July 2009

To: Uniform Commercial Code Secured Party

We are in the process of developing a new on-line application for filing Uniform Commercial Code (UCC) documents and it is our intention to discontinue the acceptance of filings against pre-existing liens which were not properly transitioned to the central system via an "in-lieu of filing." Information related to this filing can be found on the Minnesota Secretary of State's website at http://www.sos.state.mn.us under the Uniform Commercial Code (UCC) menu option.

We would like to bring to your attention that you have a UCC filing or filings (see attached) which was originally recorded with a Minnesota county prior to the implementation of Revised Article 9 in 2001. It appears you are continuing to update this filing and may not have transitioned it to the central filing system under the provisions of UCC Revised Article 9, Minnesota Statutes Chapter 336, Article 9, Part 7.

If you intended that this existing lien be covered by Revised Article 9, the law required a filing called an "in-lieu of filing" to transition pre-existing liens filed with any filing office other than the Minnesota Secretary of State into the central filing system. The transition of those pre-existing liens had to be completed by July 1, 2006 in order for future filings (e.g., continuations, amendments) to be accepted pursuant to Minnesota Rules 8280.0080 Subpart 1. D. A number of notices and seminars were provided to make lenders aware of these requirements.

It is not necessary for you to take any action if you have already filed an "in lieu of filing" or a new UCC1 for this security interest. In the event you have taken no action and do wish to record an interest in this lien, you must file a new UCC1. *Please note that the "in-lieu of filing" process is no longer authorized for this.*

Minnesota Secretary of State
Uniform Commercial Code Department

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This information is provided for informational purposes only and should not be considered legal advice. Neither the office of the Secretary of State nor any satellite office of the Minnesota Central Filing System provides legal advice or services. Consult your legal advisor or an attorney.