

CHAPTER 8271

SECRETARY OF STATE

AGRICULTURAL PRODUCTION INPUTS

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8271.0010 APPLICABILITY.

This chapter applies to lien-notification statements filed with a filing officer for purposes of creating a public record concerning the provision of agricultural production inputs by suppliers to debtors who also have an obligation to a lender.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0020 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the following words have the meanings given them.

Subp. 2. **County recorder.** "County recorder" means the filing officer designated in each county to accept lien-notification statements.

Subp. 3. **Filing office.** "Filing office" means either the Office of the County Recorder or the Office of the Secretary of State.

Subp. 4. **Filing officer.** "Filing officer" means the persons in the office of the County Recorder or the Secretary of State who are responsible for filing lien-notification statements.

Subp. 5. **Lender.** "Lender" means a person in the business of lending money who has been identified in a lien-notification statement.

Subp. 6. **Lien-notification statement.** "Lien-notification statement" means a document which contains all of the elements of Minnesota Statutes, section 514.952, subdivision 2.

Subp. 7. **Lien-notification statement amendment.** "Lien-notification statement amendment" means a document which contains a change in a lien-notification statement which has been filed.

Subp. 8. **Lien-notification statement termination.** "Lien-notification statement termination" means the document used to end the record created by the lien-notification statement and all subsequent filings.

Subp. 9. **Secretary of State.** "Secretary of State" means the Minnesota Secretary of State.

Subp. 10. **Supplier.** "Supplier" means a person who furnishes agricultural production inputs as defined in Minnesota Statutes, section 514.950.

Subp. 11. **UCC.** "UCC" means the Uniform Commercial Code as adopted in Minnesota Statutes, chapter 336.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0030 PLACE OF FILING.

Nothing in this chapter changes the filing requirements of Minnesota Statutes, section 514.956, subdivision 1.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0040 DETERMINATION OF PLACE OF FILING.

Lien-notification statements must be filed at the Office of the County Recorder or with the Secretary of State as directed in Minnesota Statutes, sections 336.9-401 and 514.956, subdivision 1.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0050 RECORDING IN MULTIPLE FILING OFFICES.

To record a lien-notification statement in more than one filing office, multiple lien-notification statements and fees are required. If a supplier wishes to record a lien-notification statement in more than one filing office, the supplier may either file a new lien-notification statement or a copy of the previously filed lien-notification statement in each filing office. If a copy is used, it is a nonstandard filing in the new filing office and the appropriate fee is due. The date of filing in each filing office is the date the filing is made in that office, not the date of the original filing.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0060 DATABASE.

Subpart 1. **Central database.** Lien-notification statements are part of the UCC centralized database which has been created in Saint Paul, Minnesota.

Subp. 2. **Changes in database.** The Secretary of State shall make appropriate programming changes in or additions to the database and screens for the central database to reflect any changes to Minnesota Statutes. In addition, the Secretary of State shall program the system to automatically remove lien-notification statements that are 18 months old from the active record.

Subp. 3. **Maintenance of database.** The Secretary of State shall maintain the central database and communications network between the filing offices. The Secretary of State is responsible for the cost of maintaining the computer and the equipment used in its filing office. Each county, through its recorder, is responsible for the cost of maintaining the equipment in the county recorder's filing office by providing the supplies required to operate the equipment in the filing office.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0070 FILING A LIEN-NOTIFICATION STATEMENT.

Subpart 1. **Generally.** Upon receipt of an original lien-notification statement, a filing officer shall determine if the debtor name is legible and can be indexed. If the debtor name is legible and the correct filing fee has been submitted with the lien-notification statement, the filing officer shall accept the lien-notification statement for filing.

Subp. 2. **Individual debtor name.** The name of an individual debtor shall be presented on the original lien-notification statement with the last name first. The filing officer shall index the original lien-notification statement according to the name presented in the last name area.

Subp. 3. **Business debtor name.** If the debtor name is a business name, it shall be shown on the original lien-notification statement as it appears on the registration papers filed with the Office of the Secretary of State.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0080 MODIFYING A LIEN-NOTIFICATION STATEMENT.

Subpart 1. **Generally.** Upon the filing of a lien-notification statement amendment or lien-notification statement termination, the filing officer shall modify the data in the central database so that it matches the information presented on the filing. The code that represents the type of filing made must be entered by the filing officer into the central database.

Subp. 2. **Amendment.** To file an amendment, the lien-notification statement amendment form must be completed to show:

- A. the original lien-notification statement file number;
- B. the original date of filing;
- C. all the debtor, supplier, and lender information of record and an address for the debtor, supplier, and lender; and
- D. the amended information clearly identified in the appropriate area. The correct filing fee must accompany the amendment.

Subp. 3. **Termination.** To file a termination, the form must be completed to show:

- A. the termination box checked;
- B. the original lien-notification statement file number;
- C. the original date of filing;
- D. all the debtor, supplier, and lender information of record and an address for the debtor, supplier, and lender; and
- E. the signature of every supplier of record.

If the termination is presented in a nonstandard form or format, the correct filing fee must accompany the filing.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0090 REMOVAL AND DESTRUCTION OF LIEN-NOTIFICATION STATEMENTS.

Subpart 1. **Removal.** A filing officer may remove lien-notification statements from the officer's records 18 months after the date of filing.

Subp. 2. **Destruction.** Lien-notification statements may be destroyed 30 months after the date of filing.

Subp. 3. **Retention schedules.** Each filing officer has the ability, unless otherwise directed by statute, to adopt procedures for the retention of lien-notification statements according to Minnesota Statutes, section 138.17. The procedures may include the storage of lien-notification statements on microfilm, microfiche, or other media as permitted by law and may establish a schedule for the retention of paper copies of lien-notification statements.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0100 APPLICABILITY OF UCC RULES.

Subpart 1. **Generally.** Lien-notification statements are indexed as part of the UCC centralized database. The rule parts referred to in subparts 2 to 8 apply to lien-notification statements.

Subp. 2. **Unauthorized entry.** Unauthorized entry into the UCC centralized database is prohibited. The provisions of part 8270.0205 apply.

Subp. 3. **Data entry.** Data entry will be done as required by part 8270.0210.

Subp. 4. **Entry deadline.** The data entry deadline for lien-notification statements is as provided in part 8270.0215.

Subp. 5. **Certification date.** The certification date provisions of part 8270.0220 apply to lien-notification statements.

Subp. 6. **Procedures manual.** Data entry standards and procedures and search procedures are found in the manual described in part 8270.0235.

Subp. 7. **Information retrieval.** Information about lien-notification statements is retrieved as provided in part 8270.0240.

Subp. 8. **Index.** Lien-notification statements are indexed as provided in part 8270.0245.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

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8271.0200 VERIFIABLE METHOD OF DELIVERY.

Subpart 1. **Generally.** A method of delivery is verifiable if it results in a written receipt from the recipient or a third-party certification that delivery was effected.

Subp. 2. **Response of lender.** When a lender responds to a lien-notification statement as provided in Minnesota Statutes, section 514.952, subdivision 3, the response must be delivered by certified mail or another verifiable method.

Subp. 3. **Timely response.** A lender's response to a lien-notification statement is timely if it is delivered or postmarked within the ten calendar days provided in Minnesota Statutes, section 514.952, subdivision 3.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0300 AGRICULTURAL PRODUCTION INPUT LIEN FORM.

Subpart 1. **Permitted use.** This form must be used to file an agricultural production input lien form pursuant to Minnesota Statutes, section 514.956. The use of any other form not described in this part results in a nonstandard fee charge.

Subp. 2. **Standard form.** To be considered a standard Minnesota agricultural production input lien form, the following specifications must be met:

- A. the size must be 8-1/2 inches by 11 inches, excluding the top perforated tab;
- B. the form must be five carbon or carbonless snap-out; and
- C. the type size must be legible.

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Subp. 3. **Report format for multipart form.** A standard agricultural production input lien must be in substantially the following form:



STATE OF MINNESOTA AGRICULTURAL PRODUCTION INPUT LIEN NOTIFICATION STATEMENT STANDARD FORM

This statement is presented for filing pursuant to *Minnesota Statutes Section 514.958.*
(Type in Black Ink)

For
Filing
Officer

1. Individual Debtor - Last Name		First Name	Middle I.
Residential Address			
City		State	Zip Code
2. Individual Debtor - Last Name		First Name	Middle I.
Residential Address			
City		State	Zip Code
3. Business Debtor - Name			
Mailing Address		City	State Zip Code
4. Supplier (Secured Party) Name		5. Lender Name	
Mailing Address		Mailing Address	
City	State	Zip Code	City State Zip Code
6. Date or anticipated date of the transaction		7. Retail cost or anticipated costs of the agricultural production input \$	
8. The name and residential address of the owner and a description of the real estate where the crops to which the lien attaches are growing or are to be grown (if applicable):			
9. The name and residential address of the owner of the livestock, the location where the livestock will be raised, and a description of the livestock (if applicable):			
10. This lien notification statement covers all products or proceeds of the crops or livestock covered by the agricultural input lien. The transactions covered by this agricultural input lien are described as follows:			

RETURN ACKNOWLEDGMENT COPY TO: (name and address)

Please do not type outside the bracketed area.

Signature(s) of Person(s) to whom the Agricultural
Production Input was provided

Signature(s) of Person(s) to whom the Agricultural
Production Input was provided

(1) Filing Officer Copy -Alphabetical (10941370 Rev 1/95) Standard Form Approved by Secretary of State

Subp. 4. **Carbon pages.** The remaining three pages will be identical to the first, except as described in items A to C.

A. The second page must be green and the language "(2) Filing Officer Copy – Numerical" must appear at the bottom left.

B. The third page must be white and the language "(3) Supplier Copy" must appear at the bottom left.

C. The fourth page must be white and the language "(4) Debtor Copy" must appear at the bottom left.

Subp. 5. **Instructions.** On the back of the fourth page, instructions must appear in the form and text described by the Secretary of State.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*

8271.0350 LIEN–NOTIFICATION STATEMENT AMENDMENT AND TERMINATION.

Subpart 1. **Permitted use.** This form may be used to amend or terminate a lien–notification statement. The use of any other form not described in this part results in a nonstandard fee charge. Only one transaction may be accomplished per form.

Subp. 2. **Standard form.** To be considered a standard Minnesota agricultural production input lien form, the following specifications must be met:

A. the size must be 8–1/2 inches by 11 inches, excluding the top perforated tab;

B. the form must be five carbon or carbonless snap–out; and

C. the type size must be legible.

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Subp. 3. **Report format for multipart form.** A standard agricultural production lien-notification statement amendment and termination must be in substantially the following form:



**STANDARD FORM
STATE OF MINNESOTA
AGRICULTURAL PRODUCTION INPUT LIEN
NOTIFICATION STATEMENT AMENDMENT AND TERMINATION**

This statement is presented for filing pursuant to Minnesota Statutes Section 514.956
(Type in Black Ink)

1. Original Agricultural Production Input Lien-Notification Statement No.

Original Filing Date

2. **DEBTOR**
(Name and Address)

3. **SUPPLIER (Secured Party)**
(Name and Address)

For
Filing
Officer

The lien-notification statement described above is changed to show a(n): (One function per form with the exception of several changes per amendment)

☐ 4. **AMENDMENT.** The original Agricultural Production Input Lien-Notification Statement bearing the file number shown above is amended as described in BOX 6. See instructions on the reverse side for additional information.

☐ 5. **TERMINATION.** The secured party of record no longer claims a lien under the lien-notification statement bearing the file number shown above.

6.

RETURN ACKNOWLEDGMENT COPY TO: (name and address)

Please do not type outside the bracketed area.

(1) Filing Officer Copy-Alphabetical 01951701 1/85

Signature(s) of Person(s) to whom the Agricultural
Production Input was provided

Signature(s) of Person(s) to whom the Agricultural
Production Input was provided

Approved by Secretary of State of Minnesota

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Subp. 4. **Carbon pages.** The remaining three pages will be identical to the first, except as described in items A to C.

A. The second page must be green and the language “(2) Filing Officer Copy – Numerical” must appear at the bottom left.

B. The third page must be white and the language “(3) Supplier Copy” must appear at the bottom left.

C. The fourth page must be white and the language “(4) Debtor Copy” must appear at the bottom left.

Subp. 5. **Instructions.** On the back of the fourth page, instructions must appear in the form and text described by the Secretary of State.

Statutory Authority: *MS s 514.956*

History: *19 SR 2163*