

554.9605 Unknown debtor or secondary obligor.

1. *In general: no duty owed by a secured party.* Except as provided in [subsection 2](#), a secured party does not owe a duty based on its status as secured party:

a. to a person that is a debtor or obligor, unless the secured party knows:

- (1) that the person is a debtor or obligor;
- (2) the identity of the person; and
- (3) how to communicate with the person; or

b. to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- (1) that the person is a debtor; and
- (2) the identity of the person.

2. *Exception: secured party owes a duty to debtor or obligor.* A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible, or at the time the security interest attaches to the collateral, whichever is later:

a. the person is a debtor or obligor; and

b. the secured party knows that the information in [subsection 1](#), paragraph “a”, subparagraph (1), (2), or (3) relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

[2000 Acts, ch 1149, §103, 187; 2022 Acts, ch 1117, §36; 2024 Acts, ch 1023, §85](#)

Referred to in [§554.9601](#)
Section amended