

**70A-9a-324 Priority of purchase-money security interests.**

- (1) Except as otherwise provided in Subsection (7), a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in Section 70A-9a-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within 20 days thereafter.
- (2) Subject to Subsection (3) and except as otherwise provided in Subsection (7), a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in Section 70A-9a-330, and, except as otherwise provided in Section 70A-9a-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:
  - (a) the purchase-money security interest is perfected when the debtor receives possession of the inventory;
  - (b) the purchase-money secured party sends an authenticated notification to the holder of the conflicting security interest;
  - (c) the holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and
  - (d) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.
- (3) Subsections (2)(b) through (d) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:
  - (a) if the purchase-money security interest is perfected by filing, before the date of the filing; or
  - (b) if the purchase-money security interest is temporarily perfected without filing or possession under Subsection 70A-9a-312(6), before the beginning of the 20-day period thereunder.
- (4) Subject to Subsection (5) and except as otherwise provided in Subsection (7), a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in Section 70A-9a-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:
  - (a) the purchase-money security interest is perfected when the debtor receives possession of the livestock;
  - (b) the purchase-money secured party sends an authenticated notification to the holder of the conflicting security interest;
  - (c) the holder of the conflicting security interest receives the notification within six months before the debtor receives possession of the livestock; and
  - (d) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.
- (5) Subsections (4)(b) through (d) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:
  - (a) if the purchase-money security interest is perfected by filing, before the date of the filing; or
  - (b) if the purchase-money security interest is temporarily perfected without filing or possession under Subsection 70A-9a-312(6), before the beginning of the 20-day period thereunder.
- (6) Except as otherwise provided in Subsection (7), a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in Section 70A-9a-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods

in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(7) If more than one security interest qualifies for priority in the same collateral under Subsection (1), (2), (4), or (6):

(a) a security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(b) in all other cases, Subsection 70A-9a-322(1) applies to the qualifying security interests.

Enacted by Chapter 252, 2000 General Session