (4), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(b) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in s. 409.301 (1) or 409.305 (3) or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

SECTION 12. 409.317 (2) and (4) of the statutes are amended to read:

409.317 (2) **BUYERS THAT RECEIVE DELIVERY.** Except as otherwise provided in sub. (5), a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a certificated security certificate takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(4) **LICENSEES AND BUYERS OF CERTAIN COLLATERAL.** A licensee of a general intangible or a buyer, other than a secured party, of ~~accounts, electronic chattel paper, electronic documents, general intangibles, or investment property collateral~~ other than tangible chattel paper, tangible documents, goods, instruments, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

SECTION 13. 409.326 of the statutes is amended to read:

409.326 Priority of security interests created by new debtor. (1) **SUBORDINATION OF SECURITY INTEREST CREATED BY NEW DEBTOR.** Subject to sub. (2), a security interest that is created by a new debtor which is in collateral in which the new debtor has or acquires rights and is perfected solely by a filed financing statement that is effective solely under s. 409.508 in collateral in which a new debtor has or acquires rights would be ineffective to perfect the security interest but for the application of s. 409.316 (9) (a) or 409.508 is subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement that is effective solely under s. 409.508.

(2) **PRIORITY UNDER OTHER PROVISIONS; MULTIPLE ORIGINAL DEBTORS.** The other provisions of this subchapter determine the priority among conflicting security interests in the same collateral perfected by filed financing statements that are effective solely under s. 409.508

described in sub. (1). However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

SECTION 14. 409.406 (5) of the statutes is amended to read:

409.406 (5) **INAPPLICABILITY OF SUB. (4) TO CERTAIN SALES.** Subsection (4) does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under s. 409.610 or an acceptance of collateral under s. 409.620.

SECTION 15. 409.408 (2) of the statutes is amended to read:

409.408 (2) **APPLICABILITY OF SUB. (1) TO SALES OF CERTAIN RIGHTS TO PAYMENT.** Subsection (1) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under s. 409.610 or an acceptance of collateral under s. 409.620.

SECTION 16. 409.502 (3) (c) of the statutes is renumbered 409.502 (3) (c) (intro.) and amended to read:

409.502 (3) (c) (intro.) The record satisfies the requirements for a financing statement in this section other than an indication, but:

1. The record need not indicate that it is to be filed in the real property records; and

SECTION 17. 409.502 (3) (c) 2. of the statutes is created to read:

409.502 (3) (c) 2. The record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom s. 409.503 (1) (dm) applies; and

SECTION 18. 409.503 (1) (a) of the statutes is amended to read:

409.503 (1) (a) ~~If Except as otherwise provided in par. (c), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization,~~ only if the financing statement provides the name of the debtor indicated that is stated to be the registered organization's name on the public organic record of the debtor's most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which shows the debtor to have been organized purports to state, amend, or restate the registered organization's name;

SECTION 19. 409.503 (1) (b) of the statutes is amended to read:

409.503 (1) (b) ~~If the debtor is a decedent's estate~~ Subject to sub. (6), if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the debtor is an estate

collateral is being administered by a personal representative;

SECTION 20. 409.503 (1) (c) (intro.) of the statutes is amended to read:

409.503 (1) (c) (intro.) If the debtor is a trust or a trustee acting with respect to property held in trust, only if the financing statement collateral is held in a trust that is not a registered organization, only if the financing statement:

SECTION 21. 409.503 (1) (c) 1. and 2. of the statutes are repealed.

SECTION 22. 409.503 (1) (c) 1m. and 2m. of the statutes are created to read:

409.503 (1) (c) 1m. Provides, as the name of the debtor:

a. If the organic record of the trust specifies a name for the trust, the name specified; or

b. If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and
2m. In a separate part of the financing statement:

a. If the name is provided in accordance with subd. 1m. a., indicates that the collateral is held in a trust; or

b. If the name is provided in accordance with subd. 1m. b., provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

SECTION 23. 409.503 (1) (d) of the statutes is renumbered 409.503 (1) (f), and 409.503 (1) (f) 1. and 2., as renumbered, are amended to read:

409.503 (1) (f) 1. If the debtor has a name, only if it the financing statement provides the individual or organizational name of the debtor; and

2. If the debtor does not have a name, only if it the financing statement provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

SECTION 24. 409.503 (1) (dm) and (e) of the statutes are created to read:

409.503 (1) (dm) Subject to sub. (7), if the debtor is an individual to whom this state has issued an operator's license under ch. 343 or identification card under s. 343.50 that has not expired, only if the financing statement provides the name of the individual which is indicated on the operator's license or identification card;

(e) If the debtor is an individual to whom par. (dm) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

SECTION 25. 409.503 (2) (b) of the statutes is amended to read:

409.503 (2) (b) Unless required under sub. (1) ~~(d)~~ (f) 2., names of partners, members, associates, or other persons comprising the debtor.

SECTION 26. 409.503 (6), (7) and (8) of the statutes are created to read:

409.503 (6) NAME OF DECEDENT. The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under sub. (1) (b).

(7) MULTIPLE LICENSES OR IDENTIFICATION CARDS. If this state has issued to an individual more than one operator's license under ch. 343 or identification card under s. 343.50 of a kind described in sub. (1) (dm), the one that was issued most recently is the one to which sub. (1) (dm) refers.

(8) DEFINITION. In this section, the "name of the settlor or testator" means:

(a) If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name;

(b) In other cases, the name of the settlor or testator indicated in the trust's organic record.

SECTION 27. 409.507 (3) of the statutes is amended to read:

409.507 (3) CHANGE IN DEBTOR'S NAME. If ~~a debtor so changes its~~ the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under s. 409.503 (1) so that the financing statement becomes seriously misleading under s. 409.506:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the change filed financing statement becomes seriously misleading; and

(b) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the change filed financing statement becomes seriously misleading, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within 4 months after the change financing statement became seriously misleading.

SECTION 28. 409.515 (6) of the statutes is amended to read:

409.515 (6) TRANSMITTING UTILITY FINANCING STATEMENT. If a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

SECTION 29. 409.516 (2) (c) 2. (intro.) of the statutes is amended to read:

409.516 (2) (c) 2. (intro.) In the case of an amendment or correction information statement, the record:

SECTION 30. 409.516 (2) (c) 3. of the statutes is amended to read:

409.516 (2) (c) 3. In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of

a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name surname; or

SECTION 31. 409.516 (2) (e) 1. of the statutes is amended to read:

409.516 (2) (e) 1. Provide a mailing address for the debtor; or

SECTION 32. 409.516 (2) (e) 2. of the statutes is amended to read:

409.516 (2) (e) 2. Indicate whether the name provided as the name of the debtor is the name of an individual or an organization; or

SECTION 33. 409.516 (2) (e) 3. of the statutes is repealed.

SECTION 34. 409.518 (1) of the statutes is amended to read:

409.518 (1) ~~CORRECTION STATEMENT~~ STATEMENT WITH RESPECT TO RECORD INDEXED UNDER PERSON'S NAME. A person may file in the filing office ~~a correction an information~~ statement with respect to a record indexed there under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

SECTION 35. 409.518 (2) (intro.), (a) 2. and (b) of the statutes are amended to read:

409.518 (2) ~~SUFFICIENCY OF CORRECTION~~ CONTENTS OF STATEMENT UNDER SUB. (1). (intro.) ~~A correction An information~~ statement under sub. (1) must:

(a) 2. If the ~~correction~~ information statement relates to a record filed or recorded in a filing office described in s. 409.501 (1) (a), the date on which the initial financing statement was filed or recorded and the information specified in s. 409.502 (2);

(b) Indicate that it is ~~a correction~~ an information statement; and

SECTION 36. 409.518 (3) of the statutes is renumbered 409.518 (5) and amended to read:

409.518 (5) ~~RECORD NOT AFFECTED BY CORRECTION~~ INFORMATION STATEMENT. The filing of ~~a correction an~~ information statement does not affect the effectiveness of an initial financing statement or other filed record.

SECTION 37. 409.518 (3m) and (4) of the statutes are created to read:

409.518 (3m) **STATEMENT BY SECURED PARTY OF RECORD.** A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under s. 409.509 (4).

(4) **CONTENTS OF STATEMENT UNDER SUB. (3M).** An information statement under sub. (3m) must:

(a) Identify the record to which it relates by:

1. The file number assigned to the initial financing statement to which the record relates; and

2. If the information statement relates to a record filed or recorded in a filing office described in s. 409.501 (1) (a), the date that the initial financing statement was filed or recorded and the information specified in s. 409.502 (2);

(b) Indicate that it is an information statement; and

(c) Provide the basis for the person's belief that the person that filed the record was not entitled to do so under s. 409.509 (4).

SECTION 38. 409.521 (2) (form) of the statutes is repealed and recreated to read:



UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)
B. E-MAIL CONTACT AT FILER (optional)
C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. **DEBTOR'S NAME:** Provide only one Debtor name (1a or 1b) (use exact, full name, do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 1b, leave all of item 1 blank, check here and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

1a. ORGANIZATION'S NAME				
OR	1b. INDIVIDUAL'S SURNAME			
	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
1c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

2. **DEBTOR'S NAME:** Provide only one Debtor name (2a or 2b) (use exact, full name, do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 2b, leave all of item 2 blank, check here and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

2a. ORGANIZATION'S NAME				
OR	2b. INDIVIDUAL'S SURNAME			
	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
2c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

3. **SECURED PARTY'S NAME** (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY): Provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME				
OR	3b. INDIVIDUAL'S SURNAME			
	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
3c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

4. **COLLATERAL:** This financing statement covers the following collateral:

5. Check only if applicable and check only one box: Collateral is held in a Trust (see UCC1Ad, item 17 and Instructions) being administered by a Decedent's Personal Representative

6a. Check only if applicable and check only one box: Public-Finance Transaction Manufactured-Home Transaction A Debtor is a Transmitting Utility Agricultural Lien Non-UCC Filing

6b. Check only if applicable and check only one box: Bailee/Bailor Licensee/Licenser

7. **ALTERNATIVE DESIGNATION** (if applicable): Lessee/Lessor Consignee/Consignor Seller/Buyer Bailee/Bailor Licensee/Licenser

8. **OPTIONAL FILER REFERENCE DATA:**

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS

9. NAME OF FIRST DEBTOR: Same as line 1a or 1b on Financing Statement; if line 1b was left blank because Individual Debtor name did not fit, check here

9a.	ORGANIZATION'S NAME
OR	
9b.	INDIVIDUAL'S SURNAME
	FIRST PERSONAL NAME
	ADDITIONAL NAME(S)/INITIAL(S)
	SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

10. DEBTOR'S NAME: Provide (10a or 10b) only one additional Debtor name or Debtor name that did not fit in line 1b or 2b of the Financing Statement (Form UCC1) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name) and enter the mailing address in line 10c

10a.	ORGANIZATION'S NAME
OR	
10b.	INDIVIDUAL'S SURNAME
	INDIVIDUAL'S FIRST PERSONAL NAME
	INDIVIDUAL'S ADDITIONAL NAME(S)/INITIAL(S)
	SUFFIX

10c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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11. ADDITIONAL SECURED PARTY'S NAME or ASSIGNOR SECURED PARTY'S NAME: Provide only one name (11a or 11b)

11a.	ORGANIZATION'S NAME
OR	
11b.	INDIVIDUAL'S SURNAME
	FIRST PERSONAL NAME
	ADDITIONAL NAME(S)/INITIAL(S)
	SUFFIX

11c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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12. ADDITIONAL SPACE FOR ITEM 4 (Collateral):

<p>13. <input type="checkbox"/> This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS (if applicable)</p>	<p>14. This FINANCING STATEMENT: <input type="checkbox"/> covers timber to be cut <input type="checkbox"/> covers as-extracted collateral <input type="checkbox"/> is filed as a fixture filing</p>
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<p>15. Name and address of a RECORD OWNER of real estate described in item 16 (if Debtor does not have a record interest):</p>	<p>16. Description of real estate:</p>
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17. MISCELLANEOUS:

SECTION 39. 409.521 (3) (form) of the statutes is repealed and recreated to read:



UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)
B. E-MAIL CONTACT AT FILER (optional)
C. SEND ACKNOWLEDGMENT TO: (Name and Address)
<div style="border: 1px solid black; width: 80%; margin: auto; padding: 10px;"> <div style="border: 1px solid black; width: 100%; height: 100%;"></div> </div>

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE NUMBER	1b. <input type="checkbox"/> This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS Filer: <u>attach</u> Amendment Addendum (Form UCC3Ad) and provide Debtor's name in item 13.
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2. **TERMINATION:** Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of Secured Party authorizing this Termination Statement

3. **ASSIGNMENT** (full or partial): Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9
For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8

4. **CONTINUATION:** Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law

5. **PARTY INFORMATION CHANGE:**
Check one of these two boxes: **AND** Check one of these three boxes to:
This Change affects Debtor or Secured Party of record CHANGE name and/or address: Complete item 6a or 6b; and item 7a or 7b and item 7c ADD name: Complete item 7a or 7b; and item 7c DELETE name: Give record name to be deleted in item 6a or 6b

6. **CURRENT RECORD INFORMATION:** Complete for Party Information Change - provide only one name (6a or 6b)

6a. ORGANIZATION'S NAME			
OR			
6b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX

7. **CHANGED OR ADDED INFORMATION:** Complete for Assignment or Party Information Change - provide only one name (7a or 7b) (use exact, full name, do not omit, modify, or abbreviate any part of the Debtor's name)

7a. ORGANIZATION'S NAME			
OR			
7b. INDIVIDUAL'S SURNAME			
INDIVIDUAL'S FIRST PERSONAL NAME			
INDIVIDUAL'S ADDITIONAL NAME(S)/INITIAL(S)			SUFFIX

7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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8. **COLLATERAL CHANGE:** Also check one of these four boxes: ADD collateral DELETE collateral RESTATE covered collateral ASSIGN collateral
Indicate collateral:

9. **NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT:** Provide only one name (9a or 9b) (name of Assignor, if this is an Assignment)
If this is an Amendment authorized by a **DEBTOR**, check here and provide name of authorizing Debtor

9a. ORGANIZATION'S NAME			
OR			
9b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX

10. OPTIONAL FILER REFERENCE DATA:

UCC FINANCING STATEMENT AMENDMENT ADDENDUM

FOLLOW INSTRUCTIONS

11. INITIAL FINANCING STATEMENT FILE NUMBER: Same as item 1a on Amendment form	
12. NAME OF PARTY AUTHORIZING THIS AMENDMENT: Same as item 9 on Amendment form	
12a. ORGANIZATION'S NAME	
OR	12b. INDIVIDUAL'S SURNAME
	FIRST PERSONAL NAME
	ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

13. Name of DEBTOR on related financing statement (Name of a current Debtor of record required for indexing purposes only in some filing offices - see instruction item 13): Provide only one Debtor name (13a or 13b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); see Instructions if name does not fit			
13a. ORGANIZATION'S NAME			
OR	13b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)
			SUFFIX

14. ADDITIONAL SPACE FOR ITEM 8 (Collateral):

15. This FINANCING STATEMENT AMENDMENT:

covers timber to be cut covers as-extracted collateral is filed as a fixture filing

17. Description of real estate:

16. Name and address of a RECORD OWNER of real estate described in item 17 (if Debtor does not have a record interest):

18. MISCELLANEOUS:

SECTION 40. 409.607 (2) (b) 1. of the statutes is amended to read:

409.607 (2) (b) 1. A default has occurred with respect to the obligation secured by the mortgage; and

SECTION 41. 409.625 (3) (title) of the statutes is amended to read:

409.625 (3) (title) PERSONS ENTITLED TO RECOVER DAMAGES; STATUTORY DAMAGES IN ~~CONSUMER GOODS TRANSACTION IF COLLATERAL IS CONSUMER GOODS.~~

SECTION 42. Subchapter VIII of chapter 409 [precedes 409.802] of the statutes is created to read:

CHAPTER 409

SUBCHAPTER VIII

TRANSITION PROVISIONS

FOR 2010 AMENDMENTS

409.802 Savings clause. (1) PREEFFECTIVE-DATE TRANSACTIONS OR LIENS. Except as otherwise provided in this subchapter, 2011 Wisconsin Act (this act) applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before the effective date of this subsection [LRB inserts date].

(2) PREEFFECTIVE-DATE PROCEEDINGS. 2011 Wisconsin Act (this act) does not affect an action, case, or proceeding commenced before the effective date of this subsection [LRB inserts date].

409.803 Security interest perfected before effective date. (1) CONTINUING PERFECTION: PERFECTION REQUIREMENTS SATISFIED. A security interest that is a perfected security interest immediately before the effective date of this subsection [LRB inserts date], is a perfected security interest under this chapter, as affected by 2011 Wisconsin Act (this act) if, on the effective date of this subsection [LRB inserts date], the applicable requirements for attachment and perfection under this chapter, as affected by 2011 Wisconsin Act (this act) are satisfied without further action.

(2) CONTINUING PERFECTION: PERFECTION REQUIREMENTS NOT SATISFIED. Except as otherwise provided in s. 409.805, if, immediately before the effective date of this subsection [LRB inserts date], a security interest is a perfected security interest, but the applicable requirements for perfection under this chapter, as affected by 2011 Wisconsin Act (this act) are not satisfied as of the effective date of this subsection [LRB inserts date], the security interest remains perfected thereafter only if the applicable requirements for perfection under this chapter, as affected by 2011 Wisconsin Act (this act), are satisfied within one year after the effective date of this subsection [LRB inserts date].

409.804 Security interest unperfected before effective date. A security interest that is an unperfected security interest immediately before the effective date of this section [LRB inserts date], becomes a perfected security interest:

(1) Without further action, on the effective date of this subsection [LRB inserts date], if the applicable

requirements for perfection under this chapter, as affected by 2011 Wisconsin Act (this act), are satisfied before or at that time; or

(2) When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

409.805 Effectiveness of action taken before effective date. (1) PREEFFECTIVE-DATE FILING EFFECTIVE. The filing of a financing statement before the effective date of this subsection [LRB inserts date], is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this chapter, as affected by 2011 Wisconsin Act (this act).

(2) WHEN PREEFFECTIVE-DATE FILING BECOMES INEFFECTIVE. 2011 Wisconsin Act (this act) does not render ineffective an effective financing statement that, before the effective date of this subsection [LRB inserts date], is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in ch. 409, 2009 stats. However, except as otherwise provided in subs. (3) and (4) and s. 409.806, the financing statement ceases to be effective:

(a) If the financing statement is filed in this state, at the time the financing statement would have ceased to be effective had 2011 Wisconsin Act (this act) not taken effect; or

(b) If the financing statement is filed in another jurisdiction, at the earlier of:

1. The time the financing statement would have ceased to be effective under the law of that jurisdiction; or

2. June 30, 2018.

(3) CONTINUATION STATEMENT. The filing of a continuation statement on or after the effective date of this subsection [LRB inserts date], does not continue the effectiveness of a financing statement filed before the effective date of this subsection [LRB inserts date]. However, upon the timely filing of a continuation statement on or after the effective date of this subsection [LRB inserts date], and in accordance with the law of the jurisdiction governing perfection as provided in this chapter, as affected by 2011 Wisconsin Act (this act), the effectiveness of a financing statement filed in the same office in that jurisdiction before the effective date of this subsection [LRB inserts date], continues for the period provided by the law of that jurisdiction.

(4) APPLICATION OF SUB. (2) (B) 2. TO TRANSMITTING UTILITY FINANCING STATEMENT. Subsection (2) (b) 2. applies to a financing statement that, before the effective date of this subsection [LRB inserts date], is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in ch. 409, 2009 stats., only to the extent that this chapter, as affected by 2011 Wisconsin Act (this act), provides that the law of a jurisdiction other than the jurisdiction in which the

financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(5) APPLICATION OF SUBCH. V. A financing statement that includes a financing statement filed before the effective date of this subsection [LRB inserts date], and a continuation statement filed on or after the effective date of this subsection [LRB inserts date], is effective only to the extent that it satisfies the requirements of subch. V, as affected by 2011 Wisconsin Act (this act), for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of s. 409.503 (1) (b), as affected by 2011 Wisconsin Act (this act). A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of s. 409.503 (1) (c), as affected by 2011 Wisconsin Act (this act).

409.806 When initial financing statement suffices to continue effectiveness of financing statement. (1)

INITIAL FINANCING STATEMENT IN LIEU OF CONTINUATION STATEMENT. The filing of an initial financing statement in the office specified in s. 409.501 continues the effectiveness of a financing statement filed before the effective date of this subsection [LRB inserts date], if:

(a) The filing of an initial financing statement in that office would be effective to perfect a security interest under this chapter, as affected by 2011 Wisconsin Act (this act);

(b) The preeffective–date financing statement was filed in an office in another state; and

(c) The initial financing statement satisfies sub. (3).

(2) PERIOD OF CONTINUED EFFECTIVENESS. The filing of an initial financing statement under sub. (1) continues the effectiveness of the preeffective–date financing statement:

(a) If the initial financing statement is filed before the effective date of this paragraph [LRB inserts date], for the period provided in s. 409.515, 2009 stats., with respect to an initial financing statement; and

(b) If the initial financing statement is filed on or after the effective date of this paragraph [LRB inserts date], for the period provided in s. 409.515, as affected by 2011 Wisconsin Act (this act), with respect to an initial financing statement.

(3) REQUIREMENTS FOR INITIAL FINANCING STATEMENT UNDER SUB. (1). To be effective for purposes of sub. (1), an initial financing statement must:

(a) Satisfy the requirements of subch. V, as affected by 2011 Wisconsin Act (this act), for an initial financing statement;

(b) Identify the preeffective–date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file

numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

(c) Indicate that the preeffective–date financing statement remains effective.

409.807 Amendment of preeffective–date financing statement. (1) PREEFFECTIVE–DATE FINANCING STATEMENT. In this section, “preeffective–date financing statement” means a financing statement filed before the effective date of this subsection [LRB inserts date].

(2) APPLICABLE LAW. On or after the effective date of this subsection [LRB inserts date], a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a preeffective–date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in this chapter, as affected by 2011 Wisconsin Act (this act). However, the effectiveness of a preeffective–date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(3) METHOD OF AMENDING: GENERAL RULE. Except as otherwise provided in sub. (4), if the law of this state governs perfection of a security interest, the information in a preeffective–date financing statement may be amended on or after the effective date of this subsection [LRB inserts date], only if:

(a) The preeffective–date financing statement and an amendment are filed in the office specified in s. 409.501;

(b) An amendment is filed in the office specified in s. 409.501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies s. 409.806 (3); or

(c) An initial financing statement that provides the information as amended and satisfies s. 409.806 (3) is filed in the office specified in s. 409.501.

(4) METHOD OF AMENDING: CONTINUATION. If the law of this state governs perfection of a security interest, the effectiveness of a preeffective–date financing statement may be continued only under s. 409.805 (3) and (5) or 409.806.

(5) METHOD OF AMENDING: ADDITIONAL TERMINATION RULE. Whether or not the law of this state governs perfection of a security interest, the effectiveness of a preeffective–date financing statement filed in this state may be terminated on or after the effective date of this subsection [LRB inserts date], by filing a termination statement in the office in which the preeffective–date financing statement is filed, unless an initial financing statement that satisfies s. 409.806 (3) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in this chapter, as affected by 2011 Wisconsin Act (this act), as the office in which to file a financing statement.

409.808 Persons entitled to file initial financing statement or continuation statement. A person may

2011 Senate Bill 416

2011 Wisconsin Act 206

file an initial financing statement or a continuation statement under this subchapter if:

(1) The secured party of record authorizes the filing; and

(2) The filing is necessary under this subchapter:

(a) To continue the effectiveness of a financing statement filed before the effective date of this paragraph [LRB inserts date]; or

(b) To perfect or continue the perfection of a security interest.

409.809 Priority. 2011 Wisconsin Act (this act) determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before the effective date of this section [LRB inserts date], ch. 409, 2009 stats., determines priority.

SECTION 43. Effective date.

(1) This act takes effect on July 1, 2013.
