

What are ‘fixture filings?’ Do they need to be filed and recorded in the land records, and if so, what is the fee?

Vermont statutes define personal property or “goods” as “fixtures” when such goods become so related to particular real estate that an interest in them arises under real estate law. 9AVS.A. § 9-313(1)(a). *Black’s Law Dictionary*, Seventh Edition, defines “fixture” as, “*personal property that is attached to land or a building and that is regarded as an irremovable part of the real property...*” Examples would be a fireplace built into a home or a large piece of industrial equipment in a manufacturing plant.

A “fixture filing” is the filing in the office (generally the municipal clerk’s) where a mortgage on the real estate would be filed or recorded, or a financing statement covering goods which are or are to become fixtures conforming to the Uniform Commercial Code requirements under § 9-402(5).

The uniform fee for filing, indexing and stamping an original UCC financing statement (or a continuation statement) is \$ 10.00 if the statement is in the standard form prescribed by the Secretary of State; otherwise, the filing fee is \$15.00. Some clerks have reported receiving fixture filings that run several pages in length.

In the case of fixture filings, in addition to filing, the financing statement also must be *recorded* in the land records and is subject to the standard \$6.00 per page recording fee. 9A V.S.A. §§ 9-403(5), 9-402(5). (See 9-403(5) for additional related fees.) A general discussion of municipal clerks’ responsibilities for UCC instruments is found in Chapter IX of the new *VLCT Handbook for Vermont Municipal Clerks*. Contact the League to order your copy today!

VLCT News, May 2000