

**NEBRASKA ADMINISTRATIVE CODE
TITLE 436
ADMINISTRATIVE RULES FOR ARTICLE 9
UNIFORM COMMERCIAL CODE
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Chapter 1 -- General Provisions

100 Definitions. Terms used in these filing-office rules that are defined in the UCC and not otherwise defined in this Chapter, will have the respective meanings accorded such terms in the UCC.

100.1 Address. "Address" means either (i) a street address, route number (may include box) or PO Box number plus the city, state and zip code, or (ii) an address that purports to be a mailing address outside the United States of America.

100.2 Amendment. "Amendment" means any UCC record filed that relates to the initial financing statement. Amendments include party or collateral changes, assignments, continuations and terminations.

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

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

100.5 Filing office. "Filing office" means the Nebraska Secretary of State's Office.

100.6 Filing office statement. "Filing office statement" means a statement entered into the filing office's UCC information management system to explain an action by the Filing office to correct an error by the Filing office.

100.7 Initial financing statement. "Initial financing statement" means a UCC record that causes the Filing office to establish the initial record of filing of a financing statement.

100.8 Remitter. "Remitter" means a person who tenders a UCC record to the Filing office for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. Remitter does not include a person responsible merely for the delivery of the record to the Filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

100.9 Searchable indexes. "Searchable indexes" means the searchable index of individual debtor names and the searchable index of organization debtor names the Filing office maintains in the UCC information management system.

100.10 Secured party of record. "Secured party of record" means every party designated as a secured party in a financing statement, including those for whom an amendment has

been filed purporting to delete them as a secured party or purporting to indicate they have assigned their secured interest.

100.11 Statutory Agricultural Lien(s). "Statutory Agricultural Lien" includes liens filed with the Filing office pursuant to Neb. Rev. Stat. §§52-202, 52-501, 52-701, 52-901, 52-1101, 52-1201, 52-1401 to 52-1411, 54-201, or 54-208.

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

100.13 UCC information management system. "UCC information management system" means the information management system used by the Filing office to store, index, and retrieve information relating to financing statement as described in Chapter 3 of these filing-office rules.

100.14 UCC record. "UCC record" means an initial financing statement, an amendment of party or collateral information, an assignment, a continuation statement, a termination statement, a Filing office statement or an information statement, and includes a record thereof maintained by the Filing office. The term will not be deemed to refer exclusively to paper or paper-based writings.

100.15 Unlapsed record. "Unlapsed record" means a UCC record that has been stored and indexed in the UCC information management system, which has a lapse date that has not yet occurred.

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

101.1 Personal delivery by Remitter, at the Filing office's street address. The file time for a UCC record delivered by this method is when delivery of the UCC record is taken by the Filing office (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected). This rule applies only to a Remitter who tenders a UCC record to the Filing office and awaits an immediate determination of whether or not the UCC record will be taken or not.

101.2 Courier delivery by a person other than a Remitter, at the Filing office's street address. The file time for a UCC record delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC record is first examined by a Filing office for processing (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected), or the next close of business following the time of delivery. This rule does not apply to a courier who is acting as an agent of the Remitter and who tenders a UCC record to the Filing office and awaits an immediate determination of whether or not the UCC record will be taken or not under Rule 101.1.

A UCC record delivered after regular business hours or on a day the Filing office is not open for business will have a filing time of the close of business on the next day the Filing office is open for business.

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

101.4 Electronic Mail. Electronic mail cannot be used for filing UCC records. Electronic mail may be used for requesting searches of the records of financing statements.

101.5 Electronic filing. UCC records, excluding information statements and Filing office statements, may be transmitted electronically using the XML Format approved by the International Association of Commercial Administrators. At the request of an authorized XML Remitter, the Filing office will identify which versions and releases of the XML Format are acceptable to the Filing office. The Filing office publishes an implementation guide that prescribes the use of the XML Format. The implementation guide will be available to the public upon request. The file time for a UCC record delivered by this method is the time that the Filing office's UCC information management system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.

101.6 Direct web page data entry. UCC records, excluding information statements, Filing office statements, and transmitting utility filings may be delivered by web page data entry using the Filing office's website on the internet. The file time for a UCC record delivered by this method is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the on-line entry system.

101.6.1 UCC record electronic filing procedures. Interested parties may apply for electronic filing services to the Filing office by completing an Electronic Filing Service Agreement form. If approved by the Filing office, the Filing office's electronic filing provider will contact the interested party for billing purposes and to establish account number(s) and password(s). Filing guidelines and procedures are available on the Filing office's website.

101.7 Means of communication. Regardless of the method of delivery, information submitted to the UCC Filing office must be communicated only in the form of characters that appear on the US ASCII character set. A financing statement or amendment form that includes characters not in the US ASCII character set or does not designate separate fields for organization and individual names, and separate fields for the surname, first personal name, additional name(s)/initials(s) and suffixes for individual names is not an acceptable means of communication to the Filing office and will be rejected.

101.8 Transmitting utility, manufactured-home and public-finance transactions. The only means to indicate to the Filing office that an initial financing statement is being filed in connection with a manufactured-home or public-finance transaction, or that a financing statement is being or has been filed against a debtor that is a transmitting utility is to check the appropriate box on, or to transmit the indication in the proper field in, the related initial financing statement.

102 Search request delivery. UCC search requests may be delivered to the Filing office by any of the means by which UCC records may be delivered to the Filing office.

103 Forms. Forms prescribed by U.C.C. §9-521 are accepted by the Filing office. Paper based forms approved by the International Association of Commercial Administrators from time to time and forms otherwise approved by the Filing office from time to time will be accepted. A list of forms approved by the Filing office will be made available on request and on the Filing office's website.

104 Filing Fees.

104.1 The fee for filing and indexing a UCC record is provided in U.C.C. §9-525.

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

105.1 Cash. Payment in cash will be accepted if paid in person at the Filing office.

105.2 Checks. Personal checks, cashier's checks and money orders made payable to the Filing office will be accepted for payment provided that the drawer (or the issuer in the case of the cashier's check or money order) is deemed creditworthy by the Filing office in its discretion. Checks may be made payable in an amount to be filled in by the Filing office if the Filing office is clearly authorized to fill in the amount. (Exception: If previous checks were returned unpaid, future payments from the same party must be made by cashier's check, certified check, or money order.)

105.3 Prepaid account. A Remitter may open a prepaid account by submitting an application prescribed by the filing office and prepaying an amount not less than \$100. The filing office will issue an account number to be used by a Remitter who chooses to pay filing fees by this method. The filing office will deduct filing fees from the Remitter's prepaid account as authorized to do so by the Remitter.

105.4 Debit and credit cards. The filing office will accept payment by debit cards and credit cards of types approved by the filing office. Remitters will provide the filing office with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment.

106 Overpayment and underpayment policies.

106.1 Overpayment. The Filing officer will apply the amount of an overpayment to the Remitter's account to be used in future filings. The filing officer will refund an overpayment upon the written request of the remitter.

106.2 Underpayment. Upon receipt of a filing with an insufficient fee, the Filing office will return the UCC record to the Remitter as provided in rule 203. Any payment remitted with the filing will be applied to the Remitter's account to be used in future filings. The Filing officer will refund the underpayment upon the written request of the remitter.

107 Public records services. Public records services are provided on a non-discriminatory basis to any member of the public. Copies of individual UCC records, bulk copies of records and data elements from the Filing offices UCC information management system are made available in such forms, at such times and for such fees as the Filing office may prescribe from time to time.

107.1 Online Search request procedures. Interested parties may apply for on-line access to request searches by contacting the Filing office's e-filing provider. The provider will establish account number(s) and password(s). Searching guidelines are available on the Filing office's website.

108 Fees for public records services. Fees for public records services (other than those established under Rule 104) are established by U.C.C. § 9-528(d), Neb. Rev. Stat. § 33-101, U.C.C. §9-523, and by the Filing office from time to time and are available upon request.

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Chapter 2 -- Acceptance and Refusal of Records.

- 200 Role of Filing office. Unless otherwise expressly provided for by statute, the duties and responsibilities of the Filing office with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these rules, the Filing office does none of the following:
- 200.1 Determine the legal sufficiency or insufficiency of the UCC record.
- 200.2 Determine that information in the UCC record is correct or incorrect, in whole or in part.
- 200.3 Create a presumption that information in the UCC record is correct or incorrect, in whole or in part.
- 201 Time for filing a continuation statement.
- 201.1 First day permitted. The first day on which a continuation statement may be filed is the date of the month corresponding to the date upon which the related financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The foregoing rule is subject to the ability of the Filing office to take delivery of the continuation statement as tendered and to Rule 101.
- 201.2 Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses. The foregoing rule is subject to the ability of the Filing office to take delivery of the continuation statement as tendered and to Rule 101. Accordingly, the time of filing of the continuation statement under Rule 101 must be on or prior to such last day.
- 202 Grounds for refusal. In addition to refusing a record for any reason, or multiple reasons, as set forth in U.C.C §9-516, a Filing office will refuse to accept a UCC record that does not provide an address that meets the minimum requirement, as set forth in these Filing office rules (See “Address” under Rule 100.1)
- 203 Procedure upon refusal. If the Filing office finds grounds to refuse a UCC record, the Filing office will return the filing fee. Communication of the refusal, the reason(s) for the refusal and other related information will be made to the Remitter as soon as practicable and in any event within two business days after the refused UCC record was received by the Filing office, by the same means as the means by which such UCC record was

delivered to the Filing office, or by mail or such more expeditious means as the Filing office will determine. Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, will be maintained until the first anniversary of the lapse date that applies or would have applied to the related financing statement, assuming that the refused record had been accepted and filed.

- 204 Refusal errors. If a secured party or a Remitter demonstrates to the satisfaction of the Filing office that a UCC record that was refused for filing should not have been refused under Rule 202, the Filing office will file the UCC record with the filing date and time the UCC record was originally tendered for filing. A Filing office statement record relating to the relevant initial financing statement will be placed in the UCC information management system on the date the corrective action was taken. A Filing office statement will provide the date of the correction and explain the nature of the corrective action taken. The record will be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.
- 205 Notification of defects. Nothing in these rules prevents a Filing office from communicating to a filer or a Remitter that the Filing office noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing. However, the Filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and Remitters and the Filing office bears no responsibility for such effectiveness.

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Chapter 3 -- UCC Information Management System

300 General. The Filing office uses the UCC information management system to store, index, and retrieve information relating to financing statements. The UCC information management system includes the searchable indexes. The rules in this section describe the UCC information management system.

301 Primary data elements. The primary data elements used in the UCC information management system are the following:

301.1 Identification numbers.

301.1.1 Each initial financing statement is identified by its file number. Identification of the initial financing statement is noted by a label affixed to written UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. A record is created in the UCC information management system for each initial financing statement and all information comprising such record is maintained in such system. The record is identified by the same information assigned to the initial financing statement.

301.1.2 A UCC record other than an initial financing statement is identified by a unique file number assigned by the Filing office. In the UCC information management system, records of all UCC records other than initial financing statements are linked to the record of their related initial financing statement.

301.2 Type of Record. The type of UCC record from which data is transferred is identified in the UCC information management system from information supplied by the Remitter. Types of records include initial financing statement, amendment, assignment, continuation, termination and collateral amendment.

301.3 Filing date and filing time. The filing date and filing time of UCC records are stored in the UCC information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

301.4 Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC records to the UCC information management system.

301.5 Page count. The total number of pages in a UCC record is maintained in the UCC information management system.

301.6 Lapse indicator. An indicator is maintained by which the UCC 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 Rules 306.3, 307, and 308.1.

301.7 Indexes of names. The Filing office maintains in the UCC information management system a searchable index of organization debtor names, and a searchable index of individual debtor names. The Filing office may also maintain a searchable index of names of secured parties of record. Such an index need not be a separate database but may be comprised of records in the UCC information management system identified to be included in such searchable index.

302 Individual debtor names. For purposes of these rules, an “individual debtor name” is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an individual, without regard to the nature or character of the name or to the nature or character of the actual debtor.

302.1 Individual name fields. Individual debtor names are stored in data fields that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for surnames (last or family names), first personal names (given), and additional name(s)/initial(s) of individuals. The name of a debtor with a single name (e.g. “Cher”) is treated as a surname and will be entered in the individual’s surname field. The Filing office 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.

302.2 Titles, prefixes and suffixes. Titles, prefixes (e.g. “Ms”) and suffixes or indications of status (e.g. “M.D.”) are not typically part of an individual debtor’s name. Suffixes used to distinguish between family members with identical names (e.g. “Jr”) should be provided in the Suffix field. However, when entering a “name” into the UCC information management system, the data will be entered exactly as they appear.

302.3 Extended debtor name field. The Financing Statement form has limited space for individual debtor names. If any portion of the individual debtor name is too long for the corresponding field, the filer is instructed to check the box that indicates the name was too long and enter the name in item 10 of the Addendum Form UCC1AD. A Filing office will not refuse to accept a Financing Statement that lacks debtor information in item 1 and/or item 2 if the record includes an Addendum that provides a debtor name in item 10.

302.4 Truncation - individual names. Personal name fields in the UCC information management system are fixed in length. Although filers should

continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the Filing office, up to the maximum length of the data entry field. The length of data entry name fields are as follows:

302.4.1 First personal name: 40 characters.

302.4.2 Additional name(s)/initial(s): 20 characters.

302.4.3 Surname: 70 characters.

302.4.4 Suffix: 20 characters.

303 Organization debtor names. For purposes of these rules, an “organization debtor name” is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an organization, without regard to the nature or character of the name or to the nature or character of the actual debtor.

303.1 Single field. Organization debtor names are stored in files that include only organization debtor names and not individual debtor names. A single field is used to store an organization debtor name.

303.2 Truncation - organization names. The organization debtor name field in the UCC information management system is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the Filing office, up to the maximum length of the organization debtor name field.

304 Collateral being administered by a Decedent’s Personal Representative. The debtor name to be provided on a financing statement when the collateral is being administered by a decedent’s personal representative is the name of the relevant decedent. In order for the UCC information management system to function in accordance with the usual expectations of filers and searchers, the filer should provide the debtor name as an individual debtor name. However, the Filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

305 Collateral held in a Trust. The debtor name to be provided when collateral is held in a trust that is not a registered organization is the name of the trust as set forth in its organic record(s), if the trust has such a name or, if the trust is not so named, the name of the trust’s settlor or testator. In order for the UCC information management system to function in accordance with the usual expectations of filers and searchers, the name of a trust or of a settlor or testator that is an organization should be provided as an organization debtor name, and the name of the settler who is an individual should be provided as an individual debtor name, in each case without regard to the nature or character of the debtor. Notwithstanding the foregoing, the Filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

306 Initial financing statement. Upon the filing of an initial financing statement the status of the parties and the status of the financing statement will be as follows.

306.1 Status of secured party. Each secured party named on an initial financing statement will be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor will not be a secured party of record and the secured party/assignee will be a secured party of record.

306.2 Status of debtor. Each debtor name provided by the initial financing statement will be indexed in the UCC information management system and will remain on the record until removed in accordance with UCC §9-519(g)

306.3 Status of financing statement. The financing statement will be stored and indexed in the searchable index within the UCC information management system. A lapse date will be calculated, five years from the file date, unless (i) the initial financing statement indicates as provided in rule 101.8 that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date will be thirty years from the file date, or (ii) if the initial financing statement indicates as provided in rule 101.8 that it is filed against a transmitting utility, in which case there will be no lapse date. The lapse date for a financing statement filed on February 29 will be the March 1 in the fifth year following the year of the filing date.

307 Amendments generally. Upon the filing of an amendment the status of the parties will be unchanged, except that in the case of an amendment that adds a debtor or a secured party, the new debtor or secured party will be added to appropriate index and associated with the record of the financing statement in the UCC information management system, and an amendment that designates an assignee will cause the assignee to be added as a secured party of record with respect to the affected financing statement in the UCC information management system. Notwithstanding the filing of an amendment that deletes a debtor or a secured party from a financing statement, no debtor or secured party of record is deleted from the UCC information management system. A deleted secured party will still be treated by the Filing office as a secured party of record as the Filing office cannot verify the effectiveness of an amendment. Except in the case of a continuation statement, the filing of an amendment does not affect the status of the financing statement.

308 Continuation statement.

308.1 Continuation of lapse date. Upon the timely filing of one or more continuation statements by any secured party(ies) of record, the lapse date of the financing statement will be postponed for five years. The lapse date is postponed once notwithstanding the fact that more than one continuation statement is filed within a given 6-month period prior to a lapse date. Notwithstanding the immediate postponement of the lapse date with respect to one or more secured parties of record who file timely a continuation statement within a given 6-month period prior to a lapse date, such lapse date remains effective

solely for purposes of determining whether or not a subsequent continuation statement filed in the same 6-month period is timely.

308.2 Status. The filing of a continuation statement will have no effect upon the status of any party to the financing statement or upon the status of the financing statement.

309 Termination. The filing of a termination statement will have no effect upon the status of any party to the financing statement or upon the status of the financing statement.

310 Information statement. The filing of an information statement will have no effect upon the status of any party to the financing statement, the status of the financing statement or to the information maintained in the UCC information management system.

311 Filing office statement. A Filing office statement affects the status of parties and of the relevant financing statement as provided in the corrective action described as having been taken in the Filing office statement.

312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the Filing office.

313 Removal of record. A financing statement will remain in the searchable index within the UCC information management system until at least one year after it lapses. On or after the first anniversary of such lapse, the Filing office and all related UCC records may be removed from the Searchable indexes or from the UCC information management system.

313.1 Transmitting Utilities. A financing statement that indicates a debtor is a transmitting utility will remain in the searchable index within the UCC information management system until at least one year after it is terminated with respect to all secured parties of record. On or after the first anniversary of the termination date of the last remaining secured party of record, the financing statement may be removed from its searchable index or from the UCC information management system.

314 Archives-general.

UCC records removed from the UCC information management system will be maintained as provided in the Records Retention Schedule 34-15 Secretary of State Business Services.

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Chapter 4 -- Filing and Data Entry Procedures

- 400 Errors of the Filing office. The Filing office may correct the data entry and indexing errors of Filing office personnel in the UCC information management system at any time. If the correction is made to a record of a financing statement, the Filing office will associate with the record of the financing statement in the UCC information management system a Filing office statement on the date that the corrective action was taken providing the date and an explanation of the correction.
- 401 Data entry. Data is entered into the UCC information management system exactly as provided in a UCC record, without regard to apparent errors. Data provided in electronic form is transferred to the information management system exactly as submitted by the Remitter. The filing office will reject a filing containing characters not in the US ASCII character set.
- 402 Verification of data entry. The Filing office will verify accuracy of the data from UCC records entered in accordance with Rule 401 into the UCC information management system. Data entry performed by Remitters with respect to electronically filed UCC records is the responsibility of the Remitter and is not verified by the Filing office.
- 403 Notice of bankruptcy. The Filing office 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.
- 404 Redaction of certain information. The Filing office may be obliged to redact certain information from the information it provides to searchers and bulk data purchasers in accordance with applicable privacy and identity theft protection laws. Such information should not be included in UCC records and will be redacted in accordance with such laws.

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Chapter 5 -- Search Requests and Reports

- 500 General requirements. The Filing office maintains records for public inspection in a searchable index within the UCC information management system. Records will be retrievable by the name of the debtor or by the file number of the related initial financing statement, and each Active Record related to an initial financing statement is retrieved with the initial financing statement using either retrieval method.
- 501 Search requests - required information. Search requests will contain the following:
- 501.1 Name searched. A search request must set forth the name of the debtor to be searched using designated fields for organization name or individual surname, first personal name, and additional name(s)/initial(s). A search request will be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor that is the subject of the search.
- 501.2 Requesting party. The name and address of the person to whom the search report is to be sent.
- 501.3 Fee. The appropriate fee will be tendered by a method described in Rule 105.
- 502 Search Requests - Optional information. Search requests may include the following:
- 502.1 Copies. The request may limit the copies of UCC records that would normally be provided with a search report by requesting that no copies be provided or that copies be limited to those UCC records that:
- 502.1.1 include a particular debtor address;
- 502.1.2 include a particular city in the debtor address;
- 502.1.3 were filed on a particular date or within a particular range of dates; or
- 502.1.4 include a particular secured party name.
- 502.2 Scope of search. A search request may ask for a search that reports all records or all Unlapsed Records from the UCC information management system's searchable index.

502.3 Mode of delivery. A search request may specify a mode of delivery for search results and that request will be honored if the requested mode is made available by the Filing office, and all requisite fees are tendered.

503 Search methodology. Search results are produced by the application of search logic to the name presented to the Filing office. Human judgment does not play a role in determining the results of the search.

503.1 Standard search logic. The following rules describe the Filing office's standard search logic and apply to all searches except as provided 503.2.1.

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

503.1.2 No distinction is made between upper and lower case letters.

503.1.3 Punctuation marks and accents are disregarded. For the purposes of this rule, punctuation and accents include all characters other than the numerals 0 through 9 and the letters A through Z (in upper and lower case) of the English alphabet.

503.1.4 All spaces are disregarded.

503.1.5 The following rules apply only to organization names:

(a) The character "&" (the ampersand) is deleted and replaced with the characters "and" each place it appears in the name.

(b) The following words and abbreviations at the end of an organization name that indicate the existence or nature of the organization are "disregarded" to the extent practicable as determined by the Filing office's programming of its UCC information management system: Agency, Association, Assn, Associates, Assc, Assoc, Attorneys at Law, Bank, National Bank, Business Trust, Charter, Chartered, Company, Co, Corporation, Corp, Credit Union, CU, Federal Savings Bank, FSB, General Partnership, Gen part, GP, Incorporated, Inc, Limited, Ltd, Ltee, Limited Liability Company, LC, LLC, Limited Partnership, LP, Limited Liability Partnership, LLP, Medical Doctors Professional Association, MDPA, Medical Doctors Professional Corporation, MDPC, National Association, NA, Partners, Partnership, Professional Association, Prof Assn, PA, Professional Corporation, Prof Corp, PC, Professional Limited Liability Company, Professional Limited Liability Co, PLLC, Railroad, RR, Real Estate Investment Trust, REIT, Registered Limited Liability Partnership, RLLP, Savings Association, SA, Savings Association, SA, Service Corporation, SC, Sole Proprietorship, SP, SPA, Trust, Trustee, As Trustee.

(c) The word "the" at the beginning of an organization debtor name is disregarded.

503.1.6 The following search rules apply to individual debtor names:

(a) Surname: The individual debtor surname on a filed record must exactly match the surname of the search request. The search logic does not provide equivalencies for the surname filed, nor does the search logic disregard titles, suffixes or ending noise words of any type if entered in the surname field.

(b) First Personal Name. The following equivalencies apply:

- (1) A first personal name is the logical equivalent of the first initial of the name.
- (2) An initial (a single letter) is the logical equivalent of all first personal names that begin with that letter.
- (3) No first personal name or initial is the logical equivalent of all first personal names and initials.

(c) Additional Names/Initials. The following equivalencies apply:

- (1) A name is the logical equivalent of the first initial of the name.
- (2) An initial (a single letter) is the logical equivalent of all names that begin with that letter and no entry in the additional names/initials field.
- (3) No entry in the additional names/initials field is the logical equivalent of all names and initials.

(d) Search Results. Only records that exactly match the surname field under subsection (a); exactly match the first personal name after application of the equivalency rules in subsection (b); and that exactly match the additional names/initials field after application of the equivalency rules in subsection (c) will be reported.

(e) Single Names. If the name being searched is the surname of an individual debtor name without any first personal name or additional name(s)/initial(s) provided, the search will retrieve from the UCC information management system all financing statements with individual debtor names that consist of only the surname.

(f) Search Result Examples

- (1) A search request for “John A. Smith” (first personal name and surname with an initial in the additional name(s)/initial(s) field) would cause the search to retrieve all filings against all individual debtors with (i) “John” or the initial “J” as the first personal name, (ii) “Smith” as the surname, and (iii) no name or initial, the initial “A” or any name beginning with “A” in the additional name(s)/initial(s) field.

(2) A search request for “J.A. Smith” (initial for first personal name, surname and an initial in the additional name(s)/initial(s) field), would retrieve all filings against individual debtors with (i) the initial “J” or any name beginning with “J” as the first personal name (ii) “Smith” as the surname, and (iii) no name or initial, the initial “A” or any name beginning with “A” in the additional name(s)/initial(s) field.

(3) A search for “John Smith” (first personal and surname with no designation in the additional name(s)/initial(s) field), would retrieve all filings against individual debtors with (i) “John” or the initial “J” as the first personal name, (ii) “Smith” as the surname and with any name or initial or no name or initial in the additional name(s)/initial(s) field.

503.1.5 After applying the preceding rules to the name being searched, the search will retrieve from the UCC information management system’s searchable index all Unlapsed Records, or, if requested by the searcher, all records, that pertain to financing statements with debtor names that, after application of this Rule 503, exactly match the name being searched.

503.2 Non-standard (wild-card) search logic.

503.2.1 A non-standard (wild-card) search methodology is used to check against non-UCC liens or miscellaneous liens maintained by the Filing office including Federal Tax Liens, State Tax Liens, and Judgment liens (including Abstract of Judgment, Criminal Fine Enforcement and Notice of Lien for Fine or Penalty for Sentencing), and Farm Product Security Interests (EFS statements).

504 Changes in standard search logic. If the Filing office changes its standard search logic or the implementation of its standard search logic in a manner that could alter search results, the Filing office will provide public notice of such change.

505 Search responses. Responses to a search request will include the following:

505.1 Copies. Copies of all UCC records retrieved by the search unless only limited copies are requested by the searcher. Copies will reflect any redaction of personal identifying information required by law.

505.2 Introductory information. A Filing office will include the following information with a UCC search response:

505.2.1 Filing office identification. Identification of the Filing office providing the search response.

505.2.2 Unique search report identification number. Unique number which identifies the search report.

505.2.3 Report date and time. The date and time the report was generated.

505.2.4 Through date and time. The date and time at or prior to which a UCC record must have been filed with the Filing office in order for it to be reflected on the search.

505.2.5 Certification language. The following certification language will be included when a certified search is requested: The undersigned Filing office hereby certifies that attached is a summary of all UCC records, Federal and State tax liens, Judgment liens, and Statutory Agricultural liens maintained by the Filing office as of the date and time indicated on the search for the debtor name provided.

The state seal will be included on the certification.

505.2.6 Scope of search All/Unlapsed

505.2.7 Search logic used. See rule 503.1.

505.2.8 Name provided. Name as provided by searcher.

505.2.9 Search string. Name as searched after application of Rule 503.

505.2.10 Lien type searched. UCC, Federal and State tax liens, Judgment liens, Statutory Agricultural Lien

505.2.11 Copies. Copies of all UCC records revealed by the search and requested by the searcher.

505.3 Report. The search report will contain the following:

505.3.1 Identification. Identification of the Filing office providing the search report.

505.3.2 Search report identification number. Unique number assigned under Rule 505.2.2

505.3.3 Identification of financing statement. Identification of each initial financing statement, including a listing of all related amendments, information statements, or Filing office notices, filed on or prior to the through date corresponding to the search criteria (including whether the searcher has requested all records or only Unlapsed records from the searchable index). Financing statement information will include, but is not limited to the following:

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

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

505.3.3.3 Lapse date. Provide lapse date.

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

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

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

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

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

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

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

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

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

NEBRASKA ADMINISTRATIVE CODE
TITLE 436
ADMINISTRATIVE RULES FOR ARTICLE 9
UNIFORM COMMERCIAL CODE

Chapter 6 -- Other Notices of Liens

600 The purpose of rules in this section is to describe records of liens maintained by the Filing office created pursuant to statutes other than the UCC that are treated by the Filing office in a manner substantially similar to UCC Records and are included upon request with the reports described in rule 505.3.

601 Tax Liens.

601.1 Notice of Federal Tax Lien.

601.1.1 Duration. The federal tax lien continues until the liability for the amount assessed is satisfied or becomes unenforceable by reason of lapse of time, IRC §6322. Generally, after assessment, the Internal Revenue Service has ten years to collect the tax liability. IRC §6502. However, there are some circumstances which may extend or suspend the ten-year collection period. Quoted from Internal Revenue Service, Internal Revenue Manual 5.17.2.2.2 (03-27-2012) chapter regarding Duration of the Federal Tax Lien.

601.1.2 Mechanics of search. See search logic described in rule 503.2.

601.1.3 Fee for search. UCC searches include all Federal Tax lien listings in the database for the customary search fee provided in statute.

601.2 Notice of State Tax Lien.

601.2.1 Duration. The duration of a State Tax Lien is 10 years from the date of recording.

601.2.2 Mechanics of search. See search logic described in Rule 503.2.

601.2.3 Fee for search. UCC searches include all State Tax Lien listings in the database for the customary search fee provided in statute.

601.3 Judgment liens. Including Abstract of Judgment, Criminal Fine Enforcement Liens and Notice of Lien for Fine or Penalty for Sentencing.

601.3.1 Duration. The duration of Abstracts of Judgment, Criminal Fine Enforcement Liens, and Notice of Lien for Fine or Penalty for Sentencing is 20 years from the date of record.

601.3.2 Mechanics of search. See search logic described in Rule 503.2.

602 Statutory Agricultural Liens.

602.1 Treatment as UCC agricultural lien. A Statutory Agricultural Lien will be treated in all respects as an agricultural lien as provided in Article 9, Uniform Commercial Code and may be enforced in the matter and form provided for the enforcement of secured transactions as provided in Article 9, Uniform Commercial Code except as otherwise provided by law.

602.2 Mechanics of filing. Statutory Agricultural Liens 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.

603 Farm Product Security Interests (EFS statements)

603.1 Mechanics of filing. EFS (Effective Financing Statements) are filed in the Filing office.

603.1.1 Duration. The duration is 5 years from date of filing.

603.1.2 Mechanics of search. See search logic described in rule 503.2.

APPENDIX A

Secretary of State Approved Filing and Search Forms

Forms include the following, also found on the Secretary of State's website:

UCC Financing Statement (UCC1)
UCC Financing Statement Addendum (UCC1Ad)
UCC Financing Statement Additional Party (UCC1AP)
UCC Financing Statement Amendment or Change (UCC3)
UCC Financing Statement Amendment Addendum (UCC3Ad)
UCC Financing Statement Amendment Additional Party (UCC3AP)
UCC Information Statement (UCC5)
UCC Information Request (UCC11)
Universal Attachment for Statutory Agriculture Lien
Universal Attachment for Agricultural Production Input Lien (API)