

TITLE 12 TRADE, COMMERCE AND BANKING
CHAPTER 6 BUSINESS PRACTICES - UNIFORM COMMERCIAL CODE
PART 2 FILING PROVISIONS

12.6.2.1 ISSUING AGENCY: Office of the Secretary of State
[12.6.2.1 NMAC - N, 7/1/2001]

12.6.2.2 SCOPE: All individuals or business entities who file or access Uniform Commercial Code (UCC) records.
[12.6.2.2 NMAC - N, 7/1/2001]

12.6.2.3 STATUTORY AUTHORITY: Section 55-9-526 NMSA 1978 (Chapter 139, Laws of 2001).
[12.6.2.3 NMAC - N, 7/1/2001]

12.6.2.4 DURATION: Permanent.
[12.6.2.4 NMAC - N, 7/1/2001]

12.6.2.5 EFFECTIVE DATE: July 1, 2001.
[12.6.2.5 NMAC - N, 7/1/2001]

12.6.2.6 OBJECTIVE: The objective of this rule is to establish standards for uniform requirements to file UCC records. The office of the secretary of state recognizes that the administration of the UCC has an important impact on the economy and upon the rights of the public, in this state and in the United States. The volume of international, interstate and multi-state transactions pursuant to the UCC requires that the administration of the UCC be conducted in a manner that promotes both local and multi-jurisdictional commerce by striving for uniformity in policies and procedures among the various states. As provided in Section 55-9-526 NMSA 1978, the interpretation and implementation of the filing office's duties and responsibilities shall be expressed in a written set of administrative rules. Such rules have the following purposes:

- A. to simplify and improve the administration of the UCC by promoting uniform UCC filing procedures in this state and in the nation;
- B. to simplify the public's ability to discover and understand the UCC filing procedures of the various states by establishing a uniform framework for describing the procedures;
- C. to increase public access to information; and
- D. to increase public accountability of the filing office.

[12.6.2.6 NMAC - N, 7/1/2001]

12.6.2.7 DEFINITIONS: The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

- A. "Amendment" means a UCC document that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.
- B. "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.
- C. "Continuation" means an amendment that continues the effectiveness of a financing statement.
- D. "Information statement" means a UCC document that indicates that a financing statement is inaccurate or wrongfully filed.
- E. "File number" means the unique identifying information assigned to a financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. For a financing statement with an initial financing statement filed prior to July 1, 2001, the file number consists of a 2 digit year, 2 digit month, 2 digit day, and a 3 digit sequential number (yyymmddXXX). For a financing statement with an initial financing statement filed after June 30, 2001 but before March 26, 2003, the file number consists of a 4 digit year, 2 digit month, 2 digit day, 3 digit sequential number, and 2 digit check number (yyyymmddXXXcc). For a financing statement with an initial financing statement filed on or after March 26, 2003, the number includes three segments; the year of filing expressed as a four digit number, followed by a unique seven digit number assigned to financing statement by the filing office and ending with a one digit verification alphabetic character assigned by the filing office but

mathematically derived from the numbers in the first two segments. The same file format will be used for amendments as initial filing statements, including the verification alphabetic character. Though the verification alphabetic character is not as important here, it guarantees the integrity of the file number. The filing number bears no relation to the time of filing and is not an indicator of priority.

F. "Filing office" and "filing officer" mean the secretary of state's office, operations division.

G. "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

H. "Financing statement" means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.

I. "Individual debtor name" means 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.

J. "Initial financing statement" means a UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by Sections-55-9-512, 55-9-513, 55-9-514 or 55-9-518 NMSA 1978.

K. "Organization" means a legal person who is not an individual as defined in item H of this section.

L. "Remitter" means a person who tenders a UCC document to the filing office for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. "Remitter" does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

M. "Secured party of record" means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under Chapter 55, Article 9 Section 514(a) NMSA 1978, the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under Section 55-9-514(b) NMSA 1978, the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

N. "Termination" means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.

O. "UCC" means the Uniform Commercial Code as adopted in this state and in effect from time to time.

P. "UCC document" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a information statement. The word "document" in the term "UCC document" shall not be deemed to refer exclusively to paper or paper-based writings; it being understood that UCC documents may be expressed or transmitted electronically or through media other than such writings. (Note: this definition is used for the purpose of these rules only. The use of the term "UCC document" in these rules has no relation to the definition of the term "document" in Section 55-9-102(a)(30) NMSA 1978.)

[12.6.2.7 NMAC - N, 7/1/2001; A, 7/1/2003; A, 6/30/2011; A, 7/31/2013]

12.6.2.8 SINGULAR AND PLURAL FORMS. Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.

[12.6.2.8 NMAC - N, 7/1/2001]

12.6.2.9 PLACE TO FILE. The filing office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral (Section 55-9-102(a)(6) NMSA 1978) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. Regardless of the nature of the collateral, the filing office is the office for filing all UCC documents where the debtor is a transmitting utility.

[12.6.2.9 NMAC - N, 7/1/2001]

12.6.2.10 FILING OFFICE IDENTIFICATION. In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its internet and other electronic "addresses" through usual and customary means.

A. Addresses to file.

(1) Via postal service: Office of the Secretary of State, State Capitol North - Suite 300, 325 Don Gaspar, Santa Fe, New Mexico 87501.

(2) Via courier service: Office of the Secretary of State, State Capitol North - Suite 300, 325 Don Gaspar, Santa Fe, New Mexico 87501.

B. On-line information service. The filing office offers on-line information services on its web site at www.sos.state.nm.us.

[12.6.2.10 NMAC - N, 7/1/2001; A, 7/1/2003; A, 6/30/2011]

12.6.2.11 OFFICE HOURS. Although the filing office maintains regular office hours, it receives transmissions electronically and by telefacsimile 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the filing office is open for business) on a batch basis.

[12.6.2.11 NMAC - N, 7/1/2001]

12.6.2.12 UCC DOCUMENT DELIVERY. UCC documents may be tendered for filing at the filing office as follows:

A. Personal delivery, at the filing office's street address. The file time for a UCC document delivered by this method is the time of delivery of the UCC document to the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will be given the same file time as UCC documents retrieved at the U.S. postal service on the next day the filing office is open for business.

B. Courier delivery, at the filing office's street address. The file time for a UCC document delivered by this method is the time of delivery of the UCC document to the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will be given the same file time as UCC documents retrieved at the U.S. postal service on the next day the filing office is open for business.

C. Postal service delivery, to the filing office's mailing address. Because mail addressed to the filing office is not delivered by the U.S. postal service to the filing office but must be retrieved by the filing office at the postal service, the file time for a UCC document delivered by this method is 8:00 a.m. (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will be given the same filing time as UCC documents retrieved at the U.S. postal service on the next day the filing office is open for business.

[12.6.2.12 NMAC - N, 7/1/2001; A, 7/1/2003]

12.6.2.13 [RESERVED]

12.6.2.14 APPROVED FORMS. National standard forms for UCC documents as approved by the international association of corporation administrators (IACA) are designated as the standard forms for filing a written financing statement and amendment. These standard forms are provided in Section 55-9-521 NMSA 1978 and are available to the public at the filing office's web site at www.sos.state.nm.us.

[12.6.2.14 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.15 [RESERVED]

12.6.2.16 FORMS SUPPLIERS. The filing office will make lists of forms suppliers available to prospective filers and remitters upon request.

[12.6.2.16 NMAC - N, 7/1/2001]

12.6.2.17 FILING FEES. The fees to file UCC documents as set forth in Chapter 55, Article 9, Section 525 NMSA 1978 are as follows.

A. For UCC documents communicated in writing on a form prescribed by the filing office, the fee for filing and indexing a UCC document of one, two or three pages is \$20.00. For a UCC document of at least 4 pages but no more than 25 pages, the fee is \$40.00. If the total number of pages exceeds 25 pages, the fee is \$100.00 plus \$5.00 for each page which exceeds 25 pages. For filings transmitted electronically, the fee is \$10.00 if the record consists of fifteen thousand or fewer bytes. If the record exceeds fifteen thousand bytes, the fee is \$20.00.

B. For UCC documents communicated in writing but not on a form prescribed by the filing office,

the fee is double those identified in Subsection A of this section for a record of the same length.

C. Additional fees. In addition to the fees set forth in Subsections A and B of this section, a fee of \$100.00 shall be paid for an initial financing statement that indicates that it is filed in connection with a manufactured-home transaction, and a fee of \$100.00 shall be paid for an initial financing statement that indicates that a debtor is a transmitting utility.

D. An information statement is treated as information to an initial financing statement and is subject to the fees set forth in Subsections A, B and C of this section.

E. Copies. In addition to the fees identified in this section which are established by statute, the fee for copies of UCC records ordered from and provided by the filing office is \$1.00 per page.
[12.6.2.17 NMAC - N, 7/1/2001; A, 7/1/2003; A, 6/30/2011; A, 7/31/2013]

12.6.2.18 [RESERVED]

12.6.2.19 METHODS OF PAYMENT. Filing fees and fees for public records services may be paid by the following methods.

A. Cash. The filing officer discourages cash payment unless made in person at the filing office.

B. Checks. Checks made payable to the 'office of the secretary of state', including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, will be accepted for payment. Although, if previous checks were returned unpaid, future payments from the same party must be made by cashiers checks, certified checks, or money orders.

C. Electronic funds transfer. The filing office will accept payment via electronic funds transfer under national automated clearing house association ("NACHA") rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

D. Prepaid deposit account. A remitter may open an account for prepayment of filing fees. The filing officer will issue an account number to be used by a remitter who chooses to pay filing fees in advance. The filing officer shall deduct filing fees from the remitter's prepaid deposit account when authorized to do so by the remitter.

[12.6.2.19 NMAC - N, 7/1/2001; A, 7/1/2003]

12.6.2.20 OVERPAYMENT AND UNDERPAYMENT POLICIES.

A. Overpayment. The filing office will not refund any amount of overpayment.

B. Underpayment. Upon receipt of a document with an insufficient fee, the filing officer will do one of the following.

(1) A notice of the deficiency will be sent to the remitter and the document shall be held for a period of 10 days from the date of the notice, in anticipation of receipt of the fee. Upon receipt of the fee, the document will be filed as of the time and date of receipt of the full filing fee. If the fee has not been received within 10 days of the date of the notice, the document will be returned to the remitter with a written explanation for the refusal to accept the document; or

(2) The document and the partial payment will be returned to the remitter as provided in 12.6.2.31 NMAC. If necessary, a refund of a partial payment will be delivered at a later date.

[12.6.2.20 NMAC - N, 7/1/2001]

12.6.2.21 PUBLIC RECORDS SERVICES. Public records services are provided on a non-discriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system.

A. Individually identified documents. Copies of individually identified UCC documents are available in the following forms.

(1) By written request identifying the file number (plus microfilm number for records filed prior to January 1, 2001). The filing office will provide a form to request copies of filings on its web site.

(2) The filing office will provide scanned images of UCC records filed after June 30, 1998 on its web site at no charge.

(3) Bulk copies of documents. Bulk copies of UCC documents are available in the following forms.

(a) TIF images of records filed after June 30, 1998 are available on CD-rom at \$100.00 per disc.

(b) Indexed data are available on disc at \$.10 per record.

B. Data from the information management system. A list of available data elements from the UCC information management system, and the file layout of the data elements, is available from the filing officer upon request. Data from the information management system is available as follows.

(1) Full extract. A bulk data extract of information from the UCC information management system is available on a monthly basis.

(2) Update extracts. Updates of information from the UCC information management system are available on a monthly basis.

(3) Format. Extracts from the UCC information management system are available on CD-rom or on floppy disc for small data extracts.

[12.6.2.21 NMAC - N, 7/1/2001; A, 6/30/2011]

12.6.2.22 FEES FOR PUBLIC RECORDS SERVICES. Fees for public records services are established as follows.

A. Paper copies of individual documents.

(1) Regular delivery method - \$1.00 per page.

(2) Fax delivery - \$1.00 per page.

B. Data from information management system.

(1) Full extract - \$.10 per record on floppy disc or \$100.00 for one month of TIF images on CD-rom.

(2) Update extracts - \$.10 per record on floppy disc or \$100.00 for one month of TIF images on CD-

rom.

[12.6.2.22 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.23 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, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting 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.

[12.6.2.23 NMAC - N, 7/1/2001]

12.6.2.24 through 12.6.2.25 [RESERVED]

12.6.2.26 ACCEPTANCE AND REFUSAL OF DOCUMENTS - POLICY STATEMENT. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:

A. Determine the legal sufficiency or insufficiency of a document.

B. Determine that a security interest in collateral exists or does not exist.

C. Determine that information in the document is correct or incorrect, in whole or in part.

D. Create a presumption that information in the document is correct or incorrect, in whole or in part.

[12.6.2.26 NMAC - N, 7/1/2001]

12.6.2.27 DUTY TO FILE. Provided that there is no ground to refuse acceptance of the document as described in 12.6.2.28 NMAC, a UCC document is filed upon its receipt by the filing officer with the correct filing fee and the filing officer will promptly assign a file number to the UCC document and index it in the information management system.

[12.6.2.27 NMAC - N, 7/1/2001]

12.6.2.28 GROUNDS FOR REFUSAL OF UCC DOCUMENT. The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

A. Debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that

debtors with illegible or missing names or addresses were not indexed.

B. Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization.

C. Secured party name and address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment, shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address and some names or addresses are missing or illegible, the filing officer shall refuse the UCC document.

D. Lack of identification of initial financing statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed.

E. Identifying information. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by Chapter 55, Article 9, Sections 512, 513, 514 or 518 NMSA 1978, is an initial financing statement.

F. Timeliness of continuation. A continuation shall be refused if it is not received during the six month period concluding on the day upon which the related financing statement would lapse. In the event that the day upon which the related financing statement would lapse falls on a day on which the filing office is not open, the last day is then the first business day immediately preceding the day that the office is closed. A postmark stamped on an envelope by the U.S. postal service does not cause timely filing of the continuation if the continuation is received by the filing office after the last day upon which the related financing statement would lapse.

(1) First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, 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, although filing by certain means may not be possible on such date if the filing office is not open on such date.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.

G. Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in 12.6.2.19 NMAC. In the event that more than one filing is submitted with one payment for all filings and one or more filings are refused pursuant to this rule, the filing office will file the accepted filings and receipt the payment received (if the payment is not less than the full filing fee for the total of the accepted filings) for the filings which were acceptable without a refund or credit for the payment due for the unaccepted filing(s) unless the filer demonstrates that the rejected filings should not have been refused under this rule. Otherwise, the filer must correct and resubmit the rejected filing(s) with a new payment.

H. Means of communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.

I. Non-UCC filings not accepted. Filings (such as those pursuant to the Farm Products Secured Interest Act or federal tax liens) which are not included in Chapter 55, Article 9 NMSA 1978 (Chapter 139, Laws of 2001) but submitted on forms prescribed in 12.6.2.14 NMAC will be refused and returned without processing.

J. Transmitting utility debtors. For records that contain a debtor identified as a transmitting utility, the filing officer may require proof of the debtor's authority to operate as a transmitting utility. [12.6.2.28 NMAC - N, 7/1/2001; A, 7/1/2003; A, 6/30/2011; A, 7/31/2013]

12.6.2.29 GROUNDS NOT WARRANTING REFUSAL. The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in 12.6.2.28 NMAC. The following are examples of defects that do not constitute grounds for refusal to accept a document. These are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

A. Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.

B. Incorrect names.

(1) The UCC document appears to identify a debtor incorrectly.

(2) The UCC document appears to identify a secured party or a secured party of record incorrectly.

C. Extraneous information. The UCC document contains additional or extraneous information of any

kind.

D. **Insufficient information.** The UCC document contains less than the information required by Chapter 55, Article 9 NMSA 1978; provided that the document contains the information required in Subsections A through E of 12.6.2.28 NMAC.

E. **Collateral description.** The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

F. **Excessive fee.** The document is accompanied by funds in excess of the full filing fee.
[12.6.2.29 NMAC - N, 7/1/2001]

12.6.2.30 TIME LIMIT. The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the third business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period.
[12.6.2.30 NMAC - N, 7/1/2001]

12.6.2.31 PROCEDURE UPON REFUSAL. If the filing officer finds grounds under 12.6.2.28 NMAC to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter along with the filing fee. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason for refusal to accept the document under 12.6.2.28 NMAC. The notice shall be sent to a secured party or the remitter as provided in Subsection C of 12.6.2. 200 NMAC no later than the third business day after the filing office receives the document.
[12.6.2.31 NMAC - N, 7/1/2001]

12.6.2.32 ACKNOWLEDGMENT. The filing officer shall submit to the filer or remitter a filing acknowledgment which contains the file number of the filing, the date and time of filing, the lapse date, and the names and addresses for debtors and secured parties as data entered by the filing officer.
[12.6.2.32 NMAC - N, 7/1/2001; A, 7/1/2003; A, 6/30/2011]

12.6.2.33 OTHER NOTICES. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, 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.**
[12.6.2.33NMAC - N, 7/1/2001]

12.6.2.34 REFUSAL ERRORS. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused under 12.6.2.28 NMAC, the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing occurs. The filing officer will also file a filing officer statement (and such demonstration of error shall constitute the secured party's authorization to do so) that states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing, and sets forth such date and time.
[12.6.2.34 NMAC - N, 7/1/2001]

12.6.2.35 through 12.6.2.126 [RESERVED]

12.6.2.127 UCC INFORMATION MANAGEMENT SYSTEM - POLICY STATEMENT. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not lapsed. The rules in this section describe the UCC information management system.
[12.6.2.127 NMAC - N, 7/1/2001]

12.6.2.128 PRIMARY DATA ELEMENTS. The primary data elements used in the UCC information management system are the following.

A. Identification numbers.

(1) Each initial financing statement is identified by its file number as described in Subsection E of

12.6.2.7 NMAC. Identification of the initial financing statement is entered on written UCC documents or otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

(2) A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

B. Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

C. Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

D. Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

E. Status of financing statement. In the information management system, each financing statement has a status of active or inactive.

F. Page count. The total number of pages in a UCC document is maintained in the information management system.

G. Lapse indicator. An indicator is maintained by which the 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 12.6.2.202 NMAC.

[12.6.2.128 NMAC - N, 7/1/2001]

12.6.2.129 NAMES OF DEBTORS WHO ARE INDIVIDUALS. For the purpose of these rules, 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.

A. Individual name. Individual debtor names are stored in files 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) or initial(s) of individuals. The name of a debtor with a single name (e.g., "Cher") is treated as a surname and shall be entered in the individual's surname field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

B. Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in Subsection B of 12.6.2.205 NMAC, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

C. Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" are not part of an individual's name and should not be provided by filers in UCC documents. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are appropriate. In either case, as provided in 12.6.2.205 NMAC, they will be entered into the information management system exactly as received.

D. Extended debtor name field. If any portion of the individual debtor name is too long for the corresponding field, the filer is instructed to check the box that indicates the name was too long and enter the name in Item 10 of the addendum Form UCC1AD. A filing officer shall not refuse to accept a financing statement that lacks the debtor's identifying information, provided the record includes this information in an addendum form.

E. Truncation - individual names. For records filed after June 30, 2001 but before March 26, 2003, personal name fields in the UCC database are fixed in length. Although filers provided full names on their UCC documents, a name that exceeded the fixed length was entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows.

- (1) first name: 40 characters.
- (2) middle name: 30 characters.
- (3) last name: 80 characters.
- (4) suffix: 10 characters.

F. For UCC records filed on or after March 26, 2003, name fields in the UCC data base are not fixed

in length.

[12.6.2.129 NMAC - N, 7/1/2001; A, 7/1/2003; A, 7/31/2013]

12.6.2.130 NAMES OF DEBTORS THAT ARE ORGANIZATIONS. This rule applies to the name of an organization who is a debtor or a secured party on a UCC document.

A. Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

B. Truncation - organization names. The organization debtor field in the UCC database is fixed in length. The maximum length is 160 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

[12.6.2.130 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.131 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 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 will enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

[12.6.2.131 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.132 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. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the name of a trust or of a settlor that is an organization should be provided as an organization debtor name, in each case without regard to the nature or character of the debtor. Notwithstanding the foregoing, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

[12.6.2.132 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.133 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.

A. Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

B. Status of debtor. The status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

C. Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

[12.6.2.133 NMAC - N, 7/1/2001; A, 6/30/2011]

12.6.2.134 AMENDMENT. Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows.

A. Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

(1) Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

(2) Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management

system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

(3) Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

(4) Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

(5) Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

(6) Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

(7) Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

B. Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

C. Multiple actions are permissible on an amendment in any combination (such as a debtor name change and a continuation) except for an amendment that is filed to continue and terminate a filing. There is no additional fee for amendments with multiple actions.

D. When an amendment is filed to change the name(s) of the debtor(s) and/or secured party(ies) or their respective addresses, the filing office will add to the record new debtor(s) or secured party(ies) as presented on the amendment. The filing office will not change the spelling of a debtor(s) or secured party(ies) or addresses that exist on the record to conform to the spelling presented on the amendment.

[12.6.2.134 NMAC - N, 7/1/2001]

12.6.2.135 ASSIGNMENT OF POWERS OF SECURED PARTY OF RECORD.

A. Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

B. Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

[12.6.2.135 NMAC - N, 7/1/2001]

12.6.2.136 CONTINUATION.

A. Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

B. Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

C. Status of financing statement. Upon the timely filing of a continuation statement, the status of the financing statement remains active.

[12.6.2.136 NMAC - N, 7/1/2001]

12.6.2.137 TERMINATION.

A. Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.

B. Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

[12.6.2.137 NMAC - N, 7/1/2001]

12.6.2.138 INFORMATION STATEMENT.

A. Status of parties. The filing of an information statement shall have no effect upon the status of any

party to the financing statement.

B. Status of financing statement. An information statement shall have no effect upon the status of the financing statement.

C. Filing information not affected. An information statement is only made a part of the record for informational purposes and cannot be used to amend or otherwise change filing information.
[12.6.2.138 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.139 PROCEDURE UPON LAPSE. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

[12.6.2.139 NMAC - N, 7/1/2001]

12.6.2.140 through 12.6.2.166 [RESERVED]

12.6.2.167 XML Documents. A remitter may be authorized for XML transmission upon the written authorization of the filing officer. The filing officer may authorize a remitter to engage in XML transmissions if the remitter holds an account for the billing of fees by the filing officer and the filing officer determines, after appropriate testing of transmissions in accordance with the filing officer's specifications, that the remitter is capable of transmitting XML documents in a manner that permits the filing officer to receive, index, and retrieve the XML documents. The filing officer may suspend or revoke the authorization when, in the filing officer's sole discretion, it is determined that a remitter's transmissions are incompatible with the filing officer's XML system. A request to be authorized to transmit XML documents shall be in writing and delivered to the filing officer. Upon receipt of a request for authorization, the filing officer shall provide the remitter with necessary information on the requirements for XML transmission, including format, address for transmission, and other necessary specifications.

[12.6.2.167 NMAC - N, 7/1/2003]

12.6.2.168 through 12.6.2.175 [RESERVED]

12.6.2.176 through 12.6.2.195 EDI Documents: [RESERVED]

12.6.2.196 through 12.6.2.198 Direct On-Line (Non-XML or EDI) Data Entry Procedures: [RESERVED]

12.6.2.199 POLICY STATEMENT. Sections 12.6.2.199 NMAC through 12.6.2.215 NMAC contain rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to promptly file a document that conforms to these rules. Except as provided in these rules, data are transferred from a UCC document to the information management system exactly as the data are set forth in the document. No effort is made to detect or correct errors of any kind.

[12.6.2.199 NMAC - N, 7/1/2001; A, 6/30/2011]

12.6.2.200 DOCUMENT INDEXING AND OTHER PROCEDURES BEFORE ARCHIVING.

A. Date and time stamp. The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system at the earliest possible time.

B. Cash management. Transactions necessary to payment of the filing fee are performed.

C. Document review. The filing office determines whether a ground exists to refuse the document under 12.6.2.28.

(1) File stamp. If there is no ground for refusal of the document, the document is deemed filed and a unique identification number is entered on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received.

(2) Correspondence. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in 12.6.2.31 NMAC. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in 12.6.2.31 NMAC. If the UCC document was tendered by EDI

transmission or on-line access, such notice or acknowledgment is transmitted to the remitter by EDI transmission or on-line response by transmitting an identification known to the remitter of the UCC document filed as well as the information required by 12.6.2.30 NMAC or 12.6.2.31 NMAC. Acknowledgment of filing or notice of refusal of a UCC document tendered by means other than personal delivery, EDI transmission or on-line transmission is sent to the secured party (or the first secured party if there are more than one) named on the UCC document or to the remitter if the remitter so requests by regular mail or by overnight courier if the remitter provides a prepaid waybill or access to the remitter's account with the courier.

D. Data entry. Data entry and indexing functions are performed as described in 12.6.2.205 NMAC and 12.6.2.206 NMAC.
[12.6.2.200 NMAC - N, 7/1/2001]

12.6.2.201 FILING DATE AND FILING TIME. The filing date and filing time of a UCC document is determined by 12.6.2.12 NMAC.
[12.6.2.201 NMAC - N, 7/1/2001]

12.6.2.202 LAPSE DATE AND TIME. A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if a timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.
[12.6.2.202 NMAC - N, 7/1/2001; A, 6/30/2011]

12.6.2.203 ERRORS OF THE FILING OFFICE. The filing office may correct the errors of filing office personnel in the UCC information management system at any time. If the correction is made after the filing office has issued a through date for verification of the key entry that includes the filing date of a corrected document, the filing office shall enter a record (such as a filing officer statement) relating to the relevant initial financing statement which will be placed in the UCC information management system stating the date of the correction and explaining 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. When correcting errors made by filing office personnel, the filing office will correct the error(s) that were brought to the attention of the filing office and identify the error(s) which were corrected in the filing officer statement (the filing office will not add new data to the record unless the error(s) brought forward to the filing office was due to data not indexed which was included on the original financing statement or an amendment).
[12.6.2.203 NMAC - N, 7/1/2001]

12.6.2.204 ERRORS OTHER THAN FILING OFFICE ERRORS. An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by an information statement.
[12.6.2.204 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.205 DATA ENTRY OF NAMES - DESIGNATED FIELDS. A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designates the individual's surname, first personal name, additional name(s) or initial(s) and suffix. When this is done, the following rules shall apply.

A. Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.

B. Individual names. On a form that designates separate fields for individual's surname, first personal name, additional name(s) or initial(s) and suffix, the filing officer enters the names into the individual's surname, first personal name, additional name(s) or initial(s) and suffix fields in the UCC information management system exactly as set forth on the form.

C. Designated fields encouraged. The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for individual's surname, first personal name, additional name(s) or initial(s) and suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents

submitted through direct data entry or through EDI will be required to use designated name fields.
[12.6.2.205 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.206 DATA ENTRY OF NAMES NO DESIGNATED FIELDS. A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization will be refused by the filing office. However, if it is accepted for filing in error, the following rules shall apply.

A. Identification of organizations. When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing office will use its own judgment.

B. Identification of individuals. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.

C. Individual and organization names on a single line. Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered as two separate debtors, one as an individual and one as an entity.

D. Individual names. The failure to designate the individual's surname of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement will cause a filing to be refused. If the filing is accepted in error, or if only the individual's surname is designated, the following data entry rules apply.

(1) Freestanding initials. An initial in the first position of the name is treated as a first personal name. An initial in the second position of the name is treated as additional name(s) or initial(s).

(2) Combined initials and names. An initial and a name to which the initial apparently corresponds is entered into one name field only [e.g. "D. (David)" in the name "John D. (David) Rockefeller" is entered as "John" (first personal name); "D. (David)" (additional name(s) or initial(s)); "Rockefeller" (individual's surname)].

(3) Multiple individual names on a single line. Two individual names contained in a single line are entered as two, different debtors on separate debtor lines [e.g. the debtor name "John and Mary Smith" is entered as two debtors: "John Smith", and "Mary Smith"]. Otherwise, more than one debtor in a single line will cause the filing to be refused pursuant to Subsection A of 12.6.2.28 NMAC [e.g. the debtor names "John Smith dba Smith Auto Sales"].

(4) One word names. A one word name is entered as a individual's surname [e.g. "Cher" is treated as a individual's surname].

(5) Nicknames. A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first personal name (e.g., "William (Bill) Jones").

[12.6.2.206 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.207 VERIFICATION OF DATA ENTRY. The filing officer uses the following procedures to verify the accuracy of data entry tasks. Visual inspection and dual data entry of data entry is employed for data in the following fields except that dual data entry is only utilized for debtor name fields.

- A. Document identification fields.
- B. Document type fields.
- C. Name fields.
- D. Address fields.

[12.6.2.207 NMAC - N, 7/1/2001; A, 7/1/2003]

12.6.2.208 INITIAL FINANCING STATEMENT. A new record is opened in the UCC information management system for each initial financing statement that bears the file number of the financing statement and the date and time of filing.

A. The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until at least one year after the financing statement lapses. The filing office may choose to make debtor names which have lapsed by more than a year available in the search index.

B. The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

C. The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

D. A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record.

E. In accordance with this rule, a record that is presented for filing and is identified as an "in lieu of" filing is processed the same as an initial financing statement.

[12.6.2.208 NMAC - N, 7/1/2001]

12.6.2.209 AMENDMENT. A record is created for the amendment that bears the file number for the amendment and the date and time of filing.

A. The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

B. The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and are not removed until at least one year after the financing statement lapses. The filing office may choose to make debtor names which have lapsed by more than a year available in the search index.

C. If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

[12.6.2.209 NMAC - N, 7/1/2001]

12.6.2.210 INFORMATION STATEMENT. A record is created for the information statement that bears the file number for the information statement and the date and time of filing. The record of the information statement is associated with the record of the related initial financing statement in a manner that causes the information statement to be retrievable each time a record of the financing statement is retrieved.

[12.6.2.210 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.211 GLOBAL FILINGS: [RESERVED]

12.6.2.212 ARCHIVES - GENERAL.

A. Paper UCC documents.

(1) Storage. Paper UCC records are stored offsite at the state records center and archives.

(2) Retention. Six years after record is filed.

B. Reductions.

(1) Storage. Paper UCC records received prior to January 1, 2001 are microfilmed. Paper UCC records received after June 30, 1998 are scanned to optical disc.

(2) Retention. Filing office has a copy of all microfilm rolls created since 1986 as well as all optical discs created since July, 1998.

C. Databases. UCC data are copied to tape nightly and backup tapes are stored at the state records center and archives.

[12.6.2.212 NMAC - N, 7/1/2001; A, 6/30/2011]

12.6.2.213 ARCHIVES - DATA RETENTION. All active data in the UCC information management system relating to financing statements is retained offsite at the state records center and archives and are retrievable.

[12.6.2.213 NMAC - N, 7/1/2001]

12.6.2.214 ARCHIVAL SEARCHES. All UCC data in the information management system is available for search on a computer work station located in the filing office or on the agency's web site (www.sos.state.nm.us).

[12.6.2.214 NMAC - N, 7/1/2001]

12.6.2.215 NOTICE OF BANKRUPTCY. The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse as scheduled unless properly continued.
[12.6.2.215 NMAC - N, 7/1/2001]

12.6.2.216 through 12.6.2.297 [RESERVED]

12.6.2.298 SEARCH REQUESTS AND REPORTS. The filing officer maintains for public inspection a searchable index for all records of UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement.
[12.6.2.298 NMAC - N, 7/1/2001]

12.6.2.299 SEARCHES OF UCC RECORDS NOT CONDUCTED BY FILING OFFICE.

- A. Search requests received by the filing office will be returned without processing.
- B. The filing office will provide a search engine on its web site (www.sos.state.nm.us) for use by anyone wanting a search of a record. There is no fee for unlimited use of the search engine. The search logic utilized by the search engine is provided in 12.6.2.300 NMAC and on the agency's web site.
- C. The filing office also provides on its web site a search engine that provides non-standard search options. This non-standard search engine and its search results do not meet standard Revised Article 9 search logic and are merely provided for the convenience of the searcher.
[12.6.2.299 NMAC - N, 7/1/2001; A, 7/1/2003]

12.6.2.300 RULES APPLIED TO SEARCH REQUESTS. Search results are created by applying standardized search logic to the name entered into the search program. Human judgment does not play a role in determining the results of the search. The following, and only the following rules are applied to searches conducted by the filing office search engine.

- A. There is no limit to the number of matches that may be returned in response to the search criteria.
- B. No distinction is made between upper and lower case letters.
- C. Punctuation marks and accents are disregarded.
- D. Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the international association of corporation administrators as from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).
- E. The word "the" at the beginning of the search criteria is disregarded.
- F. All spaces are disregarded. For first personal name and additional name(s) or initial(s) of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or "J." as the first personal name, "Smith" as the individual's surname, and with the initial "A" or any name beginning with "A" in the additional name(s) or initial(s) field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or "J." as the first personal name, "Smith" as the surname and with any name or initial or no name or initial in the middle name field.

G. After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements (unless inactive records are requested) and, as modified, exactly match the name requested, as modified.
[12.6.2.300 NMAC - N, 7/1/2001; A, 7/31/2013]

12.6.2.301 through 12.6.2.394 [RESERVED]

12.6.2.395 FILING OFFICE RULES. The filing officer shall adopt rules of practice describing their objective, the nature and requirements of formal and informal procedures to file UCC records, including an identification of the forms required to file UCC documents, and methods available to access UCC records.
[12.6.2.395 NMAC - N, 7/1/2001]

12.6.2.396 PROCEDURE FOR ADOPTION OF RULES. Pursuant to the adoption, amendment, or repeal of these rules, the filing officer shall comply with all rules and procedures promulgated by the New Mexico State Records Center and Archives.

[12.6.2.396 NMAC - N, 7/1/2001]

12.6.2.397 AUTHORITY TO ADOPT RULES. Rules on the administration of the UCC are adopted pursuant to Section 55-9-526 NMSA 1978 and are intended to implement Section 55-9-501 through Section 55-9-526 NMSA 1978.

[12.6.2.397 NMAC - N, 7/1/2001]

12.6.2.398 through 12.6.2.488 [RESERVED]

History of 12.6.2 NMAC: [RESERVED]