

## 2021 Kansas Statutes

**84-9-323. Future advances.** (a) When priority based on time of advance. Except as otherwise provided in subsection (c), for purposes of determining the priority of a perfected security interest under K.S.A. 2021 Supp. 84-9-322(a)(1), and amendments thereto, perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

- (1) Is made while the security interest is perfected only:
    - (A) Under K.S.A. 2021 Supp. 84-9-309, and amendments thereto, when it attaches; or
    - (B) temporarily under K.S.A. 2021 Supp. 84-9-312(e), (f), or (g), and amendments thereto; and
  - (2) is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under K.S.A. 2021 Supp. 84-9-309 or 84-9-312(e), (f), or (g), and amendments thereto.
- (b) Lien creditor. Except as otherwise provided in subsection (c), a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than 45 days after the person becomes a lien creditor unless the advance is made:
- (1) Without knowledge of the lien; or
  - (2) pursuant to a commitment entered into without knowledge of the lien.
- (c) Buyer of receivables. Subsections (a) and (b) do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.
- (d) Buyer of goods. Except as otherwise provided in subsection (e), a buyer of goods other than a buyer in ordinary course of business takes free of a security interest to the extent that it secures advances made after the earlier of:
- (1) The time the secured party acquires knowledge of the buyer's purchase; or
  - (2) forty-five days after the purchase.
- (e) Advances made pursuant to commitment: priority of buyer of goods. Subsection (d) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the 45-day period.
- (f) Lessee of goods. Except as otherwise provided in subsection (g), a lessee of goods, other than a lessee in ordinary course of business, takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:
- (1) The time the secured party acquires knowledge of the lease; or
  - (2) forty-five days after the lease contract becomes enforceable.
- (g) Advances made pursuant to commitment: priority of lessee of goods. Subsection (f) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the 45-day period.

**History:** L. 2000, ch. 142, § 43; July 1, 2001.