

554.9323 Future advances.

1. *When priority based on time of advance.* Except as otherwise provided in [subsection 3](#), for purposes of determining the priority of a perfected security interest under [section 554.9322, subsection 1](#), paragraph “a”, perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

a. is made while the security interest is perfected only:

(1) under [section 554.9309](#) when it attaches; or

(2) temporarily under [section 554.9312, subsection 5, 6, or 7](#); and

b. is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under [section 554.9309](#) or [554.9312, subsection 5, 6, or 7](#).

2. *Lien creditor.* Except as otherwise provided in [subsection 3](#), a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than forty-five days after the person becomes a lien creditor unless the advance is made:

a. without knowledge of the lien; or

b. pursuant to a commitment entered into without knowledge of the lien.

3. *Buyer of receivables.* [Subsections 1 and 2](#) do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignee.

4. *Buyer of goods.* Except as otherwise provided in [subsection 5](#), a buyer of goods other than a buyer in ordinary course of business takes free of a security interest to the extent that it secures advances made after the earlier of:

a. the time the secured party acquires knowledge of the buyer’s purchase; or

b. forty-five days after the purchase.

5. *Advances made pursuant to commitment — priority of buyer of goods.* [Subsection 4](#) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer’s purchase and before the expiration of the forty-five-day period.

6. *Lessee of goods.* Except as otherwise provided in [subsection 7](#), a lessee of goods, other than a lessee in ordinary course of business, takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

a. the time the secured party acquires knowledge of the lease; or

b. forty-five days after the lease contract becomes enforceable.

7. *Advances made pursuant to commitment — priority of lessee of goods.* [Subsection 6](#) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the forty-five-day period.

2000 Acts, ch 1149, §43, 187

Referred to in [§554.9328](#), [§554.13307](#)