

11 AAC 06.040(a)(7) and (10) are amended to read:

**11 AAC 06.040. Prerequisites for recording documents.** (a) An original document is entitled to be recorded if

....

(7) for a document on which a legal description is present, that description is complete enough that a particular parcel can be geographically located and identified; a legal description is sufficient for purposes of **indexing** [RECORDING] if it contains, at a minimum, a section, township, range, and meridian designation or, in the case of subdivided property, the lot, block, **and** subdivision name, **or** [AND] plat number of the parcel;

....

(10) it is submitted on **opaque white** paper stock not larger than 8 ½ x 14 inches, or, if the document is a plat of survey, subdivision plat, or record of survey, is submitted on **biaxially oriented** polyester film or duplicate positive **biaxially oriented** polyester film that does not exceed 32 x 36 inches; the **biaxially oriented** polyester film used must be of archive quality **not Sepia, Vellum or other similar medium with high gloss;**

(Eff. 6/1/86, Register 98; am 1/17/90, Register 113; am 8/23/2001, Register 159; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority: AS 40.15.010 AS 40.17.110 AS 45.29.502  
AS 40.17.030 AS 44.37.025

11 AAC 06.051(a) (3) thru (7), (c) and (d) are amended to

read:

(a) A UCC record is entitled to be filed if

(1) it is legible and capable of being copied and converted into legible form by a machine used in the filing office;

(2) is accompanied by the fee for filing, as set out in 11AAC 05.010(a)(15);

(3) it is submitted on

**(A) the most current national forms approved by the International Association of Corporate Administrators and made available on the filing office web site;**

**(B) or the forms provided on line by the department for electronic filing, if available.** [THE APPLICABLE FORMS SPECIFIED IN AS 45.29.521 OR ON FORMS APPROVED BY THE INTERNATIONAL ASSOCIATION OF CORPORATE ADMINISTRATORS ON OR BEFORE AUGUST 23, 2001, EXCEPT THAT BEFORE JANUARY 1, 2002, A UCC RECORD MAY BE SUBMITTED ON A FORM OTHER THAN ONE DESCRIBED IN THIS PARAGRAPH;]

(4) for a UCC record that is an initial financing statement, the record

(A) identifies the debtor as an individual or an organization **and, if the debtor is an organization, identifies the type of**

**organization, the jurisdiction of organization, and its organizational identification number;**

(B) contains the name and address of **each debtor and** [THE] secured party and identifies that person's street address, **postal box, mile post, route number or general delivery, city, state and postal code for each party named;** [CITY, STATE, AND POSTAL CODE;] and

(C) contains the legible printed or typed names of all parties required to be indexed;

(5) for a UCC record that is an amendment or correction statement to an **active** initial financing statement in the UCC central filing office, the record contains the complete file number of the initial financing statement; and

(6) for a UCC record that is an amendment, other than a continuation, to an **active** initial financing statement previously filed in a recording district office or a correction statement to an initial financing statement previously filed in a recording district office, the record contains the complete file number of the initial financing statement, the date that statement was filed, the debtor name, the name of the secured party or representative of the secured party, and the name of the recording district in which the amendment or correction statement is to be filed.

**(7) Initial valid filings on manufactured homes are effective for 30 years. A continuation of a manufactured home initial filing extends the**

**effectiveness of the initial filing for five years and must follow all UCC continuation regulations as subject to AS 45.29.515.**

(b) Initial financing statements that are fixture filings and amendments of those filings under AS 45.29.501(a)(1) are subject to AS 40.17.030, AS 45.29.502(b), and 11 AAC 06.040.

(c) UCC records may be tendered for filing at the filing office as follows:

.....

(4) telefacsimile delivery, to the filing office's facsimile number, if available at that office; the file time for a UCC record delivered by this method is the time the record is accepted and filed **notwithstanding the time of transmission of the telefacsimile;**

**(5) electronic filing, through the UCC Central File office web site; the file time for a UCC record delivered by this method is the time the record is accepted and filed, notwithstanding the time of submission of the electronic filing.**

(d) A UCC record delivered **by a method provided in this section** after regular business hours or on a day the filing office is not open for business shall be processed on the next day the filing office is open for business. (Eff. 8/23/2001, Register 159;am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

Authority: AS 44.37.027 AS 45.29.521 AS 45.29.525  
AS 45.29.516 AS 45.29.522

11 AAC 06.061(a)(c)(e)(f) and (h) are amended to read:

**11 AAC 06.061. Acceptance or refusal of uniform commercial code (UCC) records.** (a) The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. **The responsibility for providing the completeness of information on a filing form submitted by a filer is the duty of the filer.** In accepting or refusing to file a UCC record under this chapter, the filing officer may not

....

(c) The first day on which a continuation may be filed is the date 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, 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 last day on which a continuation may be filed is the date upon which the financing statement lapses. Under AS 45.29, acceptance by the filing officer of a **UCC** continuation that could have been rejected under this subsection does not make the record effective.

....

(e) If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer shall file the **UCC** record **with the filing date and time the UCC record was originally tendered for filing. The filing officer will add a comment line to the relevant filing which will provide the date of the**

**correction and explain 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.** [AS PROVIDED IN THIS CHAPTER WITH A FILING DATE AND TIME ASSIGNED WHEN THAT FILING OCCURS. THE FILING OFFICER SHALL ALSO ADD A COMMENT TO THE INDEX OF THE RECORD STATING THE EFFECTIVE DATE AND TIME OF FILING AS THE DATE AND TIME THE RECORD WAS ORIGINALLY TENDERED FOR FILING AND REJECTED. THE LAPSE DATE FOR THAT RECORD IS CALCULATED FROM THE DATE THE RECORD WAS ORIGINALLY TENDERED FOR FILING AND REJECTED.]

(f) **An error by a filer is the responsibility of the filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement.** The filing of a correction statement under AS 45.29.518 does not affect the effectiveness of a UCC record. **For purposes of this subparagraph, an error includes incorrect or incomplete names, addresses, financing statement numbers, or type of filing.**

(g) When a UCC record submitted for filing is filed, it becomes the property of the state.

**(h) The filing office may correct data entry errors of filing office personnel in the UCC Information Management System at any time.** (Eff.

8/23/2001, Register 159; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_ )

Authority:    AS 44.37.027            AS 45.29.518            AS 45.29.520  
                  AS 45.29.516

11 AAC 06.900 is repealed and readopted to read:

**11 AAC 06.900. Definitions.** In this chapter, unless the context requires otherwise,

(1) "active" means a UCC filing that has not reached the one-year anniversary of its lapse date.

(2) "address" means a name or other identifying information, a street address, route number or Post Office Box number plus the city, state, and zip code.

(3) "amendment" means a UCC record that amends the information contained in a financing statement; "amendment" includes an assignment, a continuation, a partial release, and a termination.

(4) "assignment" means a UCC amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(5) "certified copy" means a copy of a document on record, signed and certified as a true copy by the officer in whose custody the document or record is or by any other person authorized to make the certification;

(6) "continuation" has the meaning given to "continuation statement" in AS 45.29.102;

(7) "correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed;

(8) "department" means the Department of Natural Resources;

(9) "electronic transmission" means any method accepted by the UCC Central File office for the transmission by electronic format of financing statements, requests for information ("searches"), or associated information;

(10) "file" means to accept a UCC record into the public record by affixing serial number, date, and time information, and to retain that record;

(11) "financing statement" has the meaning given in AS 45.29.102;

(12) "fixture filing" has the meaning given in AS 45.29.102;

(13) "fixture statement" means the financing statement that is filed in a fixture filing;

(14) "image" means the image of a financing statement as stored in the UCC Information Management System;

(15) "individual" means a

(A) natural person in a UCC record; or

(B) decedent in a UCC record, if a debtor is the decedent's

estate;

(16) "initial financing statement" means a UCC record containing the information required to be in a financing statement under AS 45.29.502 and that causes the filing office to establish the initial record of existence of a financing statement;

(17) "lapse date" means the same date of the same month in the fifth year after filing, or in the relevant subsequent fifth anniversary if a timely continuation statement is filed under AS 45.29.705; 11 AAC 06.063 as the original filing date. If the initial financing statement indicates that it is filed with

respect to a manufactured home transaction, the lapse date is the same date of the same month in the 30<sup>th</sup> year after filing as the original filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date is March 1 in the fifth year following the year of the filing date. A lapse date is calculated for each initial financing statement unless the debtor is indicated to be a transmitting utility;

(18) "legal description" means a delineation of a specific property  
by

(A) referring to and basing the delineation on a plat of  
survey that is

(i) approved by the applicable platting authority  
identified in AS 40.15.070; and

(ii) accepted and filed in accordance with this  
chapter;

(B) describing the property's metes and bounds; or

(C) describing unplatted property using the rectangular  
system of land surveys;

(19) "legible" means a communication which may be understood. It is not limited to only written expressions on paper. It requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

(20) "online access" means access to the UCC Information Management System and those programs associated with the viewing,

searching, and remote filing functions of the UCC information Management System by a remote data connection;

(21) "organization" means a person in a UCC record, other than an individual;

(22) "record"

(A) as a noun, means every document accepted and placed into the public record in a district recorder's office, providing notice to the public and open to the public for inspection; "record" includes UCC filings in the UCC central filing office;

(B) for purposes of a UCC record, has the meaning given in AS 45.29.102; and

(C) as a verb, means to accept a document into the public record by affixing serial number, date, and time information to the document and entering it into the grantor/grantee and location indices.

(23) "remitter" means a person who tenders a UCC record to the filing officer 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 the United States Postal Service, a courier service, or a person responsible merely for the delivery of the record to the filing office, unless that person acts as a filer's agent in the filing process;

(24) "secured party of record" has the meaning given in AS 45.29.511;

(25) "submitter" means a person who presents or causes the presentation of a financing statement or information request to the filing officer for filing or response, and includes a service provider who acts as a filer's representative in the filing or information request process but does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service;

(26) "termination" has the meaning given to "termination statement" in AS 45.29.102;

(27) "through date" means the latest date and time for which all records have been entered into the UCC Information Management System;

(28) "UCC" means the AS 45.29 (Uniform Commercial Code – Secured Transactions);

(29) "UCC Information Management System" means the integrated data and imaging system use by the UCC Central File office of the State of Alaska;

(30) "UCC record" means a record that is an initial financing statement, amendment, or correction statement; "UCC record" does not refer exclusively to paper or paper-based writings; "UCC record" includes fixture statements and related documents recorded in a recording district office. (Eff. 6/1/86, Register 98; am 8/23/2001, Register 159am \_\_/\_\_/\_\_, Register \_\_\_\_)

Authority:    AS 40.17.030            AS 45.29.102            AS 45.29.518

Register \_\_, \_\_\_\_, 2004      NATURAL RESOURCES

AS 44.37.025

AS 45.29.511

AS 45.29.519

AS 44.37.027