

1 Secretary of State

2

3 Adopted Permanent Rules Relating to Agricultural Production

4 Inputs

5

6 Rules as Adopted

7 8271.0010 APPLICABILITY.

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

12 8271.0020 DEFINITIONS.

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

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

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

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

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

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

31 Subp. 7. **Lien-notification statement amendment.**

32 "Lien-notification statement amendment" means a document which
33 contains a change in a lien-notification statement which has
34 been filed.

35 Subp. 8. **Lien-notification statement termination.**

1 "Lien-notification statement termination" means the document
2 used to end the record created by the lien-notification
3 statement and all subsequent filings.

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

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

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

11 8271.0030 PLACE OF FILING.

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

14 8271.0040 DETERMINATION OF PLACE OF FILING.

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

19 8271.0050 RECORDING IN MULTIPLE FILING OFFICES.

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

30 8271.0060 DATABASE.

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

34 Subp. 2. **Changes in database.** The Secretary of State

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

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

16 8271.0070 FILING A LIEN-NOTIFICATION STATEMENT.

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

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

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

32 8271.0080 MODIFYING A LIEN-NOTIFICATION STATEMENT.

33 **Subpart 1. Generally.** Upon the filing of a
34 lien-notification statement amendment or lien-notification
35 statement termination, the filing officer shall modify the data

1 in the central database so that it matches the information
2 presented on the filing. The code that represents the type of
3 filing made must be entered by the filing officer into the
4 central database.

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

8 A. the original lien-notification statement file
9 number;

10 B. the original date of filing;

11 C. all the debtor, supplier, and lender information
12 of record and an address for the debtor, supplier, and lender;
13 and

14 D. the amended information clearly identified in the
15 appropriate area. The correct filing fee must accompany the
16 amendment.

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

19 A. the termination box checked;

20 B. the original lien-notification statement file
21 number;

22 C. the original date of filing;

23 D. all the debtor, supplier, and lender information
24 of record and an address for the debtor, supplier, and lender;
25 and

26 E. the signature of every supplier of record.

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

29 8271.0090 REMOVAL AND DESTRUCTION OF LIEN-NOTIFICATION
30 STATEMENTS.

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

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

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

9 8271.0100 APPLICABILITY OF UCC RULES.

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

14 Subp. 2. **Unauthorized entry.** Unauthorized entry into the
15 UCC centralized database is prohibited. The provisions of part
16 8270.0205 apply.

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

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

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

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

27 Subp. 7. **Information retrieval.** Information about
28 lien-notification statements is retrieved as provided in part
29 8270.0240.

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

32 8271.0200 VERIFIABLE METHOD OF DELIVERY.

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

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

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

9 8271.0300 AGRICULTURAL PRODUCTION INPUT LIEN FORM.

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

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

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

19 B. the form must be five carbon or carbonless
20 snap-out; and

21 C. the type size must be legible.

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



STATE OF MINNESOTA
AGRICULTURAL PRODUCTION INPUT LIEN
NOTIFICATION STATEMENT
STANDARD FORM

For Filing Officer

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

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, City, State, Zip Code

6. Date or anticipated dates 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)

[Empty box for return acknowledgment copy to]

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

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

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

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

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

12 8271.0350 LIEN-NOTIFICATION STATEMENT AMENDMENT AND TERMINATION.

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

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

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

22 B. the form must be five carbon or carbonless
23 snap-out; and

24 C. the type size must be legible.

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



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

For
Filing
Officer

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)

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)

Empty box for return acknowledgment copy to.

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 01951701 1/95

Approved by Secretary of State of Minnesota

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

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

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

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

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