

Topic: Purging UCC Records

Question By: Sherri De Marco

Jurisdiction: Michigan

Date: 19 January 2012

Jurisdiction	Question 1	Question 2	Question 3	Question 4
	How long do you keep lapsed financing statement records in the searchable database before purging?	Do paper and electronic financing statements follow the same purge rules?	What are your purge rules for searches?	Do paper and electronic search requests follow the same purge rules in your information management system?
Alabama	One year.	Yes	The search shows the filing has been purged on our internal system.	Yes.
Alaska	Lapsed for 1 year then purged to archived files.	Yes	Lapsed for 1 year then purged (We purge once a year. If a UCC is older than the one year past lapse, and has not yet been lapsed, it will appear on a search as INACTIVE).	Yes
Arizona				
Arkansas				
British Columbia	Financing statements are still searchable for 3 – 60 days before being purged.	There are no paper filings	Information is on disc and N drive for historical purposes	Yes
California				
Colorado	Currently, we do not purge any records.	Paper and electronic records follow the same rules; no records are purged.	N/A	N/A
Connecticut				
Delaware				
District of Columbia				

Florida				
Georgia	We do not purge and I'm not aware of any movement to do so.			
Hawaii				
Idaho	For one year, then the financing statement becomes inactive and is archived.	Yes.	Certified searches may include filings that have lapsed within one year. Customers may search the archives for financing statements beyond the one year cut-off, but such a search would be non-certified - for informational purposes only.	Yes. A search for active or recently lapsed filings will return the same results, whether on paper or by electronic search.
Illinois	Illinois does not purge, however once a filing lapses, it is marked as Expired and the public is not able to view the record by debtor name as a searchable record in the public database. Internally the record may be viewed by staff.	Yes	According to statute a file is searchable as long as the filing office has a record of it, so Illinois records are searchable internally, and by Information Request indefinitely.	Electronic Search Request are not available at this time.
Indiana				
Iowa				
Kansas				
Kentucky	One year after a filing lapses, it is marked as Inactive and the public is not able to view the record by debtor name as a searchable record in the public database. Internally the record may be viewed by staff indefinitely. In addition, if the searcher is searching by the file number, they will still be able to retrieve the filing indefinitely.	Paper filings follow the same rules regarding being searchable upon index. However, the actual paper documents are only held in the office for 30 days before destroying.	Once a filing is marked inactive, it is no longer retrievable by a debtor name search.	Yes

Louisiana	Lapsed for 1 year then purged to inactive files.	Yes	Lapsed for 1 year then purged to (inactive files are not shown on certificates).	Yes
Maine				
Maryland				
Massachusetts	Financing statements remain in this UCC information management system until at least one year after lapse. At that time, we do not purge them. Financing statements are archived to a separate lapsed filings database for at least one year after the lapse date has passed.	Yes.	The same rules apply. If a customer requests a certified search, we will run the search only on the database that contains unlapsed plus one year. The second database of financing statements more than one year after lapse is for informational purposes and a customer can search its contents themselves.	Yes. You can see our search page for unlapsed plus one year here: http://corp.sec.state.ma.us/uccFiling/uccSearch/Default.aspx . There is a link at the top that will allow a customer to access the lapsed filings.
Michigan	Lapsed plus one year	Yes	Indexes (CJD files) for completed searches are indefinite.	Yes
Minnesota	One year after lapse date	Yes	Records will report on searches one year after lapse. Completed searches will be retained permanently.	Yes
Mississippi				
Missouri	Lapsed plus one year	Yes	Lapsed plus one year	Yes
Montana	Currently retain forever simply because we have not implemented purging capabilities in our legacy system.	They would if we were actually purging records.	When we implement purging we will retain search certificates for three years from run date..	They would.
Nebraska	We are the same in Nebraska as Louisiana.			
Nevada	Nevada is the same as Louisiana.			
New Hampshire	One year after lapse date	Paper is only retained for one year after receipt of the document.	Purged filings do not show up at all.	Yes
New Jersey				

New Mexico				
New York				
North Carolina				
North Dakota				
Ohio	Lapsed financing statements are kept for one year after the lapse date.	Paper and electronic financing statements follow the same purge rules.	Searches can only be performed on financing statements that are still in our system, so that includes all active and any inactive that have not lapsed more than a year ago.	The only way to request a certified search through this office is by paper, so #3 applies. Customers may use our public website to search records. The same purge rule applies to that as well b/c the search would only return what is in the records, and those are only active filings plus inactive filings less than a year old.
Oklahoma				
Oregon				
Pennsylvania				
Rhode Island				
South Carolina				
South Dakota				
Tennessee				
Texas	Records are searchable until 1 year past the lapse date. Records whose lapse dates exceed 1 year past lapse can be retrieved by filing number but are no longer available to the name index search.	YES	If this refers to the actual search request, we keep the paper request for 3 years before they are destroyed. Most requests are made electronically. An electronic version of the search request is maintained in our image library. These requests have not been purged.	No (see answer to item 3).
Utah				
Vermont				
Virginia				
Washington				
West Virginia				
Wisconsin				

Additional Comments:

Thu 01/26/2012 10:58 AM

Hi Sherri,

We will deploy a new UCC filing and searching system in May 2012. When the new system launches, we will begin purging records two years after they have lapsed. We chose two years instead of 1 to give some additional time to identify any possible problems with an incorrectly lapsed record.

The new system will include mandatory electronic filing (through the Colorado Secretary of State website or via XML), except for IRS filings.

Finally, for searching, lapsed records will be excluded from search results by default, but a searcher will have an option to include records that have lapsed within the past 2 years.

If you would like any further information, please contact me.

Sincerely,

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Hello to All:

Financing statements are active for five years, or if continued in a timely manner, additional increments of five years. After a financing statement lapses, it remains in the searchable database for one additional year. One of our member jurisdictions has questions about time periods for purging UCC records under Revised Article 9. Your insights are also appreciated!

1. How long do you keep lapsed financing statement records in the searchable database before purging?
2. Do paper and electronic financing statements follow the same purge rules?
3. What are your purge rules for searches?
4. Do paper and electronic search requests follow the same purge rules in your information management system?

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