

March 5, 1997

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2272

Page 1, line 1, remove "create and enact a new subsection to section 41-09-46 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove the second "and" and after "35-31-06" insert ", and subsection 1 of section 41-09-43"

Page 1, line 14, replace "fifty" with "one hundred"

Page 1, line 22, replace "fifty" with "one hundred"

Page 2, line 6, replace "fifty" with "one hundred"

Page 2, replace lines 7 through 12 with:

"SECTION 4. AMENDMENT. Subsection 1 of section 41-09-43 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. If a financing statement covering consumer goods is filed on or after January 1, 1974, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases where there is no outstanding secured obligation and no written commitment between the secured party and the debtor to make advances, incur obligations, or otherwise give value, the secured party, unless requested by the debtor in writing to continue the filing, must send to ~~the debtor on written demand by the debtor~~, for each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement nor under the central notice system, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record complying with subsection 2 of section 41-09-44, including payment of the required fee, if any. If the affected secured party fails to file a termination statement as required by this subsection, ~~or to send a termination statement within ten days after proper demand~~, within sixty days of when the secured obligation is fully satisfied, and the debtor has not requested in writing that the filing be continued, then the secured party is liable to the debtor for one hundred dollars, and in addition, for any loss caused to the debtor by such failure. If the affected secured party fails to file a termination statement within ten days after proper written demand by the debtor, then the secured party is liable to the debtor for one hundred dollars, and in addition, for any loss caused to the debtor by such failure."

Renumber accordingly