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Geoffrey S. Connor
ASSISTANT SECRETARY OF STATE
State of Texas
December 19, 2001

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OPINION COMMITTEE

The Honorable John Cornyn
Attorney General
Price Daniel Sr. Building
Austin, Texas 78701

Re: RQ-0449-JC

Dear General Cornyn:

RQ-0497-*gc* FILE # mk-42397-02
I.D. # 42397

The Secretary of State received a copy of the input provided to your office by the Texas Association of Counties (T.A.C.) and the County & District Clerk's Association of Texas (Association) concerning the above-referenced request. The Secretary of State agrees with the T.A.C. and the Association that there are clarifications necessary with respect to the duties of the County Clerks as a result of the passage of Revised Article 9.

Specifically, T.A.C. requested clarification of the duties of the County Clerks to accept financing statements where the collateral is "as-extracted collateral or timber to be cut" or fixtures; whether these financing statements are to be filed with the real property records to which they pertain rather than as separate "UCC" filings; and if filed in the real estate records, whether the financing statements must be signed. Further, the T.A.C. and Association clarification is necessary to regarding the proper filing office for amendments, continuations and other filings pertaining to pre-effective-date financing statements concerning consumer goods.

We respectfully request that the clarifications requested be added to the original opinion request from this office.

Very truly yours,

G. S. Connor
Geoffrey S. Connor

c: Rex Hall
Associate General Counsel
Texas Association of Counties

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