Understanding UCC Article 9 Foreclosures

Description: Learn how lenders can use their rights under UCC Article 9 to successfully collect on defaulted obligations.

Many lenders and borrowers aren't familiar with the full range of remedies available after a borrower defaults on a secured obligation, and the lender decides to foreclose on its collateral. Article 9 of the Uniform Commercial Code is a powerful, but sometimes misunderstood, tool for borrowers and lenders.

This topic helps borrowers, lenders, and their lawyers to understand what they can and can't do under Article 9. Lenders and their lawyers will learn how to best use their rights under Article 9 to collect on defaulted obligations. Borrowers and their lawyers will learn how to protect their rights against lenders who, in their zeal, may overstep the limits imposed on their powers by Article 9.

Learning Objectives

- You will be able to identify possible remedies under UCC Article 9.
- You will be able to describe the procedures used to foreclose on personal property under UCC Article 9.
- You will be able to recognize risks and rewards associated with the various remedies available under UCC Article 9.
- You will be able to explain why some remedies available under UCC Article 9 are employed more often than others.

Contents:

- Necessary Preparations and Preliminary Steps
  - Identifying Collateral
  - Perfection
  - Default and Right to Foreclose

- Public and Private Sales
  - Public and Private Sales Distinguished
  - Procedures for Public and Private Sales
  - Commercially Reasonable Disposition

- Strict Foreclosure
  - Distinguishing Features
  - Procedures for Strict Foreclosure
  - Benefits and Risks of Strict Foreclosure

- Other Article 9 Remedies
  - Notices to Account Debtors
  - Setting off Deposit Accounts
  - Recording Security Agreement in Land Offices

- Application of Proceeds, and Post-Foreclosure Issues
  - How to Apply Proceeds of Collateral
  - Effect on Subordinate Interests
  - Preference and Fraudulent Transfer Issues

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