

UNIFORM COMMERCIAL CODE COMMITTEE

REPORT PREPARED FOR THE DECEMBER 5, 2009 COUNCIL MEETING

1. 2009-2010 Budget Request and Anticipated Use of Funds.

I request \$500.00 for miscellaneous meeting and other expenses.

2. Use of Budgeted Funds During 2008-2009.

I believe that we used no budgeted funds during 2008-2009.

3. Next Scheduled Meeting of the Committee.

Next scheduled meeting of the Committee: There is no future meeting scheduled.

4. Council Approval.

None.

5. Membership.

I continue to send to all Committee members on a fairly regular basis updates on current legislative and judicial developments in UCC law in Michigan and other jurisdictions.

6. Accomplishments Toward Committee Objectives.

On October 20, 2009, I conducted a telephonic meeting of the Committee. Professor James J. White of The University of Michigan Law School discussed the current efforts of ALI and NCCUSL to amend Article 9. Darrell Pierce then led a discussion of the impact of MAR 440.309 concerning lending practices. This administrative law permits UCC financing statements to remain of record until one year after lapse even though a termination statement may have been filed prior to lapse. If the holder of this security interest or, more likely, its filing agent files continuation statements as a matter of course, the financing statement will remain of record even though the underlying indebtedness was paid off years ago.

7. Meetings and Programs.

Please see above.

8. Publications.

Please see above. Also, the next issue of The Michigan Business Law Journal will contain UCC-related articles.

9. Legislative/Judicial/Administrative Developments.

Nothing of note.

10. Miscellaneous.

Nothing.

Respectfully submitted,

Patrick E. Mears, Chairperson