

I'VE GOT GEORGIA UCC FILINGS AND SEARCHES ON MY MIND

Did you know that the state of Georgia has the second highest number of counties in the United States with 159? Only Texas, with 254 counties, has more!

The good news is that despite the large number of counties, Georgia's system for filing and searching for UCC records is actually very simple! In Georgia, all county filing offices are connected via the Georgia Superior Clerk Court's Cooperative Authority (GSCCCA). The GSCCCA is not part of the Secretary of State's office, and it is not an official government office. It is a third-party vendor that acts as the central filing office for all Georgia counties.

A unique feature of the GSCCCA is that UCC filings (including both personal property filings and fixture filings) can be submitted in any of the 159 counties.

Georgia does not require UCC filings to be filed in the county where the debtor or the collateral is located. Since all UCC filings are housed in the same index, a search of the GSCCCA index will uncover UCC filings from every county in a single search. When a UCC-1 is filed, the GSCCCA will assign it a file number. The first three digits of the file number correspond to the county in which it was filed. For example, file numbers in Appling County will always start with 001, as it is the first county alphabetically.

When it comes time to file a UCC-3 amendment, the same rules apply. A UCC-3 filing can be filed in any county, and a filer is not required to file a UCC-3 amendment in the county where the corresponding UCC-1 was filed. It is a best practice to include the debtor name on your UCC-3 filing to ensure it is properly indexed.

It is also important to note that in most States, a financing statement is effective for five years, which can be extended in five-year increments by filing a UCC-3 continuation statement. However, there are some exceptions to this rule. The official text of Article 9 of the UCC (the model act) provides that filings made in connection with manufactured homes transactions or public-finance transactions are effective for 30 years, and if the debtor is a transmitting utility, the filing is effective until it is terminated. However, in Georgia, each of these transaction types are treated the same as standard UCC filings and have a statutory period of five years.



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