

## 2016 Kansas Statutes

**84-9-611. Notification before disposition of collateral.** (a) **Notification date.** In this section, notification date means the earlier of the date on which:

- (1) A secured party sends to the debtor and any secondary obligor an authenticated notification of disposition; or
- (2) the debtor and any secondary obligor waive the right to notification.

(b) **Notification of disposition required.** Except as otherwise provided in subsection (d), a secured party that disposes of collateral under K.S.A. 2016 Supp. 84-9-610, and amendments thereto, shall send to the persons specified in subsection (c) a reasonable authenticated notification of disposition.

(c) **Persons to be notified.** To comply with subsection (b), the secured party shall send an authenticated notification of disposition to:

- (1) The debtor;
- (2) any secondary obligor; and
- (3) if the collateral is other than consumer goods:

(A) Any other person from which the secured party has received, before the notification date, an authenticated notification of a claim of an interest in the collateral;

(B) any other secured party or lienholder that, 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

- (i) Identified the collateral;
- (ii) was indexed under the debtor's name as of that date; and
- (iii) was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

(C) any other secured party that, 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in K.S.A. 2016 Supp. 84-9-311(a), and amendments thereto.

(d) **Subsection (b) inapplicable: Perishable collateral; recognized market.** Subsection (b) does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(e) **Compliance with subsection (c)(3)(B).** A secured party complies with the requirement for notification prescribed by subsection (c)(3)(B) if:

(1) Not later than 20 days or earlier than 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subsection (c)(3)(B); and

(2) before the notification date, the secured party:

(A) Did not receive a response to the request for information; or

(B) received a response to the request for information and sent an authenticated notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

**History:** L. 2000, ch. 142, § 109; July 1, 2001.