

Mr. Don Vsetecka
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become fixtures. "Growing crops" are not fixtures nor are they to become fixtures. Growing crops are "goods" which are to be "severed" from real estate. Therefore, Chap. 514, Section 26(5) does not refer to "growing crops".

However, the legislature did take care of growing crops in Chapter 514, Section 3, now K.S.A. 1975 Supp. 84-2-107 and said that any sale thereof capable of severance without harm to the real estate must be "recorded as a document transferring an interest in land and shall then constitute notice to third parties..." Then, the sale or incumbrance instrument, wherein a growing crop is given as security for a loan, is within the meaning of "financing statement" of Chap. 514, Section 25(4), and must be recorded as required by Chap. 514, Section 26(4), and indexed as to debtor's name, address, etc.

So, the answer to both your questions is yes.

Very truly yours,



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