

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1316
SENATE BILL 499

AN ACT TO AMEND UNIFORM COMMERCIAL CODE FILING FEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 25-9-403(5) of the North Carolina General Statutes is amended to read as follows:

"(5) The uniform fee for filing, indexing and furnishing filing data for an original or a continuation statement shall be four dollars (\$4.00) for an approved statutory form statement as prescribed in G.S. 25-9-402 when printed on a standard size form approved by the Secretary of State, and for all other statements, a five dollar (\$5.00) minimum charge for up to and including three pages and one dollar (\$1.00) per page for all over three pages."

Sec. 2. G.S. 25-9-404(1) of the North Carolina General Statutes is amended to read as follows:

"(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof shall be three dollars (\$3.00) when submitted on a standard size form approved by the Secretary of State, and for all other assignments or statements thereof, a four dollar (\$4.00) minimum charge for up to and including three pages and one dollar (\$1.00) per page for all over three pages. If the affected secured party fails to send such a termination statement within 10 days after proper demand therefor, he shall be liable to the debtor for one hundred dollars (\$100.00) and in addition for any loss caused to the debtor by such failure."

Sec. 3. G.S. 25-9-404(3) is repealed.

Sec. 4. G.S. 25-9-405(1) of the North Carolina General Statutes is amended to read as follows:

"(1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself, or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in G.S. 25-9-403(4). The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment shall be four dollars (\$4.00) when submitted on a standard size

form approved by the Secretary of State, and for all other statements a five dollar (\$5.00) minimum charge for up to and including three pages and one dollar (\$1.00) per page for all over three pages."

Sec. 5. G.S. 25-9-405(2) of the North Carolina General Statutes is amended to read as follows:

"(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be three dollars (\$3.00) when submitted on a standard size form approved by the Secretary of State, and for all other statements a four dollar (\$4.00) minimum charge for up to and including three pages and one dollar (\$1.00) per page for all over three pages."

Sec. 6. G.S. 25-9-406 of the North Carolina General Statutes is amended to read as follows:

"§ 25-9-406. **Release of collateral; duties of filing officer, fees.** — A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer, he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release shall be three dollars (\$3.00) when submitted on a standard size form approved by the Secretary of State, and for all other statements a four dollar (\$4.00) minimum charge for up to and including three pages and one dollar (\$1.00) per page for all over three pages."

Sec. 7. G.S. 25-9-407(2) of the North Carolina General Statutes is rewritten to read as follows:

"(2) Upon request of any person, the filing officer shall issue his certificate for which he shall not be liable showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be three dollars (\$3.00) plus one dollar (\$1.00) for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of one dollar (\$1.00) per page.

Sec. 8. All laws in conflict with this act are repealed.

Sec. 9. This act shall become effective July 1, 1974.

In the General Assembly read three times and ratified, this the 12th day of April, 1974.