

**ADMINISTRATIVE RULES
OF THE
UNIFORM COMMERCIAL CODE
REVISED ARTICLE 9**

**DELAWARE SECRETARY OF STATE
DIVISION OF CORPORATIONS**

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Section 1. General Provisions

100 **Definitions.** Terms used in these filing office rules that are defined in the Uniform Commercial Code (UCC) and not otherwise defined in this Section shall have the respective meanings accorded such terms in the UCC.

100.1 **Active Record.** “Active Record” means a UCC record that has been stored in the UCC Information Management System and indexed in, but not yet removed from, the Searchable Indexes.

100.2 **Address.** “Address” means either (i) a street address, route number (may include box) or PO Box number plus the city, state, and zip code, or (ii) an address that purports to be a mailing address outside the United States of America.

100.3 **Amendment.** “Amendment” means any UCC record filed that relates to the initial financing statement. Amendments include party or collateral changes, assignments, continuations, and terminations.

100.4 **Assignment.** “Assignment” is an amendment that assigns all or a part of a secured party’s power to authorize an amendment to a financing statement.

100.5 **Authorized UCC Filer.** “Authorized UCC Filer” means a Delaware service company or a law firm who has been granted the authority by the Secretary of State to accept the delivery of documents from a filer(s) and electronically transmit such documents into the UCC Information Management System.

100.6 **Filing office/officer.** “Filing office” and “filing officer” mean the Secretary of State.

100.7 **Filing officer statement.** “Filing officer statement” means a statement entered into the filing office’s UCC Information Management System to explain an action by the filing office.

100.8 **Information Statement.** “Information Statement” means a UCC record that indicates a financing statement is inaccurate or wrongfully filed.

100.9 **Initial financing Statement.** “Initial Financing Statement” means a UCC record that causes the filing office to establish the initial record of filing of a financing statement.

100.10 **Remitter.** “Remitter” means a person who communicates a UCC record to the filing office for filing, whether the person is a filer or an agent of a filer responsible for communicating the record for filing. “Remitter” does not include

a person responsible merely for the drop-off delivery of a record to the filing office for later processing, such as the postal service or delivery service. The remitter, aka “submitter” or “filer”, is not necessarily the secured party.

- 100.11 **Searchable indexes.** “Searchable indexes” means the searchable index of individual debtor names and the searchable index of organization debtor names the filing office must maintain in the UCC Information Management System.
- 100.12 **Secured party of record.** “Secured party of record” means every party designated as a secured party in a financing statement, including those for whom an amendment has been filed purporting to delete them as a secured party or purporting to indicate they have assigned their secured interest, except as provided in Rule 306.1.
- 100.13 **UCC.** “UCC” means the Uniform Commercial Code as adopted in the State of Delaware.
- 100.14 **UCC Information Management System.** “UCC Information Management System” means the information management system used by the filing office to store, index, and retrieve information relating to financing statements as described in Section 3 of these filing-office rules.
- 100.15 **UCC record.** “UCC record” means an initial financing statement, an amendment of party or collateral information, an assignment, a continuation statement, a termination statement, a filing office statement, or an information statement, in any medium accepted by the filing office, and includes a record thereof maintained by the filing office.
- 100.16 **Unlapsed record.** “Unlapsed record” means a UCC record that has been stored and indexed in the UCC Information Management System, which has a lapse date that has not yet occurred.
- 101 **Means to deliver UCC records, time of filing.** UCC records may be communicated for filing at the filing office as follows.
 - 101.1 **Personal delivery by Remitter,** at the filing office’s street address. The file time for a UCC record delivered by this method is when delivery of the UCC record is taken by the filing office (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected). **NOTE:** The filing office will not accept UCC records delivered by this method after November 30, 2015, except for a UCC5 filing, or a UCC11 copy request.
 - 101.2 **All other methods of drop-off delivery** at the filing office’s street address at a place designated by the filing office. The file time for UCC records delivered by this method will be the next close of business following the time of delivery (even

though the UCC record may not yet have been accepted for filing and may be subsequently rejected). A UCC record delivered after regular business hours or on a day the filing office is not open for business [if not examined for processing sooner] will have a filing time of the close of business on the next day the filing office is open for business. **NOTE:** The filing office will not accept UCC records delivered by this method after November 30, 2015, except for a UCC5 filing, or a UCC11 copy request.

- 101.3 **Postal service delivery**, to the filing office's mailing address. The file time for a UCC record delivered by this method is the next close of business following the time of delivery (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). A UCC record delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business. **NOTE:** The filing office will not accept UCC records delivered by this method after November 30, 2015, except for a UCC5 filing, or a UCC11 copy request.
- 101.4 **Electronic mail and facsimile delivery**, to the filing office's fax filing telephone number. The file time for a UCC record delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC record is first examined by a filing office for processing (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected), or the next close of business following the time of delivery. **NOTE:** The filing office will not accept UCC records delivered by this method after November 30, 2015, except for a UCC5 filing, or a UCC11 copy request.
- 101.5 **Direct Electronic filing**. UCC records, excluding information statements and filing officer statements, may be transmitted electronically using an API, XML, or similar format approved by the International Association of Commercial Administrators. (IACA). At the request of an authorized Remitter, the filing office shall identify which versions and releases of the electronic format are acceptable to the filing office. The filing office publishes an implementation guide that prescribes the use of the electronic format. An implementation guide shall be available to approved stakeholders upon request. The file time for a UCC record delivered by this method is the time that the filing office's UCC Information Management System analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.
- 101.6 **Direct [online and] web page data entry**. UCC records may be delivered by online data entry using the filing office's website on the internet. The file time for a UCC record delivered by this method is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the online entry system.

- 101.6.1 In addition to the online data entry method described above, Authorized UCC Filers may communicate to the filing office UCC records consisting of electronic images of one or more completed written financing statements on forms specified in UCC Section 9-521, accompanied by such online data entry as may be required by the filing office from time to time. The file time for a UCC record submitted by this method is the time when the Authorized UCC Filer creates the record in the UCC Information Management System (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected by the filing office).
- 101.7 **Means of communication.** Regardless of the method of delivery, information submitted to the UCC filing office must be communicated only in the form of characters that [appear on the American standard keyboard] or such information will be modified, upon entry into the UCC Information Management System, as provided in Rule 401. A financing statement or amendment that does not designate separate fields for organization and individual names, and separate fields for the surname, first personal name, additional name(s)/initial(s), and suffixes for individual names is not an acceptable means of communication to the filing office.
- 101.8 **Transmitting utility, manufactured-home, and public-finance transactions.** The only means to indicate that an initial financing statement is filed in connection with a manufactured-home or public-finance transaction, or that the debtor is a transmitting utility, is on the initial financing statement.
- 101.9 **Delivery of federal liens and records.** Any lien or record created in accordance with Federal law may be delivered to the Secretary of State by any method of communication authorized by federal law or by arrangement between the Secretary of State and the United States Government. The recorded filing time is the earliest time at which the Secretary of State has received the paper record.
- 102 **Search request delivery.** UCC search requests may be delivered to the filing office by any of the following means by which UCC records may be delivered to the filing office, except by electronic transmission. Requirements concerning search requests are set forth in rule 501.
- 102.1 UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is entitled to be filed with the standard form fee and the relevant search fee is also tendered with the initial financing statement.
- 103 **Forms.** The forms authorized by UCC Section 9-521 are accepted by the filing office. Paper-based forms approved by the International Association of Commercial Administrators (IACA) on or prior to July 1, 2023, and forms otherwise approved by

the filing office from time to time shall be accepted. A list of forms approved by the filing office will be made available on request.

- 103.1 Forms—UCC search. A form that meets the requirements regarding dimensions and of location of information on the search form approved by the Office of the Secretary of State. **NOTE:** As of February 11, 2002, all searches will be done through an Authorized UCC Searcher.

104 Fees.

- 104.1 **The fee for filing and indexing a UCC record** of one to four pages communicated on paper or in a paper-based format (including faxes) is \$125.00. If there are additional pages, the fee is \$2.00 per page. Additionally, there shall be a fee of \$25.00 for each additional name to be indexed when there are more than two debtor-names on the financing statement. But the fee for filing and indexing a UCC document communicated by a medium, authorized by these rules, which is other than on a paper-based format shall be \$70.00.
- 104.2 **Additional fees.** In addition to fees set forth in rules 104.1, a fee of \$20.00 shall be paid for an initial financing statement that indicates that it is filed in connection with a Public Finance transaction; a fee of \$20.00 shall be paid for an initial financing statement that indicates that it is filed in connection with a Manufactured Home transaction. No additional charges will be assessed in connection with a Public Finance transaction and Manufactured Home transaction if processed via the web application.
- 104.3 **UCC search fee.** The fee for a UCC search request communicated on a UCC1 Financing Statement is \$25.00. The filing office has provided a list of Authorized UCC Searchers within the State of Delaware on its website for the public to contact for all other UCC searches.
- 104.4 **UCC Search – copies.** The fee for UCC search copies is \$10.00 for the first page and \$2.00 for each additional page per debtor.

105 Expedited services.

- 105.1 **Description of expedited service and fee.** **NOTE:** To file a UCC other than a UCC5 or a Copy request must be done through a Delaware UCC Authorized Filer.
- 105.1.1 Acceptance and refusal process. One-Hour (Priority One) service shall be completed within one hour of receipt by the filing office shall be assessed an additional fee of \$1,000.00.

- 105.1.2 Two-Hour (Priority Two) service shall be completed within a two-hour period from the time of receipt by the Secretary of State shall be charged an additional fee of \$500.00.
- 105.1.3 Same-Day (Priority Three) service shall be completed within the same day and will be charged an additional fee of \$200.00.
- 105.1.4 Twenty-four (Priority Four) service shall be completed within a 24-hour period from the time of the receipt and will be charged an additional fee of \$100.00.

105.2 **How to request expedited service.**

- 105.2.1 Acceptance and refusal process. All requests for expedited service must be in writing and the type of service clearly stated. Document UCC5 filing or requests for copies of UCC documents without payment information will be suspended for rejection.
- 105.2.2 Responding to UCC request. Request for filling or search results done on a two-hour basis will be completed within two hours after receipt by the filing office. Requests for Same-Day service must be received in the filing office by 2:00 p.m. Requests for a 24-hour service will be completed within 24 hours after receipt by the filing office, excluding weekends and holidays. Document filing on a Same Day service will be completed by 5:00 p.m. Eastern Standard Time. **NOTE:** Only UCC5 documents can be filed directly with the Secretary of State.

106 **Methods of payment.** Filing fees and fees for public records services may be paid by the following methods.

- 106.1 **Cash.** Payment in cash shall be accepted if paid in person at the filing office.
- 106.2 **Checks.** Personal checks, cashier's checks and money orders may be accepted at the filing office's discretion and should be made payable to the Delaware Secretary of State.
- 106.3 **Automatic Clearing House (ACH) Payment.** The filing office will electronically debit checking and savings accounts for payments when the remitter provides their bank routing and account numbers.
- 106.4 **Prepaid account.** A Remitter may open a prepaid account for prepayment of filing fees by submitting a written request, providing a contact name, telephone number, fax number and address. Fees may be prepaid in any amounts. The filing office shall issue an account number to be used by a Remitter who chooses to pay filing fees by this method. The filing officer shall deduct filing fees from

the Remitter's prepaid account when authorized to do so by the Remitter. When submitting a filing or request for information, the remitter must simply state that the fees be deducted from their prepaid account and provide the account number to be used.

107 **Overpayment and underpayment policies.**

107.1 **Overpayment.** The filing officer shall credit the remitter's overpayment to their business account. Upon written requests, a remitter may be issued a refund.

107.2 **Underpayment.** Upon receipt of a UCC record with an insufficient fee, the filing officer shall:

107.2.1 The document shall be returned to the remitter as provided in Rule 203. The payment will be credited to the remitter's business account until the filing officer receives full payment. Upon receiving full payment and the resubmission of the filing, the document will be filed as of the time and date of receipt of the full payment.

108 **Bulk Data services.** Contact the filing office for information about availability, cost, format, and method of delivery.

109 **New practices and technologies.** The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of and remote access to Revised Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limited the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based Revised Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing office shall to the greatest extent feasible, take into account compatibility and consistency with, and whenever possibly to uniform with, technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states.

Numbers 110 through 199 are reserved.

Section 2. Acceptance and Refusal of Records

- 200 **Role of filing office.** Unless otherwise expressly provided for by statute, the duties and responsibilities of the filing office with respect to the administration of the UCC are ministerial. Regarding the acceptance for filing a UCC record, the filing office does not determine the legal sufficiency of the record. The filing office also does not determine that the record's information is correct, in whole or in part, or create a presumption that the UCC record information is correct.
- 201 **Time for filing a continuation statement.**
- 201.1 **First day permitted.** The first day on which a continuation statement may be filed is the date corresponding to the date upon which the related financing statement (i) would lapse, and (ii) of the month which is the sixth month preceding the month in which such financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The foregoing rule is subject to the ability of the filing office to accept the continuation statement at the time and by the means submitted.
- 201.2 **Last day permitted.** The last day on which a continuation statement may be filed is the date upon which the related financing statement lapses. The last day permitted for a February 29 filing date shall be March 1 in non-leap years.
- 202 **Grounds for refusal.** The filing office shall refuse a record for each applicable ground as set forth in UCC Section 9-516 and will not refuse a record for any other reason. A record that does not provide an address that meets the minimum requirements set forth in Rule 100.1 does not provide a mailing address as required by UCC Section 9-516.
- 203 **Procedure upon refusal.** If the filing office finds grounds to refuse a UCC record, the filing office shall refund any filing fee received by the filing office. Communication of the refusal, the reason(s) for the refusal and other related information will be made to the Remitter as soon as practicable and in any event within [two] business days after the refused UCC record was received by the filing office. The information will be sent to the customer by the same means as it was initially delivered. Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, shall be maintained until the first anniversary of the lapse date that applies or would have applied to the related financing statement, assuming that the refused record had been accepted and filed.

- 204 **Refusal errors.** If a secured party or a Remitter believes that a UCC record that the filing office refused to file should not have been refused under Rule 202, the person may contact the filing office to request a review of the refusal decision. The person requesting review shall provide the filing office with a copy of the reasons for refusal, a copy of the refused record and a statement of the basis for the person's belief that the filing office wrongfully refused to file the record. Upon receipt of a request for review, [the filing office] shall investigate the claim. If the investigator confirms that the record should have been refused, the filing office shall provide a written explanation of the grounds for refusal. But if it is determined that the filing office refused to accept the record in error, the filing office shall file the UCC record with the filing date and time that was assigned, based on the method of delivery, by the filing office after the record was originally delivered for filing. A filing office statement record relating to the relevant initial financing statement shall be placed in the UCC Information Management System on the date that the corrective action was taken. The filing office statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC Information Management System.
- 205 **Notification of defects.** Nothing in these rules prevents a filing office from communicating to a filer or a Remitter that the filing office noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and Remitters and the filing office bears no responsibility for such effectiveness.

Numbers 206 through 299 are reserved.

Section 3. UCC Information Management System

- 300 **General.** The filing office uses the UCC Information Management System to store, index, and retrieve information relating to financing statements. The UCC Information Management System includes the searchable indexes. The rules in this section describe the UCC Information Management System.
- 301 **Primary data elements.** The primary data elements used in the UCC Information Management System are the following:
- 301.1 **Identification numbers.**
- 301.1.1 Each initial financing statement is identified by a unique file number. Identification of the initial financing statement is printed on UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC Information Management System. A record is created for each initial financing statement and all information comprising such initial financing statement is maintained in the system.
- 301.1.2 A UCC record other than an initial financing statement is identified by a unique file number on UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC Information Management System. In the UCC Information Management System, records other than initial financing statements are linked to the related initial financing statement.
- 301.2 **Type of record.** The type of UCC record from which data is transferred is identified in the UCC Information Management System from information supplied by the Remitter. [Types of records include initial financing statement, amendment, assignment, continuation, termination, and other records permitted to be filed in relation to the financing statement.]
- 301.3 **Filing date and filing time.** The filing date and filing time of UCC records are stored in the UCC Information Management System.
- 301.4 **Identification of parties.** The names and addresses of debtors and secured parties are stored in the UCC Information Management System.
- 301.5 **Page count.** The total number of pages in a UCC record is maintained in the UCC Information Management System.
- 301.6 **Lapse indicator.** An indicator is maintained by which the UCC Information Management System identifies whether or not a financing statement will lapse

and, if it does, when it will lapse. The lapse date is determined as provided in Rules 306.3 and 308.

- 301.7 **Indexes of names.** The filing office maintains in the UCC Information Management System a searchable index of organization debtor names, and a searchable index of individual debtor names. The filing office may also maintain a searchable index of names of secured parties of record. Such an index need not be a separate database but may be comprised of records in the UCC Information Management System identified to be included in such searchable index.
- 302 **Individual debtor names.** For purposes of this rule, an “individual debtor name” is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an individual, without regard to the nature or character of the name or to the nature or character of the actual debtor.
- 302.1 **Individual name fields.** Individual debtor names are stored in data fields that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for surnames (last or family names), first personal names (given), and additional name(s)/initial(s) of individuals. The name of a debtor with a single name (e.g., “Cher”, “Madonna” or “Prince”) is treated as a surname and shall be entered in the individual surname field. The filing office assumes no responsibility for the accurate designation of the components of a name but shall accurately enter the data in accordance with the filer’s designations.
- 302.2 **Titles, prefixes and suffixes.** Titles, prefixes (e.g. “Ms.”) and suffixes or indications of status (e.g. “M.D.”) are not typically part of an individual debtor’s name. Suffixes used to distinguish between family members with identical names (e.g., “JR.”) should be provided in the Suffix field. However, if the suffix appears on a [driver’s license] used as the source of an individual name, then the filer should consider also providing the name as a separate individual debtor with the suffix included in the Surname field. Regardless of how provided, when entering a “name” into the UCC Information Management System, the filing office shall enter the data exactly as they appear.
- 302.3 **Extended debtor name field.** The filing office shall not refuse to accept an initial financing statement consisting of a tangible written record or an image of the UCC forms approved by the filing office that lacks debtor information in item 1 and/or item 2 if the record includes an addendum that provides debtor information in item 10.
- 302.4 **Truncation** – individual names. Personal name fields in the UCC Information Management System are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- 302.4.1 Surname: 32 characters.
- 302.4.2 First personal name: 30 characters.
- 302.4.3 Additional name(s)/initial(s): 30 characters.
- 302.4.4 Suffix: 5 characters.

303 **Organization debtor names.** For purposes of these rules, an “organization debtor name” is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an organization, without regard to the nature or character of the name or to the nature or character of the actual debtor.

303.1 **Single field.** Organization debtor names are stored in files that include only organization debtor names and not individual debtor names. A single field is used to store an organization debtor name.

303.2 **Truncation – Organization names.** The organization debtor name field in the UCC Information Management System is fixed in length. The maximum length is 240 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the organization debtor name field.

304 **Collateral being administered by a Decedent’s Personal Representative.** The debtor name to be provided on a financing statement when the collateral is being administered by a decedent’s personal representative is the name of the relevant decedent. In order for the UCC Information Management System to function in accordance with the usual expectations of filers and searchers, the filer should provide the debtor name as an individual debtor name. However, the filing office shall enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields. The indication that the collateral is being administered by the decedent’s personal representative may only be made on the initial financing statement.

305 **Collateral held in a Trust.** The debtor name to be provided when the collateral is held in a trust that is not a registered organization is the name of the trust as set forth in its organic record(s), if the trust has such a name or, if the trust is not so named, the name of the trust’s settlor or testator. In order for the UCC Information Management System to function in accordance with the usual expectations of filers and searchers, the name of a trust or the name of a settlor or testator that is an organization should be provided as an organization debtor name, and the name of a settlor or testator who is an individual should be provided as an individual debtor name, in each case without regard to the nature or character of the debtor. Notwithstanding the foregoing, the filing office shall enter data submitted by a filer in the fields designated by the filer exactly as it appears in

such fields. The indication that the collateral is being held in a trust may only be made on the initial financing statement.

306 **Initial financing statement.** Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows.

306.1 **Status of secured party.** Each secured party named on an initial financing statement shall be indexed as a secured party of record.

306.2 **Status of debtor.** Each debtor name provided by the initial financing statement shall be indexed in the UCC Information Management System and shall remain on the record in accordance with UCC Section 9-519(g).

306.3 **Status of financing statement.** A lapse date shall be calculated, five years from the file date, unless (i) the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction as provided in rule 101.8 in which case the lapse date shall be thirty years from the file date, or (ii) the initial financing statement indicates that the debtor is a transmitting utility as provided in rule 101.8, in which case there shall be no lapse date. The lapse date for a financing statement filed on February 29 shall be the March 1 in the fifth year following the year of the filing date.

307 **Amendments generally.** The filing office shall not delete any information from the information management system in response to an amendment. Upon the filing of an amendment the status of the parties shall be unchanged, except that in the case of an amendment that adds a debtor or a secured party, the new debtor or secured party shall be added to the appropriate index and associated with the record of the financing statement in the UCC Information Management System. An amendment that designates an assignee shall cause the assignee to be added as a secured party of record with respect to the affected financing statement in the UCC Information Management System. Notwithstanding the filing of an amendment that purports to delete a debtor or a secured party from a financing statement, no debtor or secured party of record is deleted from the UCC Information Management System. Except in the case of a continuation statement, the filing of an amendment does not affect the status of the financing statement.

308 **Continuation statement.**

308.1 **Continuation of lapse date.** Upon the timely filing of one or more continuation statements, the lapse date of the financing statement shall be extended for an additional five-year period beginning on the date the record would have lapsed in the absence of the filing of a continuation statement. The lapse date is extended once, notwithstanding the fact that more than one continuation statement is filed within a given 6-month period prior to a lapse date. Notwithstanding the immediate extension of the lapse date for those secured parties of record who file

timely a continuation statement within a given 6-month period prior to a lapse date, such lapse date remains effective solely for purposes of determining whether a subsequent continuation statement filed in the same 6-month period is timely.

- 308.2 **Status.** The filing of a continuation statement shall have no effect upon the status of any party to the financing statement or upon the status of the financing statement except to extend the lapse date as provided in 308.1.
- 309 **Termination statement.** The filing of a termination statement shall have no effect upon the status of any party to the financing statement or upon the status of the financing statement.
- 310 **Information statement.** The filing of an information statement shall have no effect upon the status of any party to the financing statement, the status of the financing statement or the information maintained in the UCC Information Management System.
- 311 **Filing office statement.** A filing officer statement explains a corrective action taken by the filing office with respect to the financing statement to which it relates.
- 312 **Procedure upon lapse.** If there is no timely filing of a Continuation Statement with respect to a financing statement, the financing statement lapses on its lapse date, but no action is then taken by the filing office.
- 313 **Removal of record.** A financing statement must remain in the searchable index within the UCC Information Management System until at least one year after it lapses. On or after the first anniversary of such lapse, the financing statement and all related UCC records may be removed from the Searchable Indexes or from the UCC Information Management System.
- 313.1 **Transmitting Utilities.** A financing statement that indicates a debtor is a transmitting utility must remain in the searchable index within the UCC Information Management System until at least one year after it is terminated with respect to all secured parties of record. On or after the first anniversary of the termination date of the last remaining secured party of record, the financing statement may be removed from its searchable index or from the UCC Information Management System.

Numbers 314 through 399 are reserved.

Section 4. Filing and Data Entry Procedures

- 400 **Errors of the filing office.** The filing office may correct data entry and indexing errors of filing office personnel in the UCC Information Management System at any time. If a correction is made to a record of a financing statement, after the filing office has issued a search report with a through date and time (see rule 505.3.4) that is on or after the filing date and time of the financing statement, the filing office shall associate a filing office statement with the record in the UCC Information Management System. The filing office statement shall include the date that the corrective action was taken and an explanation of the correction.
- 401 **Data entry.** Data are entered into the UCC Information Management System exactly as provided in a UCC record, without regard to apparent errors. Data provided in electronic form are transferred to the UCC Information Management System exactly as submitted by the Remitter.
- 402 **Verification of data entry.** The filing office shall verify accuracy of the data from UCC records entered in accordance with Rule 401 into the UCC Information Management System. Data entry performed by Remitters with respect to electronically filed UCC records is the responsibility of the Remitter and is not verified by the filing office.
- 403 **Reserved.**
- 404 **Redaction of certain information.** The filing office [is/may be] obligated to redact certain information from the information it provides to searchers and bulk data purchasers in accordance with applicable privacy and identity theft protection laws. Such information should not be included in UCC records and will be redacted in accordance with such laws.
- 405 **Master amendments.**
- 405.1 The filing officer may accept for filing a single UCC document for the purpose of amending more than one financing statement, for one or both of the following purposes: amendment to change secured party name; amendment to change secured party address. NOT AVAILABLE
- 405.2 A blanket filing shall consist of a written document describing the request amendment on a form approved by the filing office, and a machine-readable file furnished by the remitter and created to the filing officer's specifications containing appropriate indexing information. A copy of blanket filing

specifications is available from the filing officer upon request. Acceptance of a blanket filing is conditioned upon determination of the filing officer in the filing officer's sole discretion. NOT AVAILABLE.

- 406 **Where UCC records communicated** to the filing office under Section 101.6.1 include an image of a completed form approved pursuant to Section 103 (which image may include attachments), the filing office accepts for filing, within the contemplation of UCC Section 9-516, only the image communicated and not accompanying data entered into the UCC Information Management System by the Remitter. Such accompanying data is subject to the provisions and procedures of this Section 4.

Numbers 407 through 499 are reserved.

Section 5. Search Requests and Reports

- 500 **General requirements.** The filing office maintains records for public inspection in a searchable index within the UCC Information Management System. Records will be retrievable by the name of the debtor or by the file number of the related initial financing statement, and each record related to an initial financing statement is retrieved with the initial financing statement using either retrieval method.
- 501 **Search requests.** The following elements are required to request a search:
- 501.1 **Name searched.** A search request must set forth the name of the debtor to be searched using designated fields for organization name or individual surname, first personal name and additional name(s)/initial(s). A search request will be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor that is subject of the search.
 - 501.2 **Requesting party.** The name of the person to whom the search results are to be communicated, and the information required for the designated method of communication. Communication methods are described in Rule 506.
 - 501.3 **Fee.** The appropriate fee shall be tendered by a method described in Rule 106.
 - 501.4 **Search logic.** The request shall specify whether a search methodology other than that described in Rule 503.1, if an alternative search logic is available, is to be applied in conducting the search. If no such methodology is specified, the one described in Rule 503.1 shall be applied.
- 502 **Search requests – optional information.** The requesting party for a search request submitted under Rule 501 may designate the following options:
- 502.1 **Copies.** The request may limit the copies of UCC records that would normally be provided with a search report by requesting that no copies be provided or that copies be limited to those UCC records that were filed on a particular date or within a particular range of dates.
 - 502.2 **Scope of search.** A search request may ask for a search that reports all Records or all Unlapsed Records from the UCC Information Management System’s searchable index.
 - 502.3 **Search request with filing.** If a filer requests a search at the time an initial financing statement is filed by checking the appropriate box or populating the appropriate field in or on the Initial financing statement at the time it is tendered

for filing, the search request shall be deemed to request a search to be conducted as soon as practicable such that it would include all UCC records filed, against the debtor name(s) provided on the initial financing statement, on or prior to the date the Initial financing statement is filed.

503 **Search methodology.** Search results are produced by the application of search logic to the name presented to the filing office. Human judgment does not play a role in determining the results of the search.

503.1 **Standard search logic.** The following rules describe the filing office’s standard search logic and apply to all searches except for those where the search request specifies that a non-standard search logic be used:

503.1.1 There is no limit to the number of matches that may be returned in response to the search criteria.

503.1.2 No distinction is made between upper and lower-case letters.

503.1.3 The following rules apply only to organization names:

- a) The character “&” (the ampersand) is deleted and replaced with the characters “and” each place it appears in the name.
- b) Punctuation marks and accents are disregarded. For the purpose of this rule, punctuation and accents include all characters other than the numerals 0 through 9 and the letters A through Z (in any case) of the English alphabet.
- c) The following words and abbreviations at the end of an organization name that indicate the existence or nature of the organization are “disregarded” to the extent practicable as determined by the filing office’s programming of its UCC Information Management System (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing). Also disregarded are words within a name as set forth on the “Noise Words” list.
- d) The word “the” at the beginning of an organization debtor name is disregarded.
- e) All spaces are disregarded.

503.1.4 The following search rules apply to individual debtor names:

- a) Surname. The individual debtor surname on a filed record must exactly match the surname of the search request. The search logic does not provide equivalencies for the surname field, nor does the search logic disregard [spacing,] [punctuation,] titles, suffixes or ending noise words of any type if entered in the surname field.
- b) First Personal Name. The following equivalencies apply:
 - 1) A first personal name is the logical equivalent of the first initial of the name.
 - 2) An initial (a single letter) is the logical equivalent of all first personal names that begin with that letter.
 - 3) No first personal name or initial is the logical equivalent of all first personal names and initials.
- c) Additional Names/Initials. The following equivalencies apply:
 - 1) A name is the logical equivalent of the first initial of the name.
 - 2) An initial (a single letter) is the logical equivalent of all names that begin with that letter and no entry in the additional names/initials field.
 - 3) No entry in the additional names/initials field is the logical equivalent of all names and initials.
- d) Search Results. Only records that exactly match the surname field under subsection (a); exactly match the first personal name after application of the equivalency rules in subsection (b); and that exactly match the additional names/initials field after application of the equivalency rules in subsection (c) will be reported.
- e) Single Names. If the name being searched is the surname of an individual debtor name without any first personal name or additional name(s)/initial(s) provided, the search will retrieve all financing statements from the UCC Information Management System with individual debtor names that consist of only the surname.
- f) Search Result Examples.
 - 1) A search request for “John A. Smith” (first personal name and surname with an initial in the additional name(s)/initial(s) field) would cause the search to retrieve all filings against all individual debtors with (i) “John” or the initial “J” as to the first personal name, (ii) “Smith” as the surname, and (iii) no name or initial, the initial “A” or any name beginning with “A” in the additional name(s)/initials field.
 - 2) A search request for “J.A. Smith” (initial for first personal name, surname and an initial for the additional

name(s)/initial(s) field), would retrieve all filings against individual debtors with (i) the initial “J” or any name beginning with “J” as the first personal name, (ii) “Smith” as the surname, and (iii) no name or initial, the initial “A” or any name beginning with “A” in the additional name(s)/initial(s) field.

- 3) A search request for “John Smith” (first personal name and surname with no designation in the additional name(s)/initial(s) field), would retrieve all filing against individual debtors with (i) “John” or the initial “J” as the first personal name, (ii) “Smith” as the surname and (iii) any entry or no entry in the additional name(s)/initial(s) field.

503.1.5 After applying the preceding rules to the name being searched, the search will retrieve from the UCC Information Management System’s searchable index all Unlapsed Records, or, if requested by the searcher, all Records, that pertain to financing statements with debtor names that, after application of this Rule 503, exactly match the modified name being searched.

503.2 **Non-standard search logic.** Delaware does not apply the non-standard search logic as an option in performing a search request.

504 **Changes in standard search logic.** If the filing office changes its standard search logic or the implementation of its standard search logic in a manner that could alter search results, the filing office shall provide prior public notice of such change.

505 **Search responses.** Responses to a search request shall include the following:

505.1 **Copies.** Copies of all UCC records retrieved by the search unless only limited copies are requested by the searcher. Copies will reflect any redaction of personal identifying information required by law.

505.2 **Introductory information.** A filing officer shall include the following information with a UCC search response:

505.2.1 Filing office identification. Identification of the filing office responsible for the search response.

505.2.2 Unique search report identification number. Unique number which identifies the search report.

505.2.3 Report date and time. The date and time the report was generated.

- 505.2.4 Through date and time. The date and time at or prior to which a UCC record must have been filed with the filing office in order for it to be reflected on the search.
- 505.2.5 Certification language.
- 505.2.6 Scope of search. Active/Unlapsed
- 505.2.7 Search logic used.
- 505.2.8 Search logic disclaimer language.
- 505.2.9 Name provided. Name as provided by the searcher.
- 505.2.10 Search string. Normalized name as provided by rule 503.
- 505.2.11 Lien type or types searched. [UCC and/or other type of documents searched.]
- 505.2.12 Copies. [Certified/Copies not Requested/Partial Copies/Limited Copies/Specified Copies /Date Range].
- 505.3 **Report. The search report shall contain the following.**
 - 505.3.1 Identification. Identification of the filing office responsible for the search report.
 - 505.3.2 Search report identification number. Unique number assigned under rule 505.2.2.
 - 505.3.3 Identification of financing statement. Identification of each initial financing statement, including a listing of all related amendments, the through date corresponding to the search criteria (including whether the searcher has requested Active Records or only Unlapsed Records). Financing statement information shall include, but is not limited to the following:
 - 505.3.3.1 Initial financing statement file number.
 - 505.3.3.2 Initial financing statement filing date and time.
 - 505.3.3.3 Lapsed date.
 - 505.3.3.4 The name of each debtor that appears of record.
 - 505.3.3.5 The address of each debtor that appears of record.

- 505.3.3.6 The name of each secured party that appears of record.
- 505.3.3.7 The address of each secured party that appears of record.
- 505.3.3.8 An indication of each type of amendment, if any.
- 505.3.3.9 The date and time each amendment, if any, was filed.
- 505.3.3.10 The file number of each amendment, if any.
- 505.3.3.11 The filing date and time of each information statement, if any.
- 505.3.3.12 The filing date and time of each filing office statement, if any.

Numbers 506 through 599 are reserved.

Section 6. Other Notices of Liens

600 **Policy.** The purpose of rules in this section is to describe records of liens maintained by the filing office created pursuant to statutes other than the UCC that are treated by the filing officer in a manner substantially similar to UCC documents and are included on request with the reports described in rules 504 and 505.

601 Notice of federal tax lien on “corporate” names only.

601.1 Filing.

601.1.1 Where to file. The filing office is the Secretary of State, Division of Corporations.

601.1.2 Fees. The fee for indexing and filing a federal tax lien is not less than one hundred twenty-five dollars (\$125.00).

601.1.3 Duration. A federal tax lien is effective for ten (10) years and thirty (30) days as specified in the “Date of Assessment” and “Last day of Refiling” of the “Notice of Federal Tax Lien” record.

601.2 Mechanics of search.

601.2.1 Fee for search. A search request of a debtor name of a federal tax lien is twenty-five dollars (\$25.00) and obtainable through a Delaware Authorized Searcher.

601.2.2 Search is available with a UCC search. Search is also available for federal tax lien exclusively.

602 Notice of state tax lien.

602.1 **Secretary of State’s office does not accept notices of state tax liens.**

603 Notice of other lien in favor of a governmental body.

603.1 Notice of Racketeering Lien.

603.1.1 Where to file. The filing office is the office of the Secretary of State, Division of Corporations.

603.1.2 There is no filing fee for indexing and recording a notice of a racketeering lien.

603.2 **Duration.** The term of a racketeering lien notice shall be for a period of 6 years from the date of filing, unless a renewal lien notice has been filed; and, in such case, the term of the renewal lien notice shall be for a period of 6 years from the date of its filing. The State shall be entitled to only 1 renewal of a specific racketeering lien notice.

604 **Agricultural liens.**

604.1 **Mechanics of filing.** Agricultural liens are filed in the same manner as an initial financing statement and may use all forms and formats of communication permitted to be used in connection with initial financing statements. Each communication of a record of an agricultural lien must identify itself as such. They are indexed by debtor name and will be revealed by searches under rule 505.

604.1.1 Where to file. Agricultural liens are filed with the Secretary of State, Division of Corporations through a Delaware UCC Authorized Filer.

604.1.2 Fee. A \$125.00 filing fee is assessed when a record is received at the filing office.

604.1.3 Duration. The duration is for a period of five years unless a continuation notice is filed under rule 308.

604.2 **Mechanics of search.**

604.2.1 Search. A search is available through a Delaware online Registered Agent.

604.2.2 A search is available with a UCC1 filing for an additional \$25.00.

Numbers 605 through 699 are reserved.