

On Demand Reference Guide

Lien Searching Series # 3 - Where to Perform Lien Searches



Searching the Correct Filing Offices Helps Avoid Surprise Liens

When searching for liens as part of a prefunding search package, it is important to know where liens could be filed. The last thing any lender wants is a surprise lien! In order to be certain you're getting the results you think you are; searches must be performed for the right records at the appropriate filing office.

Here are some tips to help determine where to search:

1. Revised Article 9 sets forth that UCC Financing Statements filed against businesses are to be filed in the state of organization. UCCs filed against individuals must be filed in their state of residence.
2. To uncover liens relating to collateral that is affixed to real property, be sure to search for fixture filings at the county level. Fixtures are to be filed in the county where the collateral is located.
3. In many jurisdictions, tax liens can be filed with either the state or the county. An exhaustive tax lien search in these jurisdictions will include a search of both state and county filing offices.

And remember, tax lien records are often maintained on a separate index at state filing offices. A UCC only search in these states will not reveal tax liens of record.



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