1360-08-02-.01  ROLE OF FILING OFFICER. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does not determine the legal sufficiency or insufficiency of the UCC record or determine that information in the record is correct or incorrect, in whole or in part. Accepting for filing or refusing to file a UCC record does not create a presumption that information in the UCC record is correct or incorrect, in whole or in part.


1360-08-02-.02  TIME FOR FILING A CONTINUATION STATEMENT.

(1) First Day Permitted. The first date on which a continuation statement may be filed is the date six months preceding the date on which such financing statement would lapse. If there is no such corresponding date, the first date on which a continuation statement may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The foregoing rule is subject to the ability of the filing office to take delivery of the continuation statement as tendered and to Rule 1360-08-01-.02.

(2) Last Day Permitted. The last day on which a continuation statement may be filed is the date upon which the related financing statement lapses. The foregoing rule is subject to the ability of the filing office to take delivery of the continuation statement as tendered and to Rule 1360-08-01-.02. Accordingly, the time of filing of the continuation statement under Rule 1360-08-01-.02 must be on or prior to such last day and delivery by certain means of communication may not be available on such last day if the filing office is not open for business on such day.


1360-08-02-.03  GROUNDS FOR REFUSAL.

(1) In addition to refusing a record for any of the reasons set forth in T.C.A. § 47-9-516, a filing officer shall refuse to accept a UCC record that does not provide an address that meets the minimum requirements set forth in Rule 1360-08-01-.01(b).

(2) A document shall be refused if the document is accompanied by less than the full applicable filing fee plus the recording tax under T.C.A. § 67-4-409(b), if any, based on the
(Rule 1360-08-02-.03, continued)

representation of indebtedness required thereunder, and if payment is not tendered by a
method described in Rule 1360-08-01-.07.

(3) Indebtedness (recording) tax language. An initial financing statement or an amendment that
increases indebtedness shall be refused if the record does not contain, either on its face or in
an accompanying sworn statement, the language required under T.C.A. § 67-4-409(b)(5)(D)
with respect to the recording tax imposed under T.C.A. § 67-4-409(b), if any.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-516, 47-9-520(a), 47-9-526, and 67-4-409(b) and 2012
Tenn. Pub. Acts Ch. 708. Administrative History: Original rule filed October 23, 2000; effective January

1360-08-02-.04 PROCEDURE UPON REFUSAL. Except as provided in Rule 1360-08-01-.08, if the
filing officer finds grounds to refuse a UCC record, the filing officer shall return the filing fee and recording
tax, if any. Communication of the refusal, the reason(s) for the refusal, and other related information will
be made to the remitter as soon as practicable and in no event more than two (2) business days after the
refused UCC record was received by the filing office, by the same means by which such UCC record was
delivered to the filing office or by mail or such more expeditious means as the filing office shall determine.
Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, shall be
maintained for a period of five (5) years from the initial rejection date.

Administrative History: Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new
rule filed March 19, 2013; effective June 17, 2013.

1360-08-02-.05 REFUSAL ERRORS. If a secured party or a remitter demonstrates to the satisfaction
of the filing officer that a UCC record that was refused for filing should not have been refused under Rule
1360-08-02-.03, the filing officer will file the UCC record with the filing date and time the UCC record was
originally tendered for filing. A filing officer statement relating to the relevant initial financing statement
will be placed in the UCC information management system on the date that the corrective action was
taken. The filing officer statement must provide the date of the correction and explain the nature of the
corrective action taken. The record shall be preserved for so long as the record of the initial financing
statement is preserved in the UCC information management system.

Ch. 708. Administrative History: Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new
rule filed March 19, 2013; effective June 17, 2013.

1360-08-02-.06 NOTIFICATION OF DEFECTS. Nothing in these rules prevents a filing officer from
communicating to a remitter that the filing officer noticed apparent potential defects in a UCC record,
whether it was filed or refused for filing. The filing office is, however, under no obligation to do so and
may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal
effectiveness of filing rests with filers and remitters, and the filing office bears no responsibility for such
effectiveness.

Administrative History: Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new
rule filed March 19, 2013; effective June 17, 2013.
1360-08-02-.07 REPEALED.


1360-08-02-.08 REPEALED.


1360-08-02-.09 REPEALED.