

**355.9-516 What constitutes filing -- Effectiveness of filing.**

- (1) Except as otherwise provided in subsection (2) of this section, 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.
- (2) Filing does not occur with respect to a record that a filing office refuses to accept because:
  - (a) The record is not communicated by a method or medium of communication authorized by the filing office;
  - (b) An amount equal to or greater than the applicable filing fee is not tendered;
  - (c) The filing office is unable to index the record because:
    1. In the case of an initial financing statement, the record does not provide a name for the debtor;
    2. In the case of an amendment or correction statement, the record:
      - a. Does not identify the initial financing statement as required by KRS 355.9-512 or 355.9-518, as applicable; or
      - b. Identifies an initial financing statement whose effectiveness has lapsed under KRS 355.9-515;
    3. 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 last name; or
    4. In the case of a record filed in the filing office described in KRS 355.9-501(1)(a), the record does not provide a sufficient description of the real property to which it relates;
  - (d) 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;
  - (e) 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:
    1. Provide a mailing address for the debtor;
    2. Indicate whether the debtor is an individual or an organization; or
    3. If the financing statement indicates that the debtor is an organization, provide:
      - a. A type of organization for the debtor;
      - b. A jurisdiction of organization for the debtor; or
      - c. An organizational identification number for the debtor or indicate that the debtor has none;

- (f) In the case of an assignment reflected in an initial financing statement under KRS 355.9-514(1) or an amendment filed under KRS 355.9-514(2), the record does not provide a name and mailing address for the assignee; or
  - (g) In the case of a continuation statement, the record is not filed within the six (6) month period prescribed by KRS 355.9-515(4).
- (3) For purposes of subsection (2) of this section:
- (a) A record does not provide information if the filing office is unable to read or decipher the information; and
  - (b) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by KRS 355.9-512, 355.9-514, or 355.9-518, is an initial financing statement.
- (4) 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 (2) of this section, 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.

**Effective:** July 1, 2001

**History:** Created 2000 Ky. Acts ch. 408, sec. 107, effective July 1, 2001.