



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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ROBERT T. STEPHAN
ATTORNEY GENERAL

February 15, 1980

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ATTORNEY GENERAL OPINION NO. 80- 29A

Ms. Dollie Jamison
Register of Deeds, Linn County
Linn County Courthouse
Mound City, Kansas 66056

Re: Uniform Commercial Code--Secured
Transactions--Place of Filing
Security Interest in Contract
Rights

Synopsis: While a financing statement creating a security interest in payments receivable under contracts for deed may be filed with the Register of Deeds, the proper place to file in order to perfect the interest is in the office of the Secretary of State. K.S.A. 84-9-401(c)(c).

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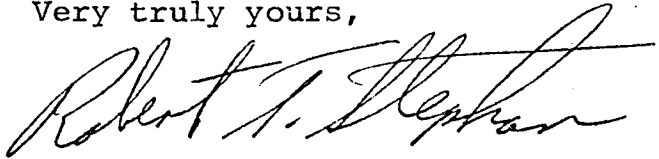
Dear Ms. Jamison:

As register of Deeds for Linn County, you requested the opinion of this office as to the proper handling of a financing statement which created a security interest in moneys due under a series of contracts for deed. That opinion, No. 80-29, concluded that such a document "may be filed" in the Uniform Commercial Code (UCC) files of your office, and that no mortgage registration fee was due since no interest in land had been created or transferred.

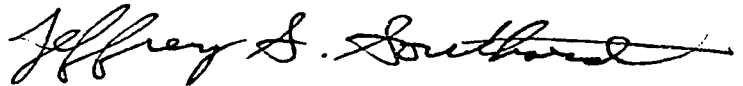
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However, to avoid any misunderstanding by secured creditors, we must point out that, pursuant to K.S.A. 84-9-401, the proper place to file such a financing statement is with the Secretary of State's office. While it also may be filed with the Register of Deeds, a filing which is made solely with the latter office perfects the interest only as to those persons who have actual knowledge of the contents of such statement.

Very truly yours,

A handwritten signature in cursive script, reading "Robert T. Stephan".

ROBERT T. STEPHAN
Attorney General of Kansas

A handwritten signature in cursive script, reading "Jeffrey S. Southard".

Jeffrey S. Southard
Assistant Attorney General

RTS:BJS:JSS:gk