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.).


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).