**Ag Security Interests: Lender and Landlord Perspectives**

**Panel Discussion – Topics**

Moderator: Tyler Buswell, Kirton McConkie

Panelists:

* Stephanie E. Kaiser, Puls Haney Kaiser PLLC
* Margaret Westbrook, K&L Gates
* Jessica Fyre, Ag Country Farm Credit Services

Topics of Discussion:

* UCC Article 9
	+ Definitions –
		- “Agricultural liens” – U.C.C. § 9-102(5)
		- “Collateral” – U.C.C. § 9-102(12)
		- “Goods” – U.C.C. § 9-102(44)
		- “Farm Products” – U.C.C. § 9-102(34)
		- “Farming Operation” – U.C.C. § 9-102(35)
		- “Security Agreement” – U.C.C. § 9-102(73)
* Practical Solutions for Perfecting Security Interest in Farm Products
	+ UCC-1 Filings
		- Where to file?
		- Debtor’s location?
		- Debtor’s name?
		- Financing statement requirements?
		- Description of collateral?
	+ Food Security Act Notice – 7 U.S.C. § 1631
		- Central Filing State
		- Non-Central Filing State
	+ Perfection of Statutory Agricultural Liens
		- Landlord Liens
		- Other Agricultural Liens
	+ Assignment of Crop Insurance
* PACA and PASA
	+ Perishable Agricultural Commodities Act (“PACA”) – 7 U.S.C. § 499a et seq.
	+ Packers and Stockyards Act (“PASA”) – 7 U.S.C. § 499a et seq.
* Lending v. Leasing Considerations
	+ Security Instrument
	+ Priority
* Special Timber Considerations
	+ Definition of “Farm Products” – U.C.C. § 9-102(34)
	+ Recording on title