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## MEMORANDUM

**TO:** Peter Dykman

**FROM:** Emory Ireland  
David Cisar

**DATE:** April 13, 2000

**RE:** Revised UCC Article 9

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We are enclosing the responses of the committee to the inquiries in the draft of the Act you sent to us. We hope they are self-explanatory. If they are not (and even if they are), we would be glad to meet with you on this subject if you think it might be helpful.

There is a policy choice inherent in some of the responses which may not be apparent from the enclosed memorandum. That policy choice relates to the choice of filing office for filing of statutory liens which arise outside of the Uniform Commercial Code. The committee feels that such liens should be filed in the same office where financing statements are filed under the Uniform Commercial Code. That raises a question, however, in the case of corporations which are incorporated in states other than Wisconsin, but have Wisconsin operations. Current Wisconsin law contemplates that statutory liens against such corporations would be filed in Wisconsin, just as financing statements would be filed in Wisconsin with respect to tangible collateral located here. On the other hand, revised Article 9 provides that most financing statements will be filed only in the state of incorporation. The proposals in the attached memorandum suggest filing of statutory liens where financing statements would be filed, which means that the statutory liens would be filed in the state of incorporation as well. We believe that that makes sense, to simplify lien searches. Nevertheless, it does involve a policy decision which should be made explicitly.

cc: Members of Committee