

# UNIFORM COMMERCIAL CODE

## CHAPTER 500

SENATE BILL NO. 2315  
(Maxson, Olson)

### SUM CERTAIN INTEREST OR PAYMENTS

AN ACT to amend and reenact subsection 1 of section 41-03-06 of the North Dakota Century Code, relating to the definition of a sum certain.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 41-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The sum payable is a sum certain even though it is to be paid:
  - a. With stated interest or by stated installments;
  - b. With stated different rates of interest before and after default or a specified date;
  - c. With a stated discount or addition if paid before or after the date fixed for payment;
  - d. With exchange or less exchange, whether at a fixed rate or at the current rate; ~~or~~
  - e. With costs of collection or an attorney's fee or both upon default-;
  - f. With a renegotiable or variable rate of interest; or
  - g. With renegotiable, variable, graduated, annuity, or price-level adjusted payments.

Approved March 22, 1989  
Filed March 23, 1989

## CHAPTER 501

HOUSE BILL NO. 1466  
(Representatives O'Shea, Brokaw)  
(Senator Freborg)

### FARM EQUIPMENT SECURITY INTERESTS

AN ACT to amend and reenact subsections 1 and 2 of section 41-09-40 of the North Dakota Century Code, relating to perfecting security interests in farm equipment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 1 and 2 of section 41-09-40 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. The proper place to file in order to perfect a security interest is as follows:
  - a. When the collateral is ~~equipment used in farming operations, or~~ farm products, or growing crops, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the register of deeds in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the register of deeds in the county where the goods are kept.
  - b. When the collateral is timber to be cut, or is minerals or the like (including oil and gas), or accounts subject to subsection 5 of section 41-09-03, or when the financing statement is filed as a fixture filing (section 41-09-34) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded.
  - c. When the collateral is equipment used in farming operations, then in the office of the register of deeds in the county of the debtor's residence and in the office of the secretary of state, or if the debtor is not a resident of this state then in the office of the register of deeds in the county where the equipment is kept.
  - d. In all other cases, in the office of the secretary of state.
2. A filing, other than a filing made pursuant to subdivision c of subsection 1, which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this chapter and is also

effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement. A filing made pursuant to subdivision c of subsection 1 in an improper county is nevertheless effective if the creditor perceived the place in which the creditor filed to be the debtor's county of residence and the creditor filed in the office of the secretary of state.

Approved April 10, 1989  
Filed April 11, 1989

## CHAPTER 502

HOUSE BILL NO. 1165  
(Committee on Industry, Business and Labor)  
(At the request of the Secretary of State)

### UNIFORM COMMERCIAL CODE FILING FEES

AN ACT to amend and reenact subsection 5 of section 41-09-42 and subsection 3 of section 41-09-43 of the North Dakota Century Code, relating to fees for filing uniform commercial code documents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 41-09-42 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. The fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be as follows:
  - a. For filing and indexing any statement under the Uniform Commercial Code, five dollars, and when a nonstandard statement is presented for filing, an additional fee of five dollars plus one dollar per page shall be made.
  - b. For making certified copies of any recorded instrument, five dollars.
  - c. For completing a certificate requesting information, five dollars for the first five entries and one dollar for each additional five entries or fraction thereof.
  - d. For completing a certificate requesting copies, five dollars for the first three copies or fraction thereof, and one dollar for each additional copy.
  - e. For furnishing copies only of any filed instrument, one dollar.

SECTION 2. AMENDMENT. Subsection 3 of section 41-09-43 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The fee for filing and indexing a termination statement, including sending or delivering the financing statement, shall be ~~three~~ five dollars.

Approved March 14, 1989  
Filed March 15, 1989

## CHAPTER 503

SENATE BILL NO. 2247  
(Committee on Appropriations)  
(At the request of the Office of Management and Budget)

### SECRETARY OF STATE FEES DEPOSIT

AN ACT to amend and reenact section 41-09-42.1 of the North Dakota Century Code, relating to the depositing of fees collected by the secretary of state's office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 41-09-42.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

41-09-42.1. Fees collected by secretary of state - Deposit in operating general fund. Any fees collected by the secretary of state pursuant to subsections 8, 9, 10, and 11 of section 41-09-42 must be deposited in an operating fund, which is hereby created, under the control of the secretary of state the state general fund.

Approved April 11, 1989  
Filed April 12, 1989