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(7) **TIMELINESS OF CONTINUATION.** A continuation shall be refused if it is not received during the six-month period concluding on the day upon which the related financing statement would lapse.

(a) The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, 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, although filing by certain means may not be possible on such date if the filing office is not open on such date.

(b) The last day on which a continuation may be filed is the date upon which the financing statement lapses.

(8) **FEE.** A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in rule s. DFI—CCS 1.10.

(9) **MEANS OF COMMUNICATION.** UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.

(10) **MULTIPLE ACTIONS.** Each individual amendment form may not include more than one filing action and may only amend information that can be indexed within the constraints of the form. *(Example: You may not add/change debtor and secured party on the same form, or check more than one box 2-5 on standard Amendment form.)*

**DFI—CCS 2.04 Grounds not warranting refusal.** The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in s. DFI—CCS 2.03. The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

(1) **ERRORS.** The UCC document contains or appears to contain a misspelling or other apparently erroneous information.

(2) **INCORRECT NAMES.**

(a) The UCC document appears to identify a debtor incorrectly.

(b) The UCC document appears to identify a secured party or a secured party of record incorrectly.

(3) **EXTRANEOUS INFORMATION.** The UCC document contains additional or extraneous information of any kind.

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(4) **INSUFFICIENT INFORMATION.** The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in s. DFI—CCS 2.03 (2) through 2.03 (6).

(5) **COLLATERAL DESCRIPTION.** The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

(6) **EXCESSIVE FEE.** The document is accompanied by funds in excess of the full filing fee.

**DFI—CCS 2.05 Time limit**

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(1) For records received prior to July 1, 2003, the filing officer shall determine whether the document would have been filed had it been accepted for filing and shall index the UCC document, or determine if criteria exist to refuse acceptance of a UCC document for filing not later than five business days.

(2) For records received on or after July 1, 2003, the filing officer shall determine whether the document would have been filed had it been accepted for filing and shall index the UCC document, or determine if criteria exist to refuse acceptance of a UCC document for filing not later than two business days.

**DFI—CCS 2.06 Procedure upon refusal.** If the filing officer finds grounds under s. DFI—CCS 2.03 to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason for refusal to accept the document under s. DFI—CCS 2.03:

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(1) For records received prior to July 1, 2003, the filing officer shall, if criteria exist to refuse acceptance of a UCC document for filing, return the documents and a notice not later than five business days. — from what? 5

(2) For records received after July 1, 2003, the filing officer shall, if criteria exist to refuse acceptance of a UCC document for filing, return the documents and a notice not later than two business days. — from what? 5

**DFI—CCS 2.07 Acknowledgment.** At the request of a filer or remitter who files a paper or paper-based UCC document, the filing officer shall either send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing or, if such filer or remitter provides a copy of such UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter. For UCC documents not filed in paper or paper-based form the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing.

**DFI—CCS 2.08 Other Notices.** 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 document, 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. (2) Not

**DFI—CCS 2.09 Refusal errors.** If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused under s. DFI—CCS 2.03 the filing officer will: shall do all of the following (5)

(1) File the UCC document as provided in these rules with the filing date and time assigned when such filing was originally tendered for filing; and (5) end part.

(2) Also file a statement (and such demonstration of error shall constitute the secured party's authorization to do so) that states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing. (5)

(3) Set forth the date and time the filing was marked active and the information added to the index in to the Officer's statement.

SECTION 4: CHAPTER DFI—CCS 3 is created to read:

CHAPTER DFI—CCS 3 (2)

UCC INFORMATION MANAGEMENT SYSTEM

**DFI—CCS 3.01 Purpose.** The filing officer 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 named on financing statements. This chapter describes the UCC information management system.

**DFI—CCS 3.02 Primary data elements.** The primary data elements used in the UCC information management system are the following:

(1) IDENTIFICATION NUMBERS.

(a) Each initial financing statement is identified by its file number as described in s. DFI-CCS 1.01 (7). Identification of the initial financing statement is permanently associated with the record maintained for UCC documents 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 such system. Such record is identified by the same information assigned to the initial financing statement.

(b) A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

(2) TYPE OF DOCUMENT. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

(3) FILING DATE AND FILING TIME. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) IDENTIFICATION OF PARTIES. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

(5) STATUS OF FINANCING STATEMENT. In the information management system, each financing statement has a status of active or inactive.

(6) PAGE COUNT. The total number of pages in a UCC document is maintained in the information management system.

(7) LAPSE INDICATOR. An indicator is maintained by which the 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 s. DFI—CCS 4.05.

**DFI—CCS 3.03 Names of debtors who are individuals.** This section applies to the name of a debtor or a secured party on a UCC document who is an individual as defined in s. DFI—CCS 1.01(15).

(1) INDIVIDUAL NAME FIELDS. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., Cher) in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) TITLES AND PREFIXES BEFORE NAMES. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in s. DFI—CCS 4.08, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

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(3) **TITLES AND SUFFIXES AFTER NAMES.** Titles or indications of status such as "M.D." and "esquire" are not part of an individual's name and should not be provided by filers in UCC documents. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are appropriate. In either case, as provided in s. DFI—CCS 4.08, they will be entered into the information management system exactly as received.

(4) **TRUNCATION - INDIVIDUAL NAMES.** Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, 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. The length of data entry name fields are as follows:

- (a) First name: 100 characters.
- (b) Middle name: 100 characters.
- (c) Last name: 100 characters.
- (d) Suffix: 100 characters. *ENP*

**DFI—CCS 3.04 Names of debtors that are organizations.** This rule applies to the name of an organization who is a debtor or a secured party on a UCC document.

(1) **SINGLE FIELD.** The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) **TRUNCATION ORGANIZATION NAMES.** The organization name field in the UCC database is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC documents, 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.

**DFI—CCS 3.05 Estates.** Estates are treated as if the decedent were the debtor under s. DFI—CCS 3.03.

**DFI—CCS 3.06 Trusts.** If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under ss. DFI—CCS 4.08 and 4.09.

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**DFI—CCS 3.07 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:

(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 document 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.

(2) **STATUS OF DEBTOR.** The status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

(3) **STATUS OF FINANCING STATEMENT.** The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

**DFI—CCS 3.08 Amendment.** Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows:

(1) **STATUS OF SECURED PARTY AND DEBTOR.** An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

(a) *Collateral amendment or address change.* An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

(b) *Debtor name change.* An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

(c) *Secured party name change.* An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

(d) *Addition of a debtor.* An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

(e) *Addition of a secured party.* An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

(f) *Deletion of a debtor.* An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

(g) *Deletion of a secured party.* An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(2) STATUS OF FINANCING STATEMENT. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

**DFI—CCS 3.09 Assignment of powers of secured party of record.**

(1) STATUS OF THE PARTIES. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(2) STATUS OF FINANCING STATEMENT. An assignment shall have no effect upon the status of the financing statement.

**DFI—CCS 3.10 Continuation.**

(1) CONTINUATION OF LAPSE DATE. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

(2) STATUS OF PARTIES. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

(3) STATUS OF FINANCING STATEMENT. Upon the filing of a continuation statement, the status of the financing statement remains active.

**DFI—CCS 3.11 Termination.**

(1) STATUS OF PARTIES. The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) STATUS OF FINANCING STATEMENT. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

**DFI—CCS 3.12 Correction statement.**

(1) STATUS OF PARTIES. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(2) STATUS OF FINANCING STATEMENT. A correction statement shall have no effect upon the status of the financing statement.

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**DFI—CCS 3.13 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. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system. *prohibit* *5* *x*

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**DFI—CCS 3.14 Definitions for XML documents.** For the purpose of rules relating to the electronic transmission of UCC documents, the following terms shall have the meaning provided in this rule. *x-ref which notes* *(4)*

- (1) "XML" means eXtensible Markup Language. XML is a language for storing data and metadata. *part 1 ch. 1*
- (2) "XML document" means a UCC document transmitted from a remitter to the filing officer in XML format and via techniques authorized under this rule.

**DFI—CCS 3.15 XML authorized.** When XML is available a remitter may be authorized for XML transmission upon the written authorization of the filing officer. The filing officer shall authorize a remitter to engage in XML transmissions if the remitter holds an account for the billing of fees by the filing officer, the remitter has entered into a user agreement, in form and substance satisfactory to the filing officer, with the department, and the filing officer determines, after appropriate testing of transmissions in accordance with the filing officer's specifications, that the remitter is capable of transmitting XML documents in a manner that permits the filing officer to receive, index, and retrieve the XML documents. The filing officer may suspend or revoke the authorization when, in the filing officer's sole discretion, it is determined that a remitter's transmissions are incompatible with the filing officer's XML system. A request to be authorized to transmit XML documents shall be in writing and delivered to the filing officer. Upon receipt of a request for authorization, the filing

officer shall provide the remitter with necessary information on the requirements for XML transmission, including format, address for transmission, and other necessary specifications.

**DFI—CCS 3.16 IACA standard adopted.** The XML Format, as adopted by the International Association of Corporation Administrators, is adopted in this state as a format for electronic transmission of UCC documents, although the filing officer shall, periodically and at the request of an authorized XML remitter, identify which versions and releases of the XML Format are then in use by and acceptable to the filing office. (S) No copy

**DFI—CCS 3.17 Implementation guide.** The filing office <sup>shall</sup> publishes an implementation guide that prescribes in further detail the use of the XML Format in the UCC filing system. The guide is <sup>shall be</sup> available upon request made in writing to the filing office at its mailing address. X

**DFI—CCS 3.18 Refusal of XML document.** A record transmitted to the filing officer that is not machine-readable, has been refused under s. DFI—CCS 2.03, or does not contain the information required by the implementation guide referred to in s. DFI—CCS 3.17 in an acceptable format shall be refused. The filing officer shall provide regularly scheduled (not less frequently than daily) electronic notices to the relevant remitter containing identification of XML documents refused and appropriate error codes or explanations for the refusal as provided in s. DFI—CCS 2.06 when possible. However, records that cannot be read because they are garbled or are in improperly structured data packets, or which are received from persons not authorized for XML by the filing office will not receive a refusal response. Readable transmissions from authorized transmitters will generate electronic confirmation of acceptance or rejection. (S) Sub.

**DFI—CCS 3.19 Acceptance and archives.** <sup>Acceptance occurs when . . . .</sup> An XML document is not accepted for filing at the time it is received by the filing office. It is accepted only after it is analyzed by the filing offices XML system and it is determined that the XML document is machine-readable and all required elements of the transmission have been received in an approved format. Upon acceptance of an XML document for filing, a report shall automatically be generated which shall contain all of the information related to the document including all information transmitted by the remitter for inclusion in the document as prescribed by the implementation guide referred to in s. DFI—CCS 3.17. The information contained in the report shall promptly be rendered and stored in a record. The filing officer shall provide regularly scheduled (not less frequently than daily) electronic notices to remitters of accepted XML documents to confirm such acceptance and the creation of such record. (S) X

**DFI—CCS 3.20 XML UCC search requests.** Sub. 10

(1) UCC search requests may be submitted electronically by persons authorized to submit XML documents in the manner set forth in the implementation guide referred to in s. DFI—CCS 3.17. Unless otherwise specified in the implementation guide, accepted requests will generate searches conducted under the same search criteria applicable to search requests not submitted electronically.

(2) Electronic search requests may be submitted only by persons who are authorized to transmit XML documents pursuant to s. DFI--CCS 3.15 and who have entered into arrangements acceptable to the filing officer for the payment of search and copy fees.

(3) Responses to electronic search requests <sup>shall</sup> will be made available electronically as soon as practicable, in a manner to be specified in the implementation guide referred to in s. DFI--CCS 3.17. Such responses may, for a time, be limited to a search report with copies of reported documents being made available by non-electronic means. Until such time as electronic responses are available in any form, responses to electronic search requests will be generated and transmitted in the same manner and by the same means as responses to non-electronic search requests.

**DFI--CCS 3.21 One-debtor limitation.** An XML document may not name more than one debtor on a single name field. An XML document that purports to name more than one debtor on a single name field will be treated as having named a single debtor with the name as set forth in the relevant field. Multi-debtor UCC documents may be filed only by using additional debtor name fields.

SECTION 5: CHAPTER DFI--CCS 4 is created to read:

## CHAPTER 4

### FILING AND DATA ENTRY PROCEDURES

**DFI--CCS 4.01 Role of filing office.** This chapter contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to file promptly a document that conforms to these rules. Except as provided in these rules, data are transferred from a UCC document to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests <sup>shall</sup> type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

**DFI--CCS 4.02 Document indexing and other procedures before archiving.**

(1) **DATE AND TIME STAMP.** The date and time of receipt <sup>shall be</sup> is permanently associated with the record maintained for a UCC document in the UCC information management system at the earliest possible time.

(2) **CASH MANAGEMENT.** Transactions necessary to the payment of the filing fee <sup>shall be</sup> are performed.

(3) **DOCUMENT REVIEW.** The filing office <sup>shall</sup> determines whether a ground exists to refuse the document under s. DFI--CCS 2.03.

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(a) *File identification.* If there is no ground for refusal of the document, the document is filed and a unique identification number and the filing date is permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received. *shall be*

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(b) *Correspondence.* If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in s. DFI—CCS 2.06. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in s. DFI—CCS 2.07. If the UCC document was tendered in person notice of refusal or acknowledgment of the filing is given to the remitter by personal delivery, or US Postal delivery. If the UCC document was tendered electronically, such notice or acknowledgement is transmitted to the remitter by the same method in which it was received. Regardless of the response method, the response will include the UCC document filed as well as the information required by ss. DFI—CCS 2.06 or 2.07. Acknowledgment of filing or notice of refusal of a UCC document tendered by means other than personal delivery, or electronic transmission is sent to the secured party (or the first secured party if there are more than one) named on the UCC document or to the remitter if the remitter ~~so requests~~ by regular mail or by overnight courier if the remitter provides a prepaid waybill or access to the remitter's account with the courier. *chapter*

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(4) DATA ENTRY. Data entry and indexing functions are performed as described in this section. Only characters that appear on a standard computer keyboard will be entered into the data information system index.

**DFI—CCS 4.03 Filing date.** The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date or, if the filing office is not so open on that date, the filing date is the next date the filing office is open, except that, in each case, UCC documents received after close of business shall be deemed received on the following day the office is open for business. The filing officer may perform any duty relating to the document on the filing date or on a date after the filing date.

**DFI—CCS 4.04 Filing time.** The filing time of a UCC document is determined as provided in s. DFI—CCS 1.06.

**DFI—CCS 4.05 Lapse date and time.** A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date. *on 30th*

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**DFI—CCS 4.06 Errors of the filing officer.** The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall proceed as follows; A record relating to the relevant initial financing statement will be placed in the UCC information management system stating the date of the correction and explaining 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.

**DFI—CCS 4.07 Errors other than filing office errors.** An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement. *An error may*

**DFI—CCS 4.08 Data entry of names - designated fields.** A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designates the first, middle and last names and any suffix. When this is done, the following rules shall apply.

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(1) ORGANIZATION NAMES. Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.

(2) INDIVIDUAL NAMES. On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.

(3) DESIGNATED FIELDS ENCOURAGED. The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents submitted through direct data entry will be required to use designated name fields.

**DFI—CCS 4.09 Data entry of names - no designated fields.** A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization should be refused by the filing office. If it is accepted for filing in error, the following rules shall apply.

(1) IDENTIFICATION OF ORGANIZATIONS. When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V.,

*part of paragraph in a note*

limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use their own judgment.

(2) IDENTIFICATION OF INDIVIDUALS. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.

(3) INDIVIDUAL AND ORGANIZATION NAMES ON A SINGLE LINE. Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered as two separate debtors, one as an individual and one as an entity.

(4) INDIVIDUAL NAMES. The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply:

(a) *Freestanding initials.* An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.

(b) *Combined initials and names.* An initial and a name to which the initial apparently corresponds is entered into one name field only. [Example: "D (David)" in the name "John D (David) Rockefeller" is entered as "John" (first name); "D (David)" (middle name); "Rockefeller" (last name).]

(c) *Multiple individual names on a single line.* Two individual names contained in a single line are entered as two, different debtors. [Example: the debtor name "John and Mary Smith" is entered as two debtors: "John Smith", and "Mary Smith".]

(d) *One word names.* A one word name is entered as a last name. [Example: "Cher" is treated as a last name.]

(e) *Nicknames.* A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name. [Example: "William (Bill) Jones".]

**DFI—CCS 4.10 Verification of data entry.** The filing officer uses the following procedures to verify the accuracy of data entry tasks.

(1) Double key entry is employed for data entered in the following fields:

- (a) Document type (class code).  
(b) Form Identifier (standard or non-standard).  
(c) Debtor Name.  
(d) Secured party/assignee name.  
(e) Original filing number (if applicable).

no ( )

(2) Visual inspection of data entry is employed for data entered in the following fields:

- (a) Debtor individual vs organization identifier.  
(b) Secured party individual vs organization identifier.  
(c) Address fields.  
(d) Date and time.

**DFI—CCS 4.11 Initial financing statement.** A new record is opened in the UCC information management system for each initial financing statement that bears the file number of the financing statement and the date and time of filing.

(1) The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one year after the financing statement lapses. Debtor addresses might not be included in the searchable index except to the extent the filing office offers or intends to offer limited searches or limited copy requests as provided in s. DFI—CCS 5.03.

(2) The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

(3) The record is indexed according to the name of the debtor(s) and the filing number and is maintained for public inspection.

(4) A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record.

**DFI—CCS 4.12 Amendment.** A record is created for the amendment that bears the file number for the amendment and the date and time of filing.

(1) The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

(2) The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and are not removed until one year after the financing statement lapses. Debtor addresses might not be included in the searchable index except to the extent the filing office offers or intends to offer limited searches or limited copy requests as provided in s. DFI—CCS 5.03. (5)

(3) If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

(4) Each individual amendment form may include only one filing action and only amend information, which can be indexed within the constraints of the form. [Example: You may not add/change debtor and secured party on the same form.] (2)

*5/11/01*  
*from the same form*  
**DFI—CCS 4.13 Correction statement.** A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

**DFI—CCS 4.14 Global filings.** The filing officer will not accept for filing a single UCC document for the purpose of amending more than one financing statement, including for one or both of the following purposes: amendment to change secured party name, and amendment to change secured party address.

**DFI—CCS 4.15 Notice of bankruptcy.** The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse in the information management system as scheduled unless properly continued.

SECTION 6: Chapter DFI—CCS 5 is created to read:

## CHAPTER 5

### SEARCH REQUESTS AND REPORTS

*shall read*

**DFI—CCS 5.01 General requirements.** The filing officer maintains for public inspection a searchable index for all records of UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record

relates and which associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement.

**DFI—CCS 5.02 Search requests.** Search requests shall contain the following information:

(1) **NAME SEARCHED.** A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., Cher) it will be treated as a last name. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.

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(2) **REQUESTING PARTY.** The request must include the name and address of the person to whom the search report is to be sent.

(3) **FEE.** The appropriate fee shall be enclosed, payable by a method described in s. DFI—CCS 1.10(3).

shall

(4) **SEARCH REQUEST WITH FILING.** If a filer requests a search at the time a UCC document is filed, by checking the box on the form set forth in s. 409.521, Stats. or otherwise, the name to be searched will be the debtor name as set forth on the form, the requesting party will be the remitter of the UCC document, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC document is filed.

**DFI—CCS 5.03 Optional information.** A UCC search request may contain any of the following information:

(1) A request to include in the report all of the following:

(a) Unlapsed filings.

(b) Active filings.

(c) Inactive filings.

(2) A request that asks for copies of documents referred to in the report be included with the report. The request may limit the copies requested by limiting them by reference to [the address of the debtor,] the city of the debtor, the date of filing (or a range of filing dates) or the identity of the secured party(ies) of record on the financing statements located by the related search. The request may ask for copies of UCC documents identified on the primary search response.

3  
note

(3) A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request shall contain the following statement:

"A search limited to a particular city may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

(4) Instructions on the mode of delivery requested, if other than by ordinary mail, which request will be honored if the requested mode is then made available by the filing office.

**5.04 Rules applied to search requests.** Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. The following, and only the following rules are applied to conduct searches:

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

(2) No distinction is made between upper and lower case letters. Only the characters of A through Z and 0 through 9 and the "&" symbol will be considered searchable characters.

(3) Punctuation marks and accents are disregarded unless the department posts a notice at the UCC section of the department's website ([www.wdfl.org](http://www.wdfl.org)) that punctuation marks and accents are not disregarded. Such notice shall state the dates in which punctuation marks and accents are disregarded. Only the "&" symbol will be considered a searchable character. All other characters will be treated as punctuation.

(4) Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the International Association of Corporation Administrators as from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

(5) The word "the" at the beginning of the search criteria is disregarded.

(6) All spaces are disregarded.

(7) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for a "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith", (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

(8) After taking the preceding rules into account, the search will reveal only names of debtors that exactly match the name requested, as modified, contained within the UCC Information management system and as requested under s. DFI—CCS 5.03(1).

**5.05 Search responses.** Reports created in response to a search request shall include all of the following:

(1) **FILING OFFICER.** Identification of the filing officer and the certification of the filing officer required by the UCC.

(2) **REPORT DATE.** The date the report was generated.

(3) **NAME SEARCHED.** Identification of the name searched.

(4) **CERTIFICATION DATE.** The certification date applicable to the report; i.e., the date and time through the search is effective to reveal all relevant UCC documents filed on or prior to that date.

(5) **IDENTIFICATION OF INITIAL FINANCING STATEMENTS.** Identification of each initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time as requested under s. DFI—CCS 5.03(1).

(6) **HISTORY OF FINANCING STATEMENT.** For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.

(7) **COPIES.** Copies of all UCC documents revealed by the search and requested by the searcher.

**SECTION 7: CHAPTER DFI—CCS 6 is created to read:**

**CHAPTER DFI—CCS 6**

**OTHER LIEN NOTICES**

**DFI—CCS 6.01 Purpose.** This chapter describes records of liens maintained by the filing office created pursuant to statutes other than the UCC that are treated by the filing officer in a manner substantially similar to UCC documents and are included on a request with the reports described in rules s. DFI—CCS 5.05.

**DFI—CCS 6.02 Notice of federal tax lien.**

(1) **FILING.** Federal tax liens are filed in the same manner as initial financing statements.

(a) *Where to file.*

1. Federal tax liens filed with the Department under S. 779.97, Stats. are indexed by debtor name and will be revealed by searches under rule s. DFI—CCS 5.05. Filings submitted under this section may not be filed with DFI agents.

2. Federal tax liens filed with a Register of Deeds office are filed according to s. 779.97(4), Stats.

(b) *Fee for filing.* The filing fees are set in <sup>(S)</sup>Chapter 779.97 (5), <sup>Stats.</sup>

(c) *Duration.* Federal tax liens are effective for 11 years and 60 days.

## (2) MECHANICS OF SEARCH.

(a) *Fee for search.* The fee for a search for only federal tax liens is the same fee as in s. DFI—CCS 1.10(3).

(b) *Search.* Search requests made to the department may state if they wish only federal tax liens, or, if they wish, all UCC filings which will include federal tax liens.

## DFI—CCS 6.03 Wage claim liens.

(1) **FILING.** Wage Claim liens under s. 109.09 (2)(b)(2), Stats. are filed in the same manner as an initial financing statement and may use all forms and formats of communication permitted to be used in connection with initial financing statements. They are indexed by debtor name and will be revealed by searches under s. DFI—CCS 5.05. <sup>no ( )</sup>

(a) *Where to file.* Wage claim liens are filed with the Department. Filings submitted under this section may not be filed with DFI agents. <sup>use for full time</sup>

(b) *Fee for filing.* The filing fees are defined in ss. DFI—CCS 1.10(1) and 1.10(2).

(c) *Duration.* These filings are effective for five years. <sup>ways ch 1.10</sup>

## (2) MECHANICS OF SEARCH.

(a) *Fee for search.* Fee as set in s. DFI—CCS 1.10(3). <sup>full sentence</sup>

(b) *Search.* Wage claim liens are listed in the same manner as an initial financing statement and are included with UCC searches.

## DFI—CCS 6.04 Railroad-related filings.

1. (1) **RAILROAD RELATED UCC FILING.** UCC-filings to be filed as fixture filings and related to railroad property under s. 190.11 Stats. are filed in the same manner as an initial financing statement. Filings submitted under this section may not be filed with DFI agents or delivered by

electronic means. They are indexed by debtor name and will be revealed by searches under s. DFI—CCS 5.05. In addition the filing will be entered in to the railroad real estate records as indicated under s. DFI—CCS 6.04 (2).

(a) *Filing Identification.* In order to have a UCC-filing processed as a railroad fixture filing the UCC-filing itself, or a separate writing to be filed as a part of the UCC-filing, shall bear a statement that:

1. Indicates that it is a railroad fixture filing, and
2. Names the railroad affected.

(b) *Fee for filing.* The filing fees are defined in s. DFI—CCS 1.10(1)(g).

(c) *Search.* Railroad related UCC filings are listed in the same manner as an initial financing statement and are included with UCC searches.

(d) *Fees for search.* The fee for a UCC railroad index search is the same fees as charged in s. DFI—CCS 1.10(3)(a).

(2) RAILROAD REAL ESTATE FILINGS. Mortgages filed to secure an interest in railroad real estate under s. 190.11 Stats. will be filed in a separate railroad real estate register.

(a) *Where to File.*

1. These filings may be hand delivered or mailed to the UCC Section Department of Financial Institutions, 345 W. Washington Avenue, 3<sup>rd</sup> floor, Madison, Wisconsin 53703 or PO Box 7847, Madison, WI 53707-7847. Filings submitted under this section may not be filed with DFI agents or delivered by electronic means.

2. Express or priority mailings, and all other deliveries for which a receipt or similar confirmation of arrival time is desired, should be mailed or brought to the filing office at 345 W. Washington Avenue, 3<sup>rd</sup> floor, Madison, Wisconsin 53703.

3. No railroad real estate-related document may be considered received until it actually arrives in the filing office. Delivery to the post office box of the Department may not be considered actual arrival in the filing office.

(b) *Filing Identification.* In order to have a filing processed as a railroad filing the filing must indicate that it is a railroad real estate filing, and names the railroad affected.

(c) *Fee for filing.* The filing fees for railroad real estate filings are defined in s. 190.11 (3) Stats.

(d) *Mechanics Of Search.* Searches of the railroad conveyances and other real estate related documents will not be completed by the department. The railroad records are available to the public during regular office hours. Requests for copies railroad conveyances of real estate documents may be addressed to the UCC Section.

(e) *Fee for copies.*

1. The fee for individual copies of railroad real estate documents is \$0.50 per page.

2. The fee for certified copies of railroad real estate documents is \$5. per page or amount

**DFI-6.06 Bulk transfer UCC filings.**

(1) **FILING.** UCC-filings submitted to the Department of Financial Institutions under ch. 406, Stats., Bulk Transfers, should be directed to the UCC Section of the Corporate and Consumer Services Division, Department of Financial Institutions, and may be hand delivered or mailed to the Department located at 345 West Washington Avenue, Madison, WI 53703; or may be mailed to the UCC Section at the following address: UCC Section, Department of Financial Institutions; P.O. Box 7847; Madison, WI 53707-7847. Filings submitted under this section may not be filed with DFI agents.

(2) **INDEXING.** Bulk transfer UCC-filings shall be entered by the UCC section into a separate bulk transfer index, and may not be included in UCC index listings.

(3) **FEE.** The fee for filing a bulk transfer filing is \$1.00 per page.

(4) **SEARCH.** Requests for information about, and copies of bulk transfer filings, should be addressed to the UCC Section of the Department of Financial Institutions.

(5) **FEE FOR A SEARCH.** The fee for requesting information about a bulk transfer filing is \$15.00 for each Certificate issued.

SECTION 8: CHAPTER DFI-CCS 7 is created to read:

**CHAPTER DFI-CCS 7**

**LAND RECORDING OFFICES**

**DFI-CCS 7.01 Recording offices.** (1) This section applies only to UCC filings that:

(a) indicate the type of collateral listed in 7.02, and

(b) indicate they are "to be filed for record".

(2) This section does not apply to UCC filings associated with railroad property described s. 190.11 Stats. (B)

**DFI—CCS 7.02 Types of Collateral.** Only UCC financing statements containing realty-related collateral of the following type should be filed in land recording offices:

- (B) Cap 3 -
- (1) fixtures,
  - (2) as-extracted collateral, or
  - (3) timber to be cut.
- What are these? (B)*

**DFI—CCS 7.03 Forms.** Land recording offices in this state will only accept the following forms: (B)

(1) National Standard Forms – Financing Statement (UCC1 and UCC1Ad) and Financing Statement Amendment (UCC3 and UCC3Ad) as prescribed by s. 409.521 Stats. All other forms will be rejected.

(2) Correction Statements. Only a standard correction statement form is accepted.

(3) Forms may have attachments which requires an additional fee per page as set forth by 59.43(2)(e).

(4) Only the original form should be submitted. The original or an image of the record will be returned as acknowledgement of recording.

(5) Land recording offices do not accept electronic documents. The documents under this section should be executed as follows:

(a) White paper that is at least 20 pound weight. The page width is 8.5 inches and the page length is either 11 inches or 14 inches and does not deviate more than ¼ inch from these dimensions. (B)

(b) A multi-paged instrument is not hinged or otherwise joined completely at the top or sides.

(c) The entire document is clear and the letters, numbers, symbols, diagrams and other representations in the document are large enough and dense enough to be reproduced or read by a copy machine and a microfilm camera or optical scanner to the extent that the image captured is legible.

(d) The ink is black or red.

**DFI—CCS 7.04 Acceptance or Rejection of Filings.** The following criteria and notice

provisions <sup>shall</sup> will apply to land recording offices for UCC purposes:

- (1) Neither debtor nor secured party signatures are required on any form filed.
- (2) Basic statutory criteria for acceptance or rejection as listed in s 409.516 Stats.
- (3) UCC3 without debtor and record owner names and addresses will be rejected. Secured party addresses required also.
- (4) UCC3 without date of initial financing statement referenced will be rejected.
- (5) UCC3 may contain only one change per form.
- (6) A sufficient legal description of the real property to which it relates must be given on all filings.
- (7) Rejection notice will contain date, time and reason for rejection.
- (8) UCC filings will not be rejected by recording offices for the following reasons that are stated in UCC 409.516(2)(c)(2)(b) and 409.516(2)(g).
- (9) UCC1 must have item 6 checked and UCC3 must have item 1b checked.

**DFI—CCS 7.05 Indexing.** (1) Debtor, record owner and secured party names given in UCC filings are indexed only in the grantor/grantee index in the same manner as from mortgage instruments.

(2) UCC filings are also indexed in the tract index in counties where tract indices are maintained.

**DFI—CCS 7.06 Office Hours.** Office hours for land recording offices are determined by each county board. Contact each land recording office or check Department of Financial Institution's website [www.wdfi.org](http://www.wdfi.org).

**DFI—CCS 7.07 Land Recording UCC Filing Fees and Payment Methods.**

(1) UCC filing fees for documents filed in land recording offices under this section are set forth in s. DFI—CCS 1.10 (1) (g).

(2) Payment of fees for records filed in land recording offices under this section are acceptable in the form of cash, checks, or money order only.

**DFI—CCS 7.08 Searching.** Land recording offices in this state do not perform searches of the grantor/grantee –real-estate tract indexes for realty related UCC filings.