

554.9328 Priority of security interests in investment property.

The following rules govern priority among conflicting security interests in the same investment property:

1. A security interest held by a secured party having control of investment property under [section 554.9106](#) has priority over a security interest held by a secured party that does not have control of the investment property.

2. Except as otherwise provided in [subsections 3 and 4](#), conflicting security interests held by secured parties each of which has control under [section 554.9106](#) rank according to priority in time of:

a. if the collateral is a security, obtaining control;

b. if the collateral is a security entitlement carried in a securities account and:

(1) if the secured party obtained control under [section 554.8106, subsection 4](#), paragraph “a”, the secured party’s becoming the person for which the securities account is maintained;

(2) if the secured party obtained control under [section 554.8106, subsection 4](#), paragraph “b”, the securities intermediary’s agreement to comply with the secured party’s entitlement orders with respect to security entitlements carried or to be carried in the securities account;

or

(3) if the secured party obtained control through another person under [section 554.8106, subsection 4](#), paragraph “c”, the time on which priority would be based under [this subsection](#) if the other person were the secured party; or

c. if the collateral is a commodity contract carried with a commodity intermediary, the satisfaction of the requirement for control specified in [section 554.9106, subsection 2](#), paragraph “b”, with respect to commodity contracts carried or to be carried with the commodity intermediary.

3. A security interest held by a securities intermediary in a security entitlement or a securities account maintained with the securities intermediary has priority over a conflicting security interest held by another secured party.

4. A security interest held by a commodity intermediary in a commodity contract or a commodity account maintained with the commodity intermediary has priority over a conflicting security interest held by another secured party.

5. A security interest in a certificated security in registered form which is perfected by taking delivery under [section 554.9313, subsection 1](#), and not by control under [section 554.9314](#) has priority over a conflicting security interest perfected by a method other than control.

6. Conflicting security interests created by a broker, securities intermediary, or commodity intermediary which are perfected without control under [section 554.9106](#) rank equally.

7. In all other cases, priority among conflicting security interests in investment property is governed by [sections 554.9322 and 554.9323](#).

2000 Acts, ch 1149, §48, 187

Referred to in [§554.9322](#)