

2020 Kansas Statutes

84-9-516. What constitutes filing; effectiveness of filing. (a) What constitutes filing. Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Refusal to accept record; filing does not occur. Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) The record is not communicated by a method or medium of communication authorized by the filing office;

(2) an amount equal to or greater than the applicable filing fee is not tendered;

(3) the filing office is unable to index the record because:

(A) In the case of an initial financing statement, the record does not provide a name for the debtor;

(B) in the case of an amendment or information statement, the record:

(i) Does not identify the initial financing statement as required by K.S.A. 2020 Supp. 84-9-512 or 84-9-518, and amendments thereto, as applicable; or

(ii) identifies an initial financing statement whose effectiveness has lapsed under K.S.A. 2020 Supp. 84-9-515, and amendments thereto;

(C) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's surname; or

(D) in the case of a record filed or recorded in the filing office described in K.S.A. 2020 Supp. 84-9-501(a)(1), and amendments thereto, the record does not provide a sufficient description of the real property to which it relates;

(4) in the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) in the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) Provide a mailing address for the debtor; or

(B) indicate whether the name provided as the name of the debtor is the name of an individual or an organization;

(6) in the case of an assignment reflected in an initial financing statement under K.S.A. 2020 Supp. 84-9-514(a), and amendments thereto, or an amendment filed under K.S.A. 2020 Supp. 84-9-514(b), and amendments thereto, the record does not provide a name and mailing address for the assignee; or

(7) in the case of a continuation statement, the record is not filed within the six-month period prescribed by K.S.A. 2020 Supp. 84-9-515(d), and amendments thereto.

(c) Rules applicable to subsection (b). For purposes of subsection (b):

(1) A record does not provide information if the filing office is unable to read or decipher the information; and

(2) a record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by K.S.A. 2020 Supp. 84-9-512, 84-9-514 or 84-9-518, and amendments thereto, is an initial financing statement.

(d) Refusal to accept record; record effective as filed record. A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

History: L. 2000, ch. 142, § 87; L. 2012, ch. 84, § 14; July 1, 2013.