I Corpus

A Real security

1 Volitional real security

   a Concept
   b Classifications

   1) Volitional real movable security (“Article 9 security interests”)

   a) Permissible range

   b) Creation of the security

   1] Effectivity as between the parties: “attachment”

   2] Effectivity as against third persons: “perfection”

   b] Prerequisites for perfection

   c] Maintaining perfection

   d) Despite a change in the location of the debtor and / or collateral

      1] Prolegomena: What law governs perfection (choice of law rules) (§9-301 et seq.)

      a] General rule: location of the debtor (§9-301(1))

      * Where is he / it located? (§ 9-307)

      1} Natural person (§9-307(b)(1))

      2} Juridical person

      a} Registered organization (§9-307(e))

      b} Other

      1/ If only 1 place of business, then there (§9-307(b)(2))

      2/ If more than 1 place of business, then its chief executive office (§9-307(b)(3))

      b] Exceptions

      1} Possessory security interests (§9-
2} Fixtures & timber-to-be-cut (§9-301(3)(A)&(B))
3} As-extracted collateral

2] Change-of-location rules (§9-316)
   a] Change of location of collateral
      1} In general: irrelevant
      2} Exceptionally (§9-316(c))
   b] Change of location of debtor
      1} Mere change of location (§9-316(a)(2))
      2} Change to a new “debtor” in a new location (§9-302(a)(3))
         a} Simple change of debtor
         b} Change of debtor as part of business re-organization

c) Effects of the security

2) Volitional real immovable security (“mortgages”)

2 Legal real security

B Personal security (suretyship)

Assignment:
(1) Read Assignment 25