

3.25. Copies of Statements under Article 9 of the UCC (CPLR 4525)

A copy of a statement which is noted or certified by a filing officer pursuant to section 9-523 of the uniform commercial code and which states that the copy is a true copy is prima facie evidence of the facts stated in the notation or certification and that the copy is a true copy of a statement filed in the office of the filing officer.

Note

This rule restates verbatim CPLR 4525.

UCC article 9 relates to “Secured Transactions,” and part 5 thereof to “Filing.” Section 9-523 relates to the obligations of the “filing office” to acknowledge a filing. That acknowledgement may be done by a certification of an image of the record filed or by a notation on a copy of the record furnished by the person seeking the acknowledgement.

CPLR 4525 specifies that a copy of a statement noted or certified by a “filing officer,” which contains a statement that the copy is a “true copy” of a statement filed in the office of a “filing officer,” is prima facie evidence (1) of the facts stated in the notation or certification and (2) that the copy is a “true copy” of the filed statement.

By making that statement “prima facie” evidence of its stated facts, the statute provides a hearsay exception for the statement. While the statement is thus admissible and is “prima facie evidence” of the facts stated, evidence may be introduced to rebut the accuracy of the facts stated or otherwise to affect the weight of the evidence. (*Cf. Knox Vil. Assoc. v Town of New Windsor*, 219 AD2d 585, 586 [2d Dept 1995] [“the defendants overcame the presumption of accuracy afforded to the ancient documents produced by the plaintiff (*see*, CPLR 4522 . . .)”]; *Berman v Golden*, 131 AD2d 416, 417 [2d Dept 1987] [indicating that the terminology “prima facie evidence” in CPLR 4522 (Ancient filed maps, surveys and records affecting real property) created a rebuttable presumption of the accuracy of the documents]. *See* Vincent C. Alexander, Practice Commentaries, McKinney’s Cons Laws of NY, Book 7B, CPLR C4518:9.)