

STATE OF ALABAMA OFFICE OF THE SECRETARY OF STATE SECURITY
INTERESTS DIVISION
ADMINISTRATIVE CODE

CHAPTER 820-4-2
FARM PRODUCTS

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820-4-2-.01 Adoption By Reference.

Terms used in this Chapter shall mean the same, except as otherwise specified in this Chapter, as they are defined in Section 1324 of the Food Security Act of 1985, P.L. 99-198. Copies of this document can be obtained without charge from the Office of the Secretary of State, U.C.C. Division, Room 200, 11 South Union Street, Montgomery, Alabama 36130.

Author: Valeria Harman, Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §§7-9-307, 7-9-407.

History: New Rule: January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rule 820-X-2-.01, as per certification filed January 10, 2001; effective February 14, 2001.

820-4-2-.02 Glossary Of Terms.

The following words or phrases, whenever they appear in these regulations, unless the context clearly indicates otherwise, shall have the meaning ascribed to them as follows:

(1) "System Operator." The system operator for the Central Filing System is the Alabama Secretary of State. All filings of any effective financing statements, amendments thereto or continuation thereof, are filed with the Secretary of State.

(2) "Central Filing System." Central filing system means a system certified by the Secretary of the United States

Department of Agriculture for filing effective financing statements or notice of such financing statement in Alabama on a statewide basis.

(3) "Effective Financing Statement." Effective financing statement means a statement that is an original or reproduced copy thereof; signed and filed with the Secretary of State by the secured party; signed by the debtor; contains the name and address of the secured party; the name and address of the person indebted to the secured party; the Social Security or Internal Revenue Service tax identification number of such debtor; and description of the farm products subject to the security interest to include county where collateral is produced and amount of such product where applicable.

(4) "E.F.S." "E.F.S." means effective financing statement.

(5) "System." System means central filing system.

(6) "Registrant." Registrant means any buyer of farm products, selling agent, or commission merchant registered with the system.

(7) "Master List." Master list means the accumulation of data in paper, electronic, or other form, organized according to farm products; and arranged within such product alphabetically, numerically by Social Security or Internal Revenue Service tax identification number, geographically by county, and crop year.

(8) "Secretary." Secretary means the Alabama Secretary of State.

(9) "Portion." Portion means portion of the master list distributed to registrants regularly that covers the farm products in which such registrant has registered an interest.

(10) "Debtor." Debtor means the person who owns a product and subjects it to a security interest, whether or not that person owes a debt to the secured party.

Author: Valeria Harman, Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §§7-9-307, 7-9-407.

History: New Rule: January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rule 820-X-2-.02, as per certification filed January 10, 2001; effective February 14, 2001.

820-4-2-.03 Effective Financing Statements.

(1) "Non-Alabama Products." Products not produced in Alabama cannot be registered in the Central Filing System.

(2) "Approved Forms." The U.C.C.-1F form is designated as the official form to be used as an effective financing statement. The U.C.C.-3F form is designed as the official form to be used for amendments to or continuation of effective financing statements. The Alabama Secretary of State will accept effective financing statements if they are not filed on an approved form U.C.C.-1F but meet the requirements of 820-4-2-.03(3). An additional fee of \$5.00 per filing is charged if a nonapproved form is used.

(3) Required Information For U.C.C.-1F. The following will be required on the U.C.C.-1F form:

(a) Name and address of the debtor or debtors (or other person subjecting the farm product to security interest). In the case of a natural person, the surname must appear first; in the case of a corporation or other entity not a natural person, the name must appear beginning with the first word which is not an article.

(b) Social Security or Internal Revenue Service taxpayer identification number of the debtor(s).

(c) Name and address of the secured party(ies).

(d) Crop year unless every crop of the farm product in question, for the duration of the effective financing statement, is to be subject to the particular security interest.

(e) Farm product name and code as published by the Secretary of State.

(f) Each county code number in the state where the farm product is produced and each other county in the state, where the same product is located or is foreseen to be located in the future.

(g) Signature of all debtors and secured parties.

(h) Further details of the farm product subject to the security interest if needed to distinguish it from other such product owned by the same person but not subject to the particular security interest.

(4) "Requirements For An Amendment." An amendment is required to be filed whenever a "material change" occurs. A material change is whatever change that would render the master list entry no longer informative as to what is subject to the security interest in question. An amendment must be submitted in writing within three months of such material change.

(5) "Continuation Of An Effective Financing Statement." An effective financing statement is effective for a period of five years from the date of filing. Extensions for additional periods of five years each can be accomplished by filing a continuation statement. Filing of a continuation statement is permitted within six months of the expiration of the effective financing statement.

(6) "Termination." An effective financing statement may be terminated at any time during the effective period by the secured party submitting a termination statement.

(7) "Required Information For Form U.C.C.-3F." The U.C.C.-3F is designated the official form for amendments, continuations, and terminations of effective financing statements. In conjunction with the definition of "material change," the release of certain collateral subject to the security interest or the assignment of a security interest are considered amendments. The Alabama Secretary of State will accept amendments, terminations, or continuations on forms other than the U.C.C.-3F if the following required information is presented. Pursuant to Code of Ala. 1975, Section 7-9A-525, an additional \$5.00 is charged for filing these nonstandard forms. The following information must be included on form U.C.C.-3F:

(a) The name and address of the debtor(s) as they appear on the original filing to which the U.C.C.-3F pertains.

(b) The file number of the filing to which U.C.C.-3F pertains.

(c) The name and address of the secured party(ies) as they appear on the original filing to which the U.C.C.-3F pertains.

(d) A designation as to whether the form is submitted as an amendment, a termination, a continuation, a release of collateral, an assignment of security interest, or a combination of the above.

(e) In the case of an amendment, details pertaining to material changes which required the filing of amendment.

(7) Signatures of the secured party(ies) of record and debtor(s) except that the debtor's signature is not required for continuations, terminations, assignments of the security interest, or release of certain collateral from the agreement.

(8) "Lapse Of Effective Financing Statement." An effective financing statement lapses on the expiration date of the filing.

(9) "Farm Product List And Codes." The farm products which must be identified on an E.F.S. must be specific commodities, species of livestock, and specific products or crops or livestock. Miscellaneous categories are not permissible. The farm products which are to be identified on an E.F.S. are as follows:

101 Apples	152 Mushrooms
102 Apricots	153 Muscadine
103 Artichokes	154 Mustards
104 Asparagus	155 Nectarines
105 Avocados	156 Nutmeg
106 Bananas	157 Oats
107 Barley	158 Olives
108 Beans, Butter	159 Onions
109 Beans, Dry	160 Oranges
110 Beans, Lima	161 Papayas
111 Beans, Snap	162 Peaches
112 Beans, Waxed	163 Peanuts
113 Beets	164 Pears
114 Berries, Black	165 Peas, Dry
115 Berries, Blue	166 Peas, Field
116 Berries, Straw	167 Peas, Green
117 Broccoli	168 Pecans
118 Brussels Sprouts	169 Peppers
119 Cabbage	170 Persimmons
120 Carrots	171 Pineapple
121 Cauliflower	172 Plums and Prunes
122 Celery	173 Pomegranates
123 Cherries	174 Popcorn
124 Coffee	175 Pumpkins
125 Collards	176 Rape Seed
126 Corn	177 Rice
127 Corn, Sweet	178 Rye
128 Cotton	179 Sorghum Grain
129 Cucumbers	180 Soybeans
130 Dates	181 Spinach
131 Eggplant	182 Sugar Beets
132 Escarole	183 Sugar Cane
133 Figs	184 Sunflower Seeds
134 Flaxseed	185 Sweet Potatoes
135 Garlic	186 Tangelos
136 Grapes and Raisins	187 Tangerines
137 Grapefruit	188 Taro
138 Hay	189 Tea
139 Hops	190 Tobacco
140 Irish Potatoes	191 Tomatoes
141 Kiwi	192 Trees
142 Legumes, Seeds	193 Turnips
143 Lemons	194 Walnuts
144 Lettuce	195 Wheat

145 Limes	201 Cattle and Calves
146 Maple Syrup	202 Catfish and Fish
147 Melons, Cantaloupe	203 Chickens
148 Melons, Honey Dew	204 Ducks
149 Melons, Water	205 Eggs, Hatching
150 Milo	206 Geese
151 Mint	301 Eggs
207 Goats	302 Flowers
208 Guineas	303 Foliage Plants
209 Hogs	304 Grass
210 Horses	305 Honey
211 Lambs and Sheep	306 Milk
212 Mules	307 Cotton Seed
213 Quail	308 Mohair
214 Turkeys	309 Shrubbery
215 Earthworms	310 Wool
216 Shellfish	

(10) "Crop Year."

(a) The crop year which must be included on E.F.S is as follows:

1. For a crop grown in soil, the calendar year in which it is harvested or to be harvested.
2. For animals, the calendar year in which they are born or acquired.
3. For poultry or eggs, the calendar year in which they are sold or to be sold.

(b) If an E.F.S. does not show a crop year, every crop year for which the E.F.S. is effective is regarded as applicable for that particular crop or product.

(11) "Amount." The amount of farm products need not be shown on an E.F.S. If no amount is indicated, all of such product owned by the person in question is subject to the security interest.

(12) "County Where Produced." The county in which farm products are produced need not be shown on an E.F.S. If no county is indicated, all products owned by the debtor and located in any Alabama county are subject to the security interest.

(13) "Additional Information." Additional information is required when some of the farm products owned by the debtor are subject to the security interest and some are not. The additional information about amount and property must be sufficient to enable a reader of the information to identify what product owned by the debtor is subject to the security interest as distinguished to the same product owned by the same person is not subject.

Author: Valeria Harman, Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §§7-9-307, 7-9-407, 7-9A-320, 7-9A-523.

History: New Rule: Filed January 10, 2001; effective February 14, 2001. **Amended:** Filed January 9, 2003; effective February 13, 2003.

Ed. Note: Formerly Rule 820-X-2-.03, as per certification filed January 10, 2001; effective February 14, 2001.

820-4-2-.04 Duties Of The Secretary Of State.

(1) "Filing Of Effective Financing Statements." Presentation for filing of an effective financing statement (UCCN-1F), amendment thereto, or continuation thereof; tender of the filing fee; and acceptance of the statement by the Secretary of State constitutes filing. The Secretary of State shall mark each effective financing statement with a file number and with the date and hour of filing and shall hold the statement or a copy thereof for public inspection.

(2) Acknowledgment Of Filing. If the person filing an effective financing statement, amendment thereto, or continuation thereof, furnishes the Secretary of State a copy thereof, the Secretary of State shall note upon the copy the file number and date and hour of the filing and send the copy by first class mail to such person.

(3) "Master List Preparation." The Secretary of State shall index effective financing statements in a manner which will comply with the farm products master list requirements and will distribute the list and portions thereof as detailed in Rule 820-4-2-.05.

Author: Valeria Harman, Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §§7-9-307, 7-9-407.

History: New Rule: January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rules 820-X-4-.01 through 820-X-4-.03, as per certification filed January 10, 2001; effective February 14, 2001.

820-4-2-.05 Registration And Master Lists.

(1) "Annual Registration." Buyers, commission merchants and selling agents may register with the Secretary of State for an annual period by submitting a registration form and tendering a fee as set by the Alabama Code. The Secretary of State may prorate the registration fees for purposes of matching revenues and expenditures in the same fiscal year.

(2) "Registration Form." The Secretary of State designates form U.C.C.-20 as the official form to be used in registering for a master list or portion thereof. Registrants are not required to use the U.C.C.-20 form, but must meet the requirements as listed in paragraph (c) of this rule.

(3) Requirements of Form U. C. C.-20. A registration form must include the following information:

(a) The name and address of the buyer, commission merchant, or selling agent. Any address changes shall be reported immediately to the Secretary of State.

(b) Farm product or products in which registrant is interested.

(c) County or certain counties in which the registrant is interested in such product or products listed in response to (2) above. A registrant, if not registered for any specified county or counties, shall be deemed to have registered for all counties.

(4) "Organization Of The Master List." The Secretary of State shall compile all effective financing statements into a list organized according by farm products and arranged within each such product:

(a) in alphabetical order according to the last name of the individual debtors or the case of debtors doing business other than as individuals, the first word in the name of such debtors which is not an article.

(b) in numerical order according to the social security number of the individual debtors or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of such debtors.

(c) geographically by county where crop is produced.

(d) by crop year.

(5) "Contents Of The Master List." The master list will contain:

(a) the name and address of the secured party.

(b) the name and address of the person subjecting the product to a security interest.

(c) the social security number of the debtor or, in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of such debtor.

(d) a description of the farm products subject to the security interest created by the debtor, including the amount of the products where applicable, and a reasonable description of the property including county in which the property is located.

(6) "Distribution Of The Master List." Copies of the master list are prepared on a monthly basis and are distributed within five working days after the end of a month. Master lists are distributed by electronic means or by first class mail in a printed or microfiche format and are divided into five sections. Each section is initially divided by product type and subsequently organized in alphabetical order by the first word of the debtor's name, in numerical order by Social Security or Internal Revenue taxpayer identification number, by crop year and then in alphabetical order by the first word of the debtor's name, by county in which the product is produced and then in alphabetical order by the first word of the debtor's name, or by county of debtors' location and then in alphabetical order by the first word of the debtor's name.

(7) "Partial Lists." The master list is organized in such a manner that information regarding the debtor and collateral in question can be readily obtained for registrants requesting only portions of the master list. These lists are prepared on a monthly basis and are distributed within five working days after the end of a month. These lists are distributed by electronic means or by first class mail in a printed or microfiche format and are divided into two sections. One section will be organized in alphabetical order by debtor name. The other section will be organized in numerical order by social security or Internal Revenue Service taxpayer identification number. These portions contain:

(a) A heading for each farm product for which the registrant has registered and contain for each such product a subheading for each debtor with effective financing statements on file with the system.

(b) Name, address, and social security number or, if other than a natural person, Internal Revenue Service taxpayer identification number, of each debtor (or other person subjecting a farm product to a security interest).

(c) Further details of the farm product subject to the security interest if such details were supplied on the effective financing statement.

(d) Name and address of the secured party.

(8) "Availability Of Direct Computer Access." Registrants may elect to obtain computer terminal hook-up for on-line access in addition to receiving the master list or a portion thereof in written or microfiche format. The costs for this access are the

direct costs required of the Secretary of State to provide this service and a registration fee.

(9) "Telephone Requests." Within twenty-four hours after receipt of a telephone request, the Secretary of State shall furnish oral confirmation of any effective financing statement in the system to any farm products buyer purchasing from a debtor, commission merchant, or selling agent selling for a seller covered by such statement. The oral confirmation will be followed by written confirmation, mailed by the end of the next business day following oral confirmation. The fee for the written confirmation is established by the Code of Alabama. Telephone requests for information will only be accepted by debtor name, debtor Social Security or Internal Revenue Service taxpayer identification number, or filing number.

(10) "Non-Receipt of Master List Or Portions Thereof." Registrants will be considered notified if the Alabama Secretary of State has mailed the list by first class mail within five working days of the end of the previous month and if the Secretary hasn't received notice from the registrant of non-receipt of the list within five working days of when the list was distributed. Registrants notifying the Division of non-receipt will receive a new list within five working days of the notice of non-receipt.

Author: Valeria Harman, Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §§7-9-307, 7-9-407.

History: New Rule: January 10, 2001; effective February 14, 2001. **Amended:** Filed January 9, 2003; effective February 13, 2003.

Ed. Note: Formerly Rules 820-X-5-.01 through 820-X-5-.10, as per certification filed January 10, 2001; effective February 14, 2001.

820-4-2-.06 Transitional Provision.

(1) "Previous Filings." Security interests created between January 1, 2002 and July 31, 2002 or existing prior to the original effective date of these rules can be filed in the system and reflected in the master list if documents are in existence or are created which meet the requirements of Rule 820-4-2-.03 and such documents are filed by the Secretary of State.

(2) "Initial Master List." The Secretary of State will mail the first master list and portions thereof within five working days of December 1, 1987.

Author: Valeria Harman, Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §§7-9-307, 7-9-407.

History: New Rule: January 10, 2001; effective February 14, 2001. **Amended:** Filed January 9, 2003; effective February 13, 2003.

Ed. Note: Formerly Rules 820-X-6-.01 through 820-X-6-.02, as per certification filed January 10, 2001; effective February 14, 2001.

820-4-2-.07 Miscellaneous.

(1) "Existence Of Debt." A debt need not exist at the time of filing of an effective financing statement.

(2) "Incorporation By Reference." The Secretary of State incorporates by reference, as the federal law generates this central filing system, in its entirety 9 CFR Part 205 entitled "Protection for Purchasers of Farm Products," which is developed by the Secretary of Agriculture to fulfill the Secretary's responsibility under Section 1324 of the Food Security Act of 1985, PL 99-198. Copies of this document may be obtained without charge from the Secretary of State's Office, Business Services Division, Room 119, Alabama State House, 11 South Union Street, Montgomery, Alabama 36130.

(3) "Failure To Register." Not registering with the Secretary of State has the effect of making such persons, whether they are inside or outside the State of Alabama covered by this system, subject to security interests shown on the system's master list, whether or not such persons know about them, so that such persons for their own protection will need to query the system operator about any seller with whom they deal and who is engaged in farming operations relating to the production of a farm product in the State of Alabama and covered by the system.

(4) "Certified Copies." Requests for certified copies of effective financing statements must be received in a manner consistent with Code of Ala. 1975, §7-9A-523, and be accompanied by a fee of 5.00 for the certification and \$1.00 per page for the copies as provided in Code of Ala. 1975, §36-14-3.

(a) In keeping with established practice, all electronic farm product transactions will be charged an access fee of \$9.75 per transaction in addition to any applicable contract provider convenience fee.

(b) Said fees shall be in addition to any statutory filing, information request, and copy fees set forth in Code of Ala. 1975, Section 7-9A-525.

(5) "No Retroactive Lists." New effective financing statement filings only appear in the latest edition of the Master List or portions thereof or its update if the filing is not terminated or lapses.

(6) "Distribution Not By First Class Mail." Registrants requiring master lists or portions thereof, written confirmation of oral communications under Rule 820-4-2-.05(9), or an acknowledgment under 820-4-2-.04(2), by other means than first class mail are to pay the additional delivery charges for such expedited service.

(7) "Forms." Pursuant to Code of Ala. 1975, §7-9A-307, the Secretary of State may prescribe and from time to time modify forms approved for use in the Central Filing System. Copies of these rules and samples of these forms may be obtained from the Secretary of State.

Author: Valeria Harman, Charles E. Grainger, Jr., Jean Brown

Statutory Authority: Code of Ala. 1975, §§7-9-307, 7-9-407.

History: New Rule: January 10, 2001; effective February 14, 2001. **Amended:** Filed January 9, 2003; effective February 13, 2003. **Amended:** Filed April 5, 2016; effective May 20, 2016.

Ed. Note: Formerly Rule 820-X-7-.01 through 820-X-7-.07, as per certification filed January 10, 2001; effective February 14, 2001.

820-4-2-A Forms (Repealed 2/13/03).

STATE OF ALABAMA

OFFICE OF THE SECRETARY OF STATE

SECURITY INTERESTS DIVISION

ADMINISTRATIVE CODE

CHAPTER 820-4-2

FARM PRODUCTS

APPENDIX A (REPEALED 2/13/03)

Current through December 31, 1998

FARM PRODUCTS FINANCING STATEMENTS--UCC-1F.

[Form A-1 al2622](#)

Author:

Statutory Authority:

History: Repealed: Filed January 9, 2003; Effective February 13, 2003.