

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE:</b>	)	
	)	
<b>MICHAEL A. ERWIN,</b>	)	<b>Case No. 02-10227</b>
	)	<b>Chapter 7</b>
	)	
<b>Debtors.</b>	)	
_____	)	
	)	
<b>EDWARD J. NAZAR, Trustee,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Adversary No. 02-5176</b>
	)	
<b>BUCKLIN NATIONAL BANK,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**JUDGMENT ON DECISION**

This adversary proceeding presents a question of first impression and requires the Court to interpret KAN. STAT. ANN. § 84-9-506 (2002 Supp.) of revised Article Nine of the Kansas Uniform Commercial Code that deals with the sufficiency of an individual debtor’s name on a financing statement and whether the financing statement is seriously misleading. At issue is whether the use of “Mike Erwin” as debtor’s name on the 1999 financing statement, rather than his full legal name of “Michael A. Erwin” as listed on debtor’s bankruptcy petition in 2002, is seriously misleading and renders perfection ineffective.

This matter was submitted by the parties on stipulated facts. Bucklin National Bank moved for summary judgment on the trustee’s adversary complaint which sought to avoid the Bank’s lien. As

set forth in the Memorandum Opinion issued this date, the Court rules in favor of the defendant-creditor Bucklin National Bank.

The individual debtor name contained on the Bank's 1999 financing statement complied with KAN. STAT. ANN. § 84-9-503(a)(5)(A) and therefore, was not seriously misleading as a matter of law under KAN. STAT. ANN. § 84-9-506 (b). The use of "Mike Erwin" as debtor's name on the financing statement was a correct name of debtor and using the computer search logic standards of the filing office would have revealed the Bank's financing statement. Thus, under KAN. STAT. ANN. § 84-9-506(c), the financing statement was not seriously misleading. The Bank has been continuously perfected since 1999.

The Bank is entitled to judgment as a matter of law on the trustee's lien avoidance complaint and the Bank's motion for summary judgment is GRANTED.

IT IS SO ORDERED.

Dated this 27th day of June, 2003.

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ROBERT E. NUGENT  
CHIEF BANKRUPTCY JUDGE  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF KANSAS

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the **Judgment on Decision** was deposited in the United States mail, postage prepaid on this 27th day of June, 2003, to the following:

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