

**JOINT REVIEW COMMITTEE ON  
UNIFORM COMMERCIAL CODE ARTICLE 9**

**TENTATIVE AGENDA**

March 6-8, 2009  
Chicago, Illinois

Edwin E. Smith, Chair  
Steven L. Harris, Reporter

[References to “IL” are to the Article 9 Review Committee’s Issues List]

- I. Report from the Chair (Smith).
- II. Report from the Reporter (Harris).
- III. Enforcement.
  - A. Strict foreclosure as the only way to “waive” the prohibition on private sale to secured party (IL § IV.H.).
  - B. Conform heading of § 9-625(c) to text (IL § IV.H.).
  - C. Disposition via Internet (IL p. 20).
- IV. Payoff letter (IL § IV.B.).
- V. Expansion of § 9-317(d) (IL § IV.D.).
- VI. Conforming Article 9 to other uniform texts.
  - A. Definition of “authenticate” (IL § IV.A.).
  - B. Definition of “control” (IL § IV.A.; III.A.).
- VII. Effectiveness of filed financing statement with respect to property acquired after debtor’s relocation to another jurisdiction.
- VIII. Effectiveness of financing statement with respect to property acquired by new debtor located in different jurisdiction (IL § IV.E.).
- IX. Difference between control requirements under § 8-106 and control requirements under §§ 9-104 and 9-106 (IL p. 16).

- X. Certificates of title.
  - A. Definition of “certificate of title” (IL § IV.A.).
    - Materials: Memorandum from Stephen L. Sepinuck (Feb. 13, 2009).
    - Memorandum from Alvin C. Harrell (Feb. 25, 2009).
  - B. Certificates of title and § 9-316 (IL p. 17).
  - C. Boats covered by a certificate of title.
- XI. Effect of anti-assignment clauses (IL § IV.F.).
- XII. Classification of “stripped” rentals (IL § II.A.).
- XIII. Ratification of unauthorized filing on priority (IL p. 19).
- XIV. Irrelevance of parties’ intention to characterization of transaction (IL p. 16).
- XV. Comments on chattel paper.
  - A. Papering out.
  - B. Hybrid chattel paper.
- XVI. § 9-318 is not a priority rule.
- XVII. § 9-322(c).
- XVIII. Notification of strict foreclosure.
- XIX. New York amendment to overrule *Highland Capital* (IL § II.B.).
- XX. Filing (discussion of filing issues to begin on Saturday morning, March 7, 2009).
  - A. Transmitting utilities.
    - 1. Lapse period (IL § IV.B.).
    - 2. Choice of governing law (IL p. 19).
  - B. Name of registered organization; definition of “registered organization” (IL §§

I.A.II.; IV.A.).

- C. Application of § 9-503(a) to debtor that is both trust and registered organization (IL § I.A.III.).
  - D. Application § 9-307(c) to registered organizations (IL § IV.G.).
  - E. Correction statements (IL § I.D.).
  - F. Official forms (IL § I.C.).
  - G. Secured party's authorization to file amendments.
  - H. Application of § 9-506 to § 9-706(c) information (IL p. 20).
  - I. Wrongful filings.
  - J. Name of individual debtor (IL § I.A.I.).
- XXI. Deletion of § 9-516(b)(5)(C) (new issue).
- XXII. Agenda for next meeting.
- XXIII. Adjournment (by 12:00 noon, March 8, 2009).