

18 NCAC 05B .0404 ENTRY OF INDIVIDUAL AND ORGANIZATIONAL NAMES

(a) This Rule sets forth basic indexing procedures for UCC documents and subsequently provides index retrieval information to persons who search the indexes for UCC data in the information management system.

(b) The names of debtors and secured parties who are "individuals" (human beings, or decedents in the case of a debtor that is such decedent's estate) shall be stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields shall be established for first (given), middle (given), and last names (surnames) of individuals. A filer shall place the name of a debtor with a single name (e.g., "Cher") in the last name field on the UCC form. The filing officer shall not be responsible for the accurate designation of the components of a name but shall accurately enter the data in accordance with the filer's designations.

(c) The names of debtors and secured parties that are organizations shall be stored in files that include only the names of organization and not the names of individuals. A single field shall be used to store an organization name.

(d) If a trust is named in its organic document(s), its full legal name, as set forth in such document(s), shall be used. Such trusts shall be treated as organizations. If the trust is not so named, the name of the settlor shall be used. If a settlor is indicated to be an organization, the name shall be treated as an organization name. If the settlor is an individual, the name shall be treated as an individual name. A UCC document that uses a settlor's name shall include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust shall indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it shall be entered as if it were part of the name under Rule .0407 of this Section.

*History Note: Authority G.S. 25-9-519; 25-9-526;
Temporary Adoption Eff. July 2, 2001;
Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.*