



# Secured Party Addition/Assignment Form

## Liquor Licensing

P. O. Box 1712, Helena, Montana 59604-1712

MONTANA

Form M-1

Rev. 1-05

### Instructions:

- Please type or print this form.
- Indicate the type of transaction desired by placing an "X" in the appropriate square, complete all applicable portions of the form, all parties must sign.
- If being submitted for a new license or license to be transferred the proposed licensee(s)/applicant(s) should be listed as debtor(s).
- Submit \$20.00 fee for the addition or assignment.
- If signing on behalf of a corporation, bank, etc. please indicate office held.
- If security interest is held by two or more persons indicate below the signatures whether their secured interest will be held as joint tenants with rights of survivorship or as tenants in common.
- A copy of the security agreement, promissory note or other documentation to support the security interest must accompany this form.
- See ARM 42.12.205, quoted in full on the back of this form.
- Licensee does not need to sign this form if it is an assignment of security interest.

Debtors(s)/Assignor Name and Address:

Secured Party(ies)/Assignee(s) Name and Address:

License No: \_\_\_\_\_ Trade Name of Business: \_\_\_\_\_

Location of Business: \_\_\_\_\_

Addition      The undersigned hereby request that the person(s) named above be shown as secured party on the above-described license.

Assignment I \_\_\_\_\_ assign my security interest in the above license to \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature(s) of Debtor(s)/Assignor:  
(Please type or print name after each signature.)

Signature(s) of Secured Party(ies)/Assignee(s):  
(Please type or print name after each signature.)

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JTROS \_\_\_\_\_ TEN COM \_\_\_\_\_

(1) All-beverages and on-premises beer licenses may be subject to a mortgage, security interest, and other valid lien. Upon written request to the department, accompanied by a copy of the note or mortgage, security agreement, or other loan document (in which the license or licenses to be affected are described with common certainty such as inclusion of license number), together with a fee of \$10, the department will add the name of the mortgagee, secured party, or other lien holder, which must be endorsed upon the license. All such requests shall be upon forms prescribed by the department and signed in each case by the licensee and the mortgagee, secured party, or other lien holder.

(2) No transfer of any license subject to any mortgage security interest, or other lien shall be approved unless the mortgagee, secured party, or lien holder shall subscribe and acknowledge the instrument of assignment. If the mortgagee, secured party, or lien holder is deceased, or otherwise unavailable, the instrument of assignment may be subscribed and acknowledged by the personal representative, heir, devisee, or other person upon providing sufficient proof that the person has authority to act on behalf of the estate or has otherwise received the right to the security interest or lien.

(3) At such time as any mortgage, security interest, or lien affecting any license has been satisfied and fulfilled, the name of the mortgagee, secured party, or lien holder shall be removed upon written request of all parties in interest and upon the payment of a fee of \$10, provided, however, that in the case of foreclosure and the transfer of license to the mortgagee, secured party, or lien holder, no such fee is required. If the mortgagee, secured party, or lien holder is deceased, or otherwise unavailable, the written request may be made by the personal representative, heir, devisee, or other person upon providing sufficient proof that the person has authority to act on behalf of the estate or has otherwise received the right to the security interest or lien. Any name of a mortgagee, secured party, or lien holder may also be removed upon the written request of the licensee or applicant for the license if accompanied by a court order releasing the security interest or lien, or other sufficient proof showing that the security interest or lien has expired, been discharged, or otherwise extinguished.

(4) Alcoholic beverage licenses may be subject to security interests as defined in 30-1-201, MCA, and other valid liens. The perfection of a security interest or other lien in an alcoholic beverages license does not depend upon filing with the department, but rather by the statutory requirements, which apply to the particular security interest or lien. If a secured party or a lien creditor, as defined in 30-9A-102, MCA, desires to give additional public notice, he may do so by filing a claim of security interest or other lien with the department. The department acts only as an additional source of public notice for voluntarily filed claims of security interest and other liens. The licensee must be the debtor. A loan guarantee by a licensee does not establish a valid security interest or lien by the lender under this rule.

(5) The consent of a secured party or a lien creditor is not required by the department to transfer a license. Persons who have filed a claim of a security interest or lien will be given notice by the department of any application for transfer of the license.

(6) Upon written request to the department, together with a fee of \$20, the name of a person claiming a security interest shall be endorsed upon the license and shall be kept on file with the department. All such requests shall be upon forms prescribed by department and signed in each case by the licensee and the person claiming the security interest.

(7) The name of a lien creditor shall not be endorsed upon the license. However, upon written request to the department, the department shall keep the name of the lien creditor on file. The request must be accompanied by sufficient proof of perfection of the lien claimed. No fee is required.

(8) Any notice of security interest or other lien may be deleted from the department's file upon written request of the secured party or lien creditor on forms prescribed by the department. If the secured party or lien creditor is deceased, or otherwise unavailable, the written request for deletion may be made by a personal representative, heir, devisee, or other person upon providing sufficient proof that the person has authority to act on behalf of the estate or has otherwise received the right to the security interest or lien. Any notice of security interest or other lien may also be deleted from the department's file upon the written request of the licensee or applicant for the license if accompanied by a court order releasing the security interest or lien, or other sufficient proof showing that the security interest or lien has expired, been discharged, or otherwise extinguished.

(9) A security interest or other lien may be foreclosed upon in any manner provided by law. In non-judicial foreclosures, the department will require sufficient documentation that the proper foreclosure proceedings were followed, pursuant to 16-4-801, MCA. Purchasers of a license at a foreclosure sale must apply to the department for transfer of the license and are subject to all statutes and rules required of any other applicant.

(10) Sections (1) through (3) will apply to all security interests and liens filed with the department prior to September 1, 1990. Beginning September 1, 1990, (4) through (9) will apply to all new security interests and liens filed with the department. (History: Sec. 16-1-303, MCA; IMP, Sec. 16-4-204, 16-4-404, 16-4-801, 30-1-201, and 30-9A-102, MCA; NEW, Eff. 11/3/75; AMD, 1990 MAR p. 1266, Eff. 6/29/90; AMD, 2001 MAR p. 449, Eff. 3/23/01; AMD, 2003 MAR p. 21, Eff. 1/17/03; AMD, 2004 MAR p. 1972, Eff. 8/20/04.)