



Fannie Mae®

---

# Multifamily Selling and Servicing Guide

Effective as of April 5, 2024

No portion of this Multifamily Selling and Servicing Guide may be reproduced in any form or by any means without Fannie Mae's prior written permission, except as may be provided herein or unless otherwise permitted by law. Limited permission to reproduce this Multifamily Selling and Servicing Guide in print, in whole or in part, and limited permission to distribute electronically parts of this Multifamily Selling and Servicing Guide, are granted to Fannie Mae-approved Lenders strictly for their own use in originating and selling multifamily Mortgage Loans to, and servicing multifamily Mortgage Loans for, Fannie Mae. Fannie Mae may revoke this limited permission by sending 60 days advance written notice to any or all Fannie Mae-approved Lenders.



TABLE OF CONTENTS

Part II Section 306.02 Creating and Perfecting the Security Interest ..... 3

GLOSSARY ..... 4



## 306.02 Creating and Perfecting the Security Interest

### → Guidance

Article 9 of the UCC covers the perfection of a security interest in Personal Property.

The following table describes how to create and perfect a security interest.

| To...  | Do the following...  |
|--|--|
| Establish whether the Borrower or a third party owns the Personal Property | Confirm that the Borrower has provided a representation of ownership in the Underwriting Certificate ( Borrower ) ( <a href="#">Form 6460.Borrower</a> ).  |
| Verify that no other party has a Lien on the Personal Property             | Conduct searches for UCC financing statements, tax Liens, and judgments on all relevant parties to the transaction.  |
| Obtain a perfected first security interest in the Personal Property        | <ul style="list-style-type: none"><li>• Obtain a security agreement from each third party that owns Personal Property.</li><li>• Verify that the Security Instrument and each third party security agreement contains a granting clause creating a security interest in all Personal Property.</li><li>• File a UCC-1 financing statement in the appropriate filing and recording office(s), with a description that matches the security interest granted in the Security Instrument.</li></ul> |
| Assign the security interest from you to Fannie Mae                        | File an appropriate assignment (e.g., UCC-1Ad; UCC-3) in the same office(s) where the UCC-1 is filed or recorded.  |



# Glossary

## B

**Borrower** Person who is the obligor per the Note.

**Synonyms**

- Borrowers
- Borrower's

## L

**Lien** Lien, mortgage, bond interest, pledge, security interest, charge, or encumbrance of any kind.

**Synonyms**

- Liens

## P

**Personal Property** Furniture, fixtures, equipment, and other tangible personal property located on or used in connection with the Property.

## S

**Security Instrument** Instrument creating a lien or encumbrance on 1 or more Properties and securing the Loan Document obligations.

**Synonyms**

- Security Instruments
- Security Instrument's

## U

**UCC** Uniform Commercial Code