

Table of Contents

CHAPTER 1. DEFINITIONS AND SCOPE

- § 1:1 Introduction and scope
- § 1:2 Collateral
- § 1:6 Security interests
- § 1:7 Leases and disguised security agreements

CHAPTER 2. DEFAULT AND ACCELERATION

- § 2:1 Definition of default
- § 2:2 Acceleration on default
- § 2:3 Option to accelerate for insecurity
- § 2:4 Estoppel to claim default

CHAPTER 3. SECURED PARTY'S RIGHTS AND REMEDIES UPON DEFAULT

- § 3:3 Rights and remedies granted under security agreement
- § 3:4 Rights and remedies available under other provisions of law
- § 3:5 Cumulative and permissive nature of remedies

CHAPTER 4. SELF-HELP REPOSSESSION

- § 4:3 Breach of the peace
- § 4:4 Fixtures and accessions
- § 4:6 Liability for wrongful repossession

CHAPTER 5. REPOSSESSION AND FORECLOSURE BY JUDICIAL PROCESS

- § 5:5 Form and contents of petition
- § 5:8 Answer
- § 5:9 Default and ability to obtain money judgment upon default
- § 5:11 Possession pending trial
- § 5:12 Trial and judgment
- § 5:14 Levy and execution

CHAPTER 6. RIGHTS OF SECURED PARTY IN POSSESSION OF COLLATERAL

- § 6:3 Right to use or operate collateral
- § 6:6 Right to repair collateral
- § 6:7 Right to charge reasonable expenses

CHAPTER 7. DUTIES OF SECURED PARTY IN POSSESSION OF COLLATERAL

- § 7:9 Duty to keep collateral identifiable
- § 7:12 Duties upon payment in full of outstanding obligations
- § 7:13 Waiver

CHAPTER 8. REASONABLE NOTIFICATION OF DISPOSITION OF COLLATERAL

- § 8:1 Introduction
- § 8:2 Purpose of notification
- § 8:3 To whom sent
- § 8:4 Content of notice
- § 8:6 Content of notice—Fair Debt Collection Practices Act
- § 8:7 Method of giving notice
- § 8:8 Receipt of notice
- § 8:9 Timing of notice and advertisement for public sales
- § 8:10 Special notice requirements—Retail installment sales of motor vehicles
- § 8:11 Special notice requirements—Federal tax liens
- § 8:12 *[Deleted]*
- § 8:13 When notice not required
- § 8:14 Waiver

CHAPTER 9. DEBTOR'S RIGHT TO REDEEM COLLATERAL

- § 9:1 Introduction
- § 9:3 Timing of redemption
- § 9:4 Amount required for redemption
- § 9:5 Accounting of amount required to redeem
- § 9:8 Waiver

TABLE OF CONTENTS

**CHAPTER 10. ACCEPTANCE OF
COLLATERAL BY SECURED PARTY**

- § 10:2 Strict foreclosure in non-consumer transactions—
Acceptance of collateral in full satisfaction of secured
obligation
- § 10:3 Strict foreclosure in non-consumer transactions—
Acceptance of collateral in partial satisfaction of secured
obligation
- § 10:4 Compulsory disposition of consumer goods
- § 10:5 Involuntary strict foreclosure
- § 10:6 Effect of acceptance of collateral

**CHAPTER 11. DISPOSITION OF
COLLATERAL**

- § 11:2 Public vs. private sales
- § 11:5 Transfers to secured parties, related persons or secondary
obligors
- § 11:7 Disposition of securities

**CHAPTER 12. COMMERCIAL
REASONABLENESS OF
DISPOSITION**

- § 12:1 Introduction
- § 12:2 Price—Disposition of collateral to unrelated transferee
- § 12:3 Price—Disposition of collateral to related transferee
- § 12:4 Method of disposition—Public v. private sales
- § 12:6 Manner of disposition—Preparation of the collateral for
sale
- § 12:7 Manner of disposition—Advertisement and solicitation of
bids
- § 12:8 Manner of disposition—Use of dealers and auctioneers
- § 12:9 Manner of disposition—Availability of collateral for
inspection
- § 12:10 Time of the disposition
- § 12:11 Place of the disposition
- § 12:12 Dispositions considered commercially reasonable
- § 12:13 Conclusive presumption of commercial reasonableness
- § 12:14 Burden of proof
- § 12:15 Waiver

**CHAPTER 13. COLLECTION AND
ENFORCEMENT RIGHTS OF
SECURED PARTY**

- § 13:1 Introduction

ENFORCEMENT OF SECURITY INTERESTS

- § 13:2 Notification of account debtors
- § 13:3 Enforcement rights of secured party
- § 13:5 Restrictions on assignment
- § 13:7 Waiver of defenses
- § 13:8 Requirement of commercial reasonableness

CHAPTER 14. APPLICATION OF PROCEEDS FROM DISPOSITION OF COLLATERAL

- § 14:2 Reasonable expenses of retaking, holding, preparing for sale or lease, and disposition
- § 14:3 Reasonable attorney's fees and legal expenses
- § 14:5 Satisfaction of subordinate security interests and liens
- § 14:7 Dispositions by junior secured parties
- § 14:8 Accounting to debtor for surplus and deficiency

CHAPTER 15. RIGHTS ACQUIRED BY TRANSFeree OF COLLATERAL

- § 15:1 Interest acquired by purchaser
- § 15:2 Sale of loan documents or secured obligations to secondary obligors
- § 15:3 Warranty rights of purchaser
- § 15:6 Successor liability *[New]*

CHAPTER 16. CONSEQUENCES OF SECURED PARTY'S FAILURE TO COMPLY WITH PART 6 OF UCC ARTICLE 9

- § 16:1 Introduction
- § 16:2 Injunction
- § 16:3 Actual damages
- § 16:5 Deficiency claims
- § 16:8 Punitive damages
- § 16:9 Attorney's fees
- § 16:10 Limitations on liability—Deficiency eliminated
- § 16:11 Limitations on liability—Liability to unknown persons

CHAPTER 17. EFFECT OF BANKRUPTCY CODE PROVISIONS

- § 17:7 Exemptions
- § 17:8 Redemption of collateral

TABLE OF CONTENTS

CHAPTER 18. FORMS

- § 18:2.50 Affidavit and application for writ of possession; order; election of option; return of sheriff *[New]*
- § 18:5.50 Order granting writ of possession *[New]*
- § 18:6.50 Notice of hearing on foreclosure of personal property *[New]*
- § 18:13 Notice of intended disposition in non-consumer transaction (statutory form)
- § 18:14 Notice of intended disposition in consumer transaction (statutory form)
- § 18:16 Advertisement for public sale

Appendices

Appendix 3. O.C.G.A. Title 11, Article 9, Part 6 Default

Table of Laws and Rules

Table of Cases

Index