

**STATE OF GEORGIA  
REVISED ARTICLE 9 UCC FILING GUIDE**

**SUPERIOR COURT CLERKS OF GEORGIA AND  
GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE  
AUTHORITY**

**To be used until the UCC Administrative Procedures are approved  
(July 5, 2001 version 3.1)**

**Georgia Superior Court Clerks' Cooperative Authority  
1875 Century Boulevard  
Suite 100  
Atlanta, GA 30345**

**[www.gsccca.org](http://www.gsccca.org)  
Phone (404) 327-9058 Fax (404) 327-7877  
Support Hotline for Clerks (800) 304-5174  
Authority's Toll-Free Line - For General Public (800) 304-5175  
Monday - Friday 8:30 AM - 5:00 PM Eastern (except holidays)**

**THIS INFORMATION IS INTENDED TO ASSIST THE PUBLIC AND ALL CONCERNED IN UNDERSTANDING THE NEW UNIFORM COMMERCIAL CODE FILING REQUIREMENTS IN GEORGIA EFFECTIVE JULY 1, 2001. THIS MATERIAL, HOWEVER, IS NOT INTENDED TO PROVIDE LEGAL ADVICE ON LEGAL MATTERS, OR FINANCIAL COUNSEL ON BANKING OR FINANCIAL MATTERS.**

**ANY RULES ADOPTED BY THE AUTHORITY IN NO WAY REPLACE OR CHANGE THE REQUIREMENTS OF GEORGIA'S UNIFORM COMMERCIAL CODE. AFTER READING THIS INFORMATION AND REFERRING TO ANY RULES ADOPTED BY THE AUTHORITY, ALL PARTIES SHOULD, AT A MINIMUM, CONSULT THE APPROPRIATE PROVISIONS OF THE OFFICIAL CODE OF GEORGIA ANNOTATED ("O.C.G.A.") AS WELL AS AN ATTORNEY KNOWLEDGEABLE IN THE REQUIREMENTS OF GEORGIA'S UNIFORM COMMERCIAL CODE. THIS INFORMATION IS A PRELUDE TO THE UCC ADMINISTRATIVE PROCEDURES, WHICH WILL SUPERCEDE THIS GUIDELINE.**

## **I. PLACE OF FILING**

- A. The proper place to file in order to perfect a security interest under Georgia Uniform Commercial Code is with the clerk of the superior court of any county in the state of Georgia (hereinafter referred to as the "filing officer").
- B. For financing statements covering as extracted collateral, crops, timber to be cut or if the financing statement is filed as a fixture filing and covers goods that are or are to become fixtures, a real property related financing statement must be filed in the real estate records with the filing officer in each county in which the affected real estate is located.
- C. It is only necessary to file a UCC financing statement in one county to properly perfect a security interest (in non-real estate related collateral), notwithstanding the location of the collateral, the location of the debtor, or the fact that the secured collateral may be relocated or situated in various counties within the State of Georgia.
- D. The Authority is not authorized to accept UCC filings. Similarly, the Georgia Secretary of State is not an authorized agent to accept UCC filings. Any filings directed erroneously to the Authority will be returned to the person designated on the UCC financing statement as the party to whom the acknowledgment copy is to be returned, or if no such person is designated, to the secured party identified on the financing statement.

## II. FORMAL REQUISITES OF FINANCING STATEMENT

A. Pursuant to O.C.G.A. 11-9-502, a financing statement is sufficient if it:

1. Gives the name of each debtor;
2. Gives the name of the secured party or a representative of the secured party;
3. Indicates the collateral covered by the financing statement; and
4. Where both (i) the collateral consists of consumer goods as defined in O.C.G.A. 11-9-102 and (ii) the secured obligation is originally \$5000 or less, the secured party must also give the maturity date of the secured obligation (in Month/Day/Year order) or specify that such obligation is not subject to a maturity date. It is recommended that this date be specified in Block 8 of the UCC Financing Statement along with the phrase, “ Subject to a Maturity Date of (Month/Day/Year)”.

## III. FORMS TO BE USED IN FILING

- A. Under the Uniform Commercial Code, the notice to be filed with the filing officer is called a financing statement. The standard financing statement adopted by the Authority for use in Georgia is the IACA-approved national financing statement. Any IACA-approved national financing statement form dated 07/29/98 **or later** is acceptable. O.C.G.A. 11-9-521 requires that filing parties use this form.
- B. Pursuant to O.C.G.A. Sections 11-9-501 and 11-9-502, a separate Real Property Related Financing Statement for UCC related real estate collateral must be filed in the real estate records of each county in which the affected real estate is located. The standard form approved by the Authority for use in Georgia is the same financing statement form as mentioned above.
- C. In accordance with O.C.G.A. 11-9-521, et seq., effective July 1, 2001, financing statements, financing statement amendments and Real Property Related Financing Statements for UCC real estate related collateral must be presented for filing on the forms prescribed by the Authority. Any filing presented on a form other than an IACA-approved national UCC financing statement, UCC financing statement addendum, UCC financing statement amendment, UCC financing statement amendment addendum shall be rejected by the filing office.
- D. UCC forms are not stocked or dispersed by filing officers or the Authority. A list of approved forms vendors may be obtained by calling the Authority at

(404) 327-9058 or forms may be downloaded from the Authority's website at [www.gsccca.org](http://www.gsccca.org).

- E. Each UCC form must be typed or computer generated.
- F. If the space provided on the UCC form is inadequate, the Item Number on the form should be marked "Continued", and such Item Number should be identified and continued on an additional 8 1/2" x 11" sheet. The name of the first named debtor should appear at the top of each such additional sheet in order to assist the filing officer in identifying the attachments. Additionally, UCC addendums or UCC Amendment Addendums may be used.
- G. Laser printed financing statements prepared by computerized loan documentation service companies or printed from the Authority web site will be accepted as standard filings if presented on 8 1/2" x 11" paper in the same form as the UCC forms approved by the Authority for use in Georgia.
- H. Pursuant to O.C.G.A.11-9-514, a financing statement may disclose an initial assignment of the security interest by indication in the financing statement of the name and address of the assignee. After disclosure of the assignment, the assignee is the secured party of record. Filing parties are encouraged to utilize the appropriate space for indication of such assignment on the UCC financing statement and UCC Addendum approved by the Authority for use in Georgia.

#### **IV. PRESENTATION AND PROCESSING OF FILING**

- A. All filings required under the Georgia Uniform Commercial Code shall be made by presenting the appropriate documents and tendering the required fees to any of the 159 filing officers (clerks of superior court). As stated above in regard to UCC Real Property Related Financing Statement, the secured party must file the UCC Financing Statement and UCC Financing Statement Addendum in the real estate records of each county in which the affected real estate is located. Filings may be presented to the filing officer in person, or by mail or courier. Payment of the fees shall be made in any manner acceptable to the filing officer in the county in which the filing is made.
  - 1. If the Georgia-approved form UCC-1 is presented for filing (which is acceptable through December 31, 2001), or the IACA version of the National Form is presented and the filing party requests an acknowledgement copy of the filing, the filing party must either complete Block B of the filing form and/or the filer must submit an original and one copy of the document to the filing officer at the time of presentation of the filing (Filing Officer copy and Filing Officer Acknowledgement copy). It is also recommended that the filing party provide the filing officer with a self-addressed

stamped envelope to expedite the return of the acknowledgement copy.

- B. The filing officer shall mark each UCC financing statement with a file number and the date and time of filing. Note: UCC Real Property Related Financing Statements are handled in a similar manner to other county real estate records. No UCC file number will be assigned, but the filing officer shall enter on each UCC Real Property related Financing Statement a book and page number where same is recorded, as well as the filing date and time.
- C. After the document has been filed, the second copy of the UCC Financing Statement (acknowledgment copy of the UCC Financing Statement or the photocopy of the laser document submitted by the filer), or the original of the UCC Real Property Related Financing Statement, will be returned to the person or firm at the return mailing address indicated on Block B of the UCC forms.
- D. The filing officer shall hold the statement or microfilm or other photostatic, microphotographic, photographic copy, or optical image reproduction thereof for public inspection.
- E. The filing officer shall transmit, for indexing in the UCC Central Indexing System, each UCC statement within 24 hours of filing to the Authority or its designated agent as provided by O.C.G.A. 15-6-61 and 11-9-519.
  - 1. Pursuant to O.C.G.A. 15-6-61(a)(13) and 11-9-519, weekends and holidays shall not be included in the calculation of such 24-hour period.
  - 2. Each filing officer shall notify the Authority at least one (1) business day in advance of the closing of its office due to scheduled holidays, emergency situations, or other circumstances beyond the control of the filing officer, which will necessitate a delay in complying with the 24-hour period in which to transmit the UCC financing statements to the Authority for inclusion in the UCC Central Indexing System.

NOTE: UCC Real Property Related Financing Statements are recorded in a similar manner as other real estate related instruments and will remain of record in the real estate records of the county in which filed. UCC Real Property Related Financing Statements are not transmitted by the filing officer (clerk of superior court) to the Authority for inclusion in the UCC Central Indexing System.

- F. The Authority or its designated agent shall, within 24 hours after receipt of the filing information required by O.C.G.A. 15-6-61, include such UCC financing

statement data in the UCC Central Indexing System and make such information available to the public through the UCC Central Index. Weekends and holidays shall not be included in the calculation of the 24-hour period, pursuant to O.C.G.A. 11-9-519(b)(1).

- G. Any questions regarding the filing information reflected in the UCC Central Indexing System should first be directed to the Authority or its designated agent by calling (404) 327-9058.
- H. In the event of a data entry error in UCC file information included in the UCC Central Indexing System by the Authority or its designated agent, the data will be corrected by the Authority or its designated agent at no charge to the secured party. Such corrections shall be made immediately upon receipt of the UCC Correction Statement, which should be filed with the clerk of superior court in the county of the original filing. The Correction Statement will be documented in the UCC Central Index database by indication of the date and time such correction was made.

## **V. REAL PROPERTY RELATED FINANCING STATEMENTS**

- A. When a UCC financing statement covers as extracted collateral, crops, or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, it must satisfy subsection (a) of Code Section 11-9-502, and the financing statement must be filed in the real estate records of each county where the affected real estate is located.
- B. Pursuant to O.C.G.A. 11-9-502, the Real Property Related Financing Statement is sufficient if it:
  - 1. gives the names of the debtor and the secured party;
  - 2. indicates the collateral covered by the financing statement;
  - 3. Where both (i) the collateral consists of consumer goods as defined in O.C.G.A. 11-9-102 and (ii) the secured obligation is originally \$5000 or less, the secured party must also give the maturity date of the secured obligation (in Month/Day/Year order) or specify that such obligation is not subject to a maturity date. It is recommended that this date be specified in Block 8 of the UCC Financing Statement along with the phrase, “ Subject to a Maturity Date of (Month/Day/Year)”.
  - 4. indicates that it covers real property related collateral;
  - 5. contains a reasonable description of the real estate;

6. shows the name of the record owner or record lessee of the real estate if the debtor does not have an interest of record in the real estate and,
  7. indicates that it is to be filed in the real property records.
- C. As of July 1, 2001, the "UCC-2" Notice Filing form is **no longer** a valid filing form. Filing parties should use the UCC Financing Statement form (and make sure that block 6 is checked) and the UCC Financing Statement Addendum (making sure blocks 13, 14 and 15 are completed [if applicable]).
- D. UCC Real Property Related Financing Statements are required to be filed and recorded in the real estate records of the office of the clerk of superior court in the county where the real property is located. These filings will remain in the real estate records of the county in which filed and are not transmitted by the filing officer to the Authority for inclusion in the UCC Central Index.

For a filing to also be reflected in the statewide UCC index, then the filing party should also submit the same information on another original UCC financing statement (with one exception – Block 6 of the UCC Financing Statement should NOT be checked) and UCC Financing Statement Addendum to the UCC filing office where it will be given a UCC filing number. In this case, the recording information will be entered into the UCC Central Index by the Authority or its designated agent.

## **VI. DURATION OF FINANCING STATEMENTS**

- A. Pursuant to O.C.G.A. to 11-9-515, a filed financing statement is effective for a period of five years from the date of filing or until the twentieth day following any maturity date specified in the financing statement, whichever is earlier. The effectiveness of a financing statement may be extended by a properly filed continuation statement.
- B. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

## **VII. PLACE OF FILING A UCC AMENDMENT**

Any subsequent filings affecting an original UCC financing statement filed on or after January 1, 1995, shall be filed with the filing officer of the county where the original UCC financing statement was filed.

## VIII. CORRECTION STATEMENT

- A. A person may file a correction statement with respect to a record indexed under the person's name if the person believes that the record is: 1) inaccurate or 2) was wrongfully filed. The correction statement shall be filed in the filing office of the county where the record was filed.
- B. A correction statement must:
1. Identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates.
  2. Indicate that it is a correction statement and it is recommended that the filing party use the Correction Statement provided on the [www.gsccca.org](http://www.gsccca.org) web site.
  3. Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person's belief that the record was wrongfully filed.
- C. The filing of a correction statement does not affect the effectiveness of an initial financing statement or other filed record.

## IX. REQUEST FOR INFORMATION OR COPIES

- A. Data included in UCC Central Index: The Authority's UCC Central Index is composed of currently effective original UCC financing statements filed on or after January 1, 1995, as well as any currently effective statements of assignment, continuation, release, amendment or termination relating thereto. Collateral codes or descriptions which may appear in the UCC Central Index are for informational purposes only and are not certified by the Authority or its designated agent. Persons interested in the legal description of the collateral contained in the UCC financing statements must always obtain a copy of the actual financing statement from the filing officer of the county in which the filing was made or from the GSCCCA website.
- B. Data not included in UCC Central Index: UCC filings made before January 1, 1995, are not reflected in the UCC Central Index. Real property related financing statements affecting real estate related collateral, and any subsequent filings affecting such real property related financing statements, are not transmitted to the Authority for inclusion in the UCC Central Index; information on such filings must be retrieved from the county real estate records in which such instruments were filed or from the Authority's statewide real estate index.



- C. Information in the UCC Central Index is accessible to the public through three sources: (1) Persons may search the UCC Central Index at any filing officer's (clerk of superior court) office, free of charge, by utilizing the UCC public access terminal afforded to each filing officer by the Authority; (2) Certified search reports may be requested from the Authority or its designated agent or (3) by subscription. Information on subscribing is available at [www.gsccca.org](http://www.gsccca.org) or by calling (404) 327-9058.
- D. Prescribed forms to be used in requesting a certified search report and copies from the Authority: A standard form UCC-11 has been prescribed by the Authority to be used in requesting a certified search report from the Authority. Copies of filed financing statements may be obtained by faxing a request to the Authority at (404) 327-7877, (for established accounts), or via mail along with the required fee. No requests will be received by telephone.
- E. Copies of filed financing statements: Copies of the UCC financing statements may be obtained from the Authority by fax request. Fax your requests on company letterhead to (404) 327-7877. Please include the filing number(s) and filing date(s) of the documents that you would like to receive. You will be billed according to the number of documents requested. Please note: only the clerk of superior court can provide certified copies of financing statements.
1. If you are unable to provide the UCC File Numbers, you must request a certified search report from the Authority or obtain the file numbers by utilizing the public access terminals located in each county filing office, or by subscription to the Authority's search system.