



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

June 1, 1977

ATTORNEY GENERAL OPINION NO. 77- 187

Mrs. Gladys Meek
Register of Deeds
Rice County Courthouse
Lyons, Kansas 67554

Re: Uniform Commercial Code--Financing Statements--Fees
for Filing and Indexing

Synopsis: The Uniform Commercial Code specifies the fees to be charged by the Register of Deeds for filing and indexing of financing statements, both where the collateral is personal property and where a "fixture filing" is required. There is a provision that if more than one name is required to be indexed, the same fee shall be charged for each such name. It does not constitute an additional name where the debtor or secured party is a corporation or a business, and the signature of a person under the name of such corporation or business is preceded by the word "By." However, if there is any change between the debtor or secured party boxes and the signatures at the bottom of the form, then the financing statement should be indexed for each of the names and fees charged accordingly.

* * *

Dear Mrs. Meek:

K.S.A. 1976 Supp. 84-9-403(5) provides that the Register of Deeds shall charge a uniform fee of \$1.00 for the filing, indexing and stamping of the original financing statement, and an additional \$1.00 for each amendment thereto or continuance thereof. This is also provided that the financing

Mrs. Gladys Meek
Page Two
June 1, 1977

statement be on the form prescribed by the Secretary of State. Otherwise, if any other form is used, the filing fee will be \$2.00.

This subsection further provides that, whenever there is a fixture filing made in the general land records, in instances where timber, crops, oil and gas, etc. are the collateral, a \$2.00 filing fee must be assessed.

On the form there are two places where names appear: two boxes at the top where the names of the Debtor and the Secured Party are usually typed or printed in; and secondly, the signature boxes at the bottom for the Debtor and the Secured Party. You should check to see that the same identical names appear in both places. If there is any variation in these names, then the statement should be indexed under both names.

Where the debtor or secured party is a corporation or has a business name, it is necessary in the signature box that some individual sign for such corporation or business. The word "By" should precede the signature of such individual, showing that he is signing for such corporation or business. If the word "By" is absent, or if more than one individual signs, then the indexing should be made for each such name and fees charged.

It is not necessary for the individual signing for a corporation or business to state his official capacity, so long as it clearly appears he is signing for the corporation or business.

The Act also provides that the secured party may request that the financing statement be indexed in both an individual name and a trade name, but that an additional \$1.00 filing fee be charged.

You attach to your letter five financing statements and request that we suggest the proper filing fees in accordance with our ruling.

Number one shows a corporation in the debtor box at the top "By" a name as "President." Below appears the name of the corporation and under it the signature of such president. The fee should be \$1.00. If request is made for a fixture filing on this irrigation equipment, the fee is \$2.00.

Number two lists a corporation in the debtor box at the top, but the signature box below does not mention this corporation. Just two individuals sign, and there is no evidence that they sign for the corporation. This statement should be indexed

Mrs. Gladys Meek
Page Three
June 1, 1977

three times, once in the name of the corporation and then once for each individual. A fee of \$3.00 should be charged. While the form has the word "By" printed in the signature box, the corporate or business name must be repeated again and then the individual sign on such line.

Number three lists the debtor's name at the top as "Starnes Raymond." At the bottom, "Raymond V. Starnes" signs. This variation requires two listings and \$2.00 in fees.

In number four, the debtor has a business name in the top box and at the bottom an individual signs and adds "Owner." The bottom form has the word "By" printed on it. It is immaterial what the signer's capacity is in the business. Someone must sign for the business. The indexing should be just in the business name and a \$1.00 fee charged.

Number five appears to be a fixture filing. It describes real estate. The debtor is the Sentry Underground Storage Company and the form used is not approved by the Secretary of State. The fee would be \$2.00 and if a fixture filing, \$3.00.

We might further point out the UCC uniform fees schedule does not contain a similar provision as that in K.S.A. 28-115 which requires that there be an additional filing fee of \$1.00 if the name is not typed or printed under the signature.

We hope that these explanations answer the questions you have asked.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:CJM:jj