

# How to Perfect a Security Interest

## Filing



Perfection by filing takes place when the secured party files a financing statement with the secretary of state **where the debtor is located**.

The financing statement should include:

1. The *debtor's name*;
2. A *description of the collateral*; and
3. The *secured party's name*.

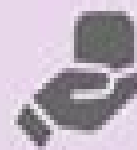
## Automatic



There is **automatic perfection** for purchase money security interests in consumer goods.

(Note: temporary automatic perfection is available in some instances as well.)

## Possession



Perfection can take place by possession for **tangible negotiable documents, goods, instruments, money, or tangible chattel**.

The secured party is only perfected so long as the item is possessed (unless the 20-day rule applies, discussed below).

## Control



Security interests in **investment property, deposit accounts, and electronic chattel paper** may be perfected by control.

**Deposit accounts must** be perfected by control.

# Secured Transactions

**Joseph R. Lanciano, Michael F.  
Farrell, Paul DeBole**



## **Secured Transactions:**

**Secured Transactions Law Reform** Louise Gullifer, Orkun Akseli, 2016-10-20 Secured transactions law has been subjected to a close scrutiny over the last two decades. One of the main reasons for this is the importance of availability of credit and the consequent need to reform collateral laws in order to improve access to finance. The ability to give security effectively influences not only the cost of credit but also in some cases whether credit will be available at all. This requires rules that are transparent and readily accessible to non-lawyers as well as rules that recognise the needs of small and medium-sized enterprises. This book critically engages with the challenges posed by inefficient secured credit laws. It offers a comparative analysis of the reasons and the needs for a secured transactions law reform as well as discussion of the steps taken in many common law, civil law and mixed law jurisdictions. The book, written under the auspices of the Secured Transactions Law Reform Project, informs the debate about reform and advances novel arguments written by world-renowned experts that will build upon the existing literature and as such will be of interest to academics, legal practitioners and the judiciary involved in secured transactions law around the world. The text considers reform initiatives that have taken place up to the end of April 2016. It has not been possible to incorporate events since then into the discussion. However, notable developments include the banks decree passed by the Italian Government on 29th June 2016 and the adoption of the Model Law on Secured Transactions by UNCITRAL on 1st July 2016. *International Secured Transactions Law* Orkun Akseli, 2011-03-17 This book focuses on international harmonisation and the law of secured transactions by distilling and analysing the unifying principles of various significant international conventions and instruments such as the UN Convention on the Assignment of Receivables, the Unidroit Convention on International Factoring, the EBRD Model Law on Secured Transactions, the Unidroit Convention on the International Interests in Mobile Equipment and the UNCITRAL Legislative Guide on Secured Transactions. International secured transactions conventions and instruments facilitate credit and promote economic activity through the creation of harmonised rules. Therefore, given the increasing globalisation of markets, international reform efforts for the harmonised modernisation of secured transactions law have gained pace over recent years. *International Secured Transactions Law* draws on experiences in both English and US laws in order to identify and illustrate the existing problems that need to be addressed as well as identify potential solutions. *International Secured Transactions Law* will be of interest to scholars, students interested in international commercial law, corporate law or comparative secured transactions and practitioners involved in international commercial transactions. **Secured Transactions (Speedy Study Guides)** Speedy Publishing, 2014-07-03 Secured transactions are contracts where a bank or other creditor holds rights to an item for security for funds owed. These often come in the form of mortgages, auto loans, boat loans or business loans where the holding of stock rights is seen as a common market ploy. A guide to explain these types of transactions would benefit the consumer by explaining the whole process, the laws involved and the benefits to both the

customer and the creditor People are more likely to maintain payments when they understand the full ramifications of default

**Secured Transactions Law Reform in Africa** Marek Dubovec, Louise Gullifer, 2019-10-31 Over the last few decades many countries have reformed their secured transactions law One of the main reasons has been the clear link between reform and the availability of credit and the drive to improve access to finance particularly for micro small and medium sized enterprises This book focuses particularly on developing economies in Africa which have legal frameworks influenced by English French Belgian Roman Dutch and other laws Reform in this area of law across African countries has taken a number of forms which are explored and discussed in this book Secured Transactions Law Reform in Africa is a mixture of a critical description of the pre reform law and practice and the reform process itself It also includes a comparative analysis of the legal provisions and an examination of the early results of the reforms The book sets out a road map for the future of secured transactions reform primarily in Africa but also in other countries that have undertaken or are contemplating similar reforms This book is the second in a series of books about Secured Transactions Law in countries around the world and its reform both on a national and an international scale The first book Secured Transactions Law Reform Principles Policies and Practice was published in 2016

*Secured Transactions Law in Asia* Louise Gullifer, Dora Neo, 2021-03-25 This collection of essays offers a unique insight and overview of the secured transactions law in many of the most important countries in Asia as well as reflections on the need for benefits of and challenges for reform in this area of the law The book provides a mixture of general reflections on the history successes and challenges of secured transaction law reform and critical discussion of the law in a number of Asian countries In some of the countries the law has already been reformed or reform is under way and here the reforms are considered critically with recommendations for future work In other countries the law is not yet reformed and the existing law is analysed so as to determine what reform is desirable and whether it is likely to take place First this book will enable those engaging with the law in Asia to understand better the contours of the law in both civil and common law jurisdictions Second it provides analytical insights into why secured transactions law reform happens or does not happen the different methods by which reform takes place the benefits of reform and the difficulties that need to be overcome for successful reform Third it discusses the need for reform where none has yet taken place and critically assesses the reforms which have already been enacted or are being considered In addition to providing a forum for discussion in relation to the countries in question this book is also a timely contribution to the wider debate on secured transactions law reform which is taking place around the world

International and Comparative Secured Transactions Law Spyridon V Bazinas, Orkun Akseli, 2017-10-19 The law of secured transactions has seen dramatic changes in the last decade International organisations particularly the United Nations Commission on International Trade Law UNCITRAL have been working towards the creation of international legal standards aimed at the modernisation and harmonisation of secured financing laws eg the United Nations Convention on the Assignment of Receivables in International Trade the UNCITRAL Legislative

Guide on Secured Transactions and its Intellectual Property Supplement the UNCITRAL Guide on the Implementation of a Security Rights Registry and the UNCITRAL Model Law on Secured Transactions The overall theme of this book is international or cross border secured transactions law It assembles contributions from some of the most authoritative academic voices on secured financing law This publication will be of interest to those involved in secured transactions around the world including policy makers practitioners judges arbitrators and academics

**Availability of Credit and Secured Transactions in a Time of Crisis** N. Orkun Akseli, 2013-12-12 In the light of the financial crisis it has become clear that the globalisation of financial markets has not been matched by the globalisation of legal certainty relating to financial transactions The ability to give security influences not only the cost of credit but also in some cases whether credit will be available at all Increasing the availability and lowering the cost of credit can make an important contribution to international and domestic economic development Assessing the international challenges posed by inefficient secured credit laws this book explores how these can be overcome to facilitate credit through legal reforms Leading authorities in the field address the key issues surrounding the availability of credit the role of banks in economic development and financial crises UNCITRAL's legislative efforts and international organisations and financial institutions and their involvement in the reform of secured transactions law

**Law and Practice of Secured Transactions: Working With Article 9** Richard F. Duncan, William H. Lyons, Catherine Lee Wilson, 2011

**Towards Reforming the Legal Framework for Secured Transactions in Nigeria** Chima Williams Ihome, 2016-08-16 This book offers a valuable guide to one of the most challenging areas of commercial law now frequently referred to as secured transactions with a focus on Nigerian Canadian and United States perspectives A debtor's ability to provide collateral influences not only the cost of the money borrowed but also in many cases whether secured lenders are willing to offer credit at all The book proposes that increasing access to and indeed lowering the cost of credit could tremendously boost economic development while at the same time arguing that this would best be achieved if the legal framework for secured transactions in Nigeria and of course any other country with similar experiences were designed to allow the use of personal property and fixtures to secure credit Similarly the creation priority perfection and enforcement of security interests in personal property should be simplified and supported by a framework that ensures that neither the interests of secured lenders nor debtors are hampered so as to guarantee the continuous availability of affordable credit as well as debtors willingness to borrow and do business The book further argues that in addition to the obvious preference for real property over personal property by secured lenders due to the unreformed secured transactions legal framework in Nigeria its compartmentalized nature has also resulted in unpredictability in commerce and the concomitant effects of poor access to credit Through the comparative research conducted in this book utilizing the UCC Article 9 and Ontario PPSA as benchmarks the author provides reformers with a repository of tested secured transactions law solutions which law reformers in the Commonwealth countries in Africa and beyond as well as the business community will find

valuable in dealing with issues that stem from secured transactions

**(Paperback)** Joseph R. Lanciano, Michael F. Farrell, Paul DeBole,

Frederique Dahan, John Simpson, 2009-01-01 The book is unique It brings together articles on the economics and the law of property rights and combines these with case studies observations of what works and what does not and a checklist of things to watch for This is a very useful book that should appeal to reformers working in the field whether they are governmental officials trying to modernize their economies or economists and lawyers working in developmental agencies There are few other books or publications that bring together the views of experts working in this important albeit somewhat neglected area of financial sector plumbing William P Armstrong Banking and Finance Law Review a well presented collection of interesting papers within which one finds a rich resource of information and perspectives on secured transactions reform from parts of the world which are often overlooked in comparative commercial law scholarship Noel McGrath Journal of Business Law with its insightful analysis interesting empirical studies and knowledgeable team of contributors the book will be illuminating and useful not just for those interested in development but also anyone who has anything to do with granting credit and taking security Dora S Neo Singapore Journal of Legal Studies This is an excellent unique book The material is very well written and presented in a carefully thought out coherent way It tells us a legal story of our own unique time Any lawyer working in transition economies whether or not directly on reform projects would find it of great interest Even economists should perhaps take a look at it Roger McCormick Law and Financial Markets Review Secured transactions reform also known as collateral or pledge law reform is increasingly seen as an important building block for economic development The commonly held view is that the availability and cost of credit as well as the efficiency of the market for secured credit are directly influenced by the laws affecting secured transactions and their implementation However there is still a lot of confusion about this relatively complex and technical area of the law and its role in promoting access to credit and economic growth The chapters presented here provide for the first time a comprehensive and cutting edge view of the subject from both a legal and economic perspective They start at the macro level of financial systems moving towards the behaviours of lenders commercial banks and micro lenders policy options for government and the mechanisms of collateral law reform By approaching the subject from different angles and experiences the work advocates an inclusive approach to the subject where all stakeholders interests can be taken into account It addresses the question of what role laws and institutions can play to encourage access to credit This book will be of primary interest to those involved in economic development and the interaction between law and economics either for practical reasons for example working on reform or providing advice on investment in transition economies or for research purposes

**Financial Stability, Economic Growth, and the Role of Law** Douglas W. Arner, 2007-06-04 Financial crises have become an all too common occurrence over the past twenty years largely as a result of changes in finance brought about by increasing internationalization and integration As domestic

**Regulation, 2007 (Lambers Cpa Exam Review)**

**Secured Transactions Reform and Access to Credit**

financial systems and economies have become more interlinked weaknesses can significantly impact not only individual economies but also markets financial intermediaries and economies around the world This volume addresses the twin objectives of financial development in the context of financial stability and the role of law in supporting both Financial stability frequently seen as the avoidance of financial crisis has become an objective of both the international financial architecture and individual economies and central banks At the same time financial development is now seen to play an important role in economic growth In both financial stability and financial development law and related institutions have a central role

**Real Estate Law** James Karp, Elliot I. Klayman, Frank F. Gibson, 2003 This comprehensive survey of real estate law is known for its numerous learning aids and easy to understand writing style Real Estate Law incorporates the latest legal trends numerous case studies and multiple features to stimulate classroom discussion and enhance material retention Highlights Student Study Guide CD ROM with interactive case studies help students apply complex principles while giving adopters a platform for classroom assignments The Changing Landscape sections explore the future of real estate law Key terms with page references allow for quick review of important concepts *Laws of the State of New York New York (State), 1934*

Privatisation and the Creation of a Market-Based Legal System Bahaa Ali El-Dean, 2002 This Volume aims to provide an analysis of problems and challenges relating to the creation of a legal infrastructure that meets the needs and capabilities of emerging market economies in the light of the privatisation process Principles of Corporate Finance Law Eilis Ferran, Elizabeth Howell, Felix Steffek, 2023-09-27 Notes bibliogr index

**Mastering Secured Transactions** Grace M Giesel, 2020-12

**Secured Transactions** James J. White, 2002 *Wiley CPA Examination Review 2007-2008, Problems and Solutions* Patrick R. Delaney, Ray Whittington, O. Ray Whittington, 2007-06-11 Wiley CPA Exam Review 34th Edition 2007 2008 Volume 1 Outlines and Study Guides Covers all four sections of the CPA examination point by point Stresses important topical areas to study for each part Helps establish a self study preparation program Divides exam into 45 manageable study units Provides an outline format supplemented by brief examples and illustrations Makes material easy to read understand and remember Includes timely up to the minute coverage for the computerized exam Explains step by step examples of the solutions approach Contains all current AICPA content requirements for all four sections of the exam Volume 2 Problems and Solutions Offers selected problems from all four examination sections Contains rationale for correct or incorrect multiple choice answers Covers the new simulation style problems offering more than 75 practice questions Details a solutions approach to each problem Updates unofficial answers to reflect current laws and standards Groups multiple choice questions into topical categories within modules for easy cross referencing Provides a sample examination for each of the four exam parts The computer based CPA exam is here Are you ready The 34th Edition of the Wiley CPA Exam Review is revised and updated for the new computerized exam containing AICPA sample test questions released as recently as April 2007 To help candidates prepare for the new exam format this edition includes a substantial number of the new simulation type questions

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