

**Topic:** UCC Court Orders

**Question By:** Michelle Mullins

**Jurisdiction:** Kentucky

**Date:** 1 March 2012

Jurisdiction	Question 1	Question 2	Question 3
Alabama			
Alaska			
Arizona			
Arkansas			
California	In California, we are very familiar with court orders to expunge records against government employees.	Our standard UCC acknowledgement letter is generated from our system when the order is processed. I'd be happy to talk with you about our process. I have frequent contact from the US Treasury and the FBI as they investigate filings against federal employees, and the orders to expunge are definitely on the rise.	
Colorado			
Connecticut			
Delaware			
District of Columbia			
Florida			
Georgia			
Hawaii			
Idaho	Idaho is the same as Ohio.		
Illinois	Yes, many as of lately.	No responses are sent to processor. General Counsel is made aware of the Court Order. A copy of the Court Order is retained on file by filing office and General Counsel. We will place a document image in the system in place	N/A

		of the expunged record to provide auditors with information on why that file number was removed from record.	
<b>Indiana</b>			
<b>Iowa</b>			
<b>Kansas</b>			
<b>Kentucky</b>			
<b>Louisiana</b>			
<b>Maine</b>			
<b>Maryland</b>			
<b>Massachusetts</b>			
<b>Michigan</b>			
<b>Minnesota</b>			
<b>Mississippi</b>			
<b>Missouri</b>			
<b>Montana</b>			
<b>Nebraska</b>			
<b>Nevada</b>			
<b>New Hampshire</b>			
<b>New Jersey</b>			
<b>New Mexico</b>			
<b>New York</b>			
<b>North Carolina</b>			
<b>North Dakota</b>			
<b>Ohio</b>	We have had two court orders in the past two years in Ohio.	After the attorney contacts our office and provides a copy of the signed court order, we delete the record from our system. We usually just place a follow up call with the attorney to let them know the record has been removed. Of course, I document everything and save copies of the filings that were expunged.	Interestingly, in one court order the judgment entry precluded the defendant from filing any documents with our office (corp or UCC) that referenced the plaintiff. So in that case, we have had to monitor any filing from the defendant to ensure the plaintiff's name is not referenced anywhere in the filing (corp or UCC). Of course, the defendant is a frequent filer and has attempted to file documents (corp and UCC) regarding the plaintiff. I have to write a kind letter to the defendant referencing the court

			order and explaining that we cannot accept the filing.
<b>Oklahoma</b>			
<b>Oregon</b>	Oregon hasn't had court orders to expunge UCC records that I can recall.		
<b>Pennsylvania</b>	Pennsylvania has filed a few of these court orders.	We file the termination along with a copy of the court order and will then change the lapse date to the initial file date to prevent the filing from being reflected in a search. Our counsel is in contact with the other attorney and provides copies of the filed termination.	
<b>Rhode Island</b>			
<b>South Carolina</b>			
<b>South Dakota</b>			
<b>Tennessee</b>			
<b>Texas</b>	I have handled a handful of these in Texas.	I have not sent any specific type of correspondence to the person who presented the court order to our office.	<p>Here is what I do when I receive a Final Judgment directing me to expunge a filing from our records.</p> <ol style="list-style-type: none"> <li>1. I remove the party information from our index (our system of course requires something in the name field, so I entered "EXPUNGED" in the last name field for one debtor and one secured party record.</li> <li>2. Images are attached to the index in our system, and so I retain a copy of the actual filing being expunged in a hardcopy folder, I then replace the image in our index with a copy of the court order and final judgment.</li> </ol> <p>Personally I think it is better to NOT expunge. I think keeping the record active with the "nuts" name on it and then having a Judicial Finding of Fact</p>

			with the filing showing that the individual who filed the fraudulent filing had no grounds for doing so and that the financing statement is ineffective, is better than physically removing it upon which there is no record showing what the nut did. Just my thought.
<b>Utah</b>			
<b>Vermont</b>			
<b>Virginia</b>			
<b>Washington</b>	In Washington State we are very familiar with court orders to expunge records against government employees.	When we receive a court order we delete the record from our system. After the record is deleted I usually email the person who provided the court order and let them know it has been deleted. We have received around 10 court orders since January 1, 2011.	
<b>West Virginia</b>			
<b>Wisconsin</b>			
<b>Wyoming</b>			

**Additional Comments:**

Thu 03/01/2012 3:45 PM

I am a bit curious... Are your Court Orders all on bogus "Sovereigns" or "Harassment" type filings? Illinois' are and it appears that Texas are as well...

Hankins, Dennis [DHankins@ILSOS.NET]

Thu 03/01/2012 3:46 PM

Yes, all on bogus filings.

Summers, Kim (DOL) [KSUMMERS@DOL.WA.GOV]

Thu 03/01/2012 3:51 PM

Idaho's don't come often, but they are usually for bogus filings.

Jeff Harvey [jharvey@sos.idaho.gov]

Thu 03/01/2012 4:06 PM

I just received a very good email from a UCC data and image subscriber asking if the filing office notified them of the expunged or removed records.

We have several subscribers that receive our data as well as our images, and they have not been notified of the Court Ordered expunged records. Maybe there are other jurisdictions that failed to notify subscribers as well, and those expunged records are still floating around out there for the world to see.

If this is the case then Randy's request may become a reality

Hankins, Dennis [DHankins@ILSOS.NET]

Thu 03/01/2012 4:18 PM

Sort of reminds me of the whole redaction project. We redacted probably hundreds of thousands of images where we removed SSN data.

As we redacted old images they would be provided to our subscribers. Question would be whether they actually updated there images with the replacements.

Any changes I make to the Texas index regarding the handling of Expunged documents all gets rolled out to our subscribers on their daily updates.

Any changes to images, also get rolled out to our regular subscribers.

People that do a onetime purchase of the data are going to have the snapshot in time that they purchased.

Randy Moes [RMoes@sos.state.tx.us]

Thu 03/01/2012 4:38 PM

Here in Washington State we notify all data buyers when we deleted/expunge a record.

Summers, Kim (DOL) [KSUMMERS@DOL.WA.GOV]

Fri 03/02/2012 8:06 AM

So far all the ones in Pennsylvania were on "harassment" liens.

Hegedus, Patricia [phegedus@pa.gov]

## Full Text of Original Email:

Thu 03/01/2012 2:01 PM

Greetings from Kentucky.....

I have a few questions regarding processing court orders issued to expunge UCC records. Our office has processed a few court orders over the years, but recently it has become more frequent and I am attempting to create a more uniform process to ensure each court order is handled the same.

- 1) Has your state processed court orders issued to expunge UCC records?
- 2) If yes, what type of correspondence do you send out to the person who presented the court order to your office once you have completed your process?
- 3) If you send correspondence in letter format, what language do you use?

Thank you in advance for all your input.

Mullins, Michelle (SOS) [Michelle.Mullins@ky.gov]