

2016 Kansas Statutes

84-9-323. Future advances. (a) **When priority based on time of advance.** Except as otherwise provided in subsection (c), for purposes of determining the priority of a perfected security interest under K.S.A. 2016 Supp. 84-9-322(a)(1), and amendments thereto, perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

(1) Is made while the security interest is perfected only:

(A) Under K.S.A. 2016 Supp. 84-9-309, and amendments thereto, when it attaches; or

(B) temporarily under K.S.A. 2016 Supp. 84-9-312(e), (f), or (g), and amendments thereto; and

(2) is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under K.S.A. 2016 Supp. 84-9-309 or 84-9-312(e), (f), or (g), and amendments thereto.

(b) **Lien creditor.** Except as otherwise provided in subsection (c), a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than 45 days after the person becomes a lien creditor unless the advance is made:

(1) Without knowledge of the lien; or

(2) pursuant to a commitment entered into without knowledge of the lien.

(c) **Buyer of receivables.** Subsections (a) and (b) do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(d) **Buyer of goods.** Except as otherwise provided in subsection (e), a buyer of goods other than a buyer in ordinary course of business takes free of a security interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the buyer's purchase; or

(2) forty-five days after the purchase.

(e) **Advances made pursuant to commitment: priority of buyer of goods.** Subsection (d) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the 45-day period.

(f) **Lessee of goods.** Except as otherwise provided in subsection (g), a lessee of goods, other than a lessee in ordinary course of business, takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the lease; or

(2) forty-five days after the lease contract becomes enforceable.

(g) **Advances made pursuant to commitment: priority of lessee of goods.** Subsection (f) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the 45-day period.

History: L. 2000, ch. 142, § 43; July 1, 2001.