

70A-9a-602 Waiver and variance of rights and duties.

Except as otherwise provided in Section 70A-9a-624, to the extent that they give rights to a debtor or obligor and impose duties on a secured party, the debtor or obligor may not waive or vary the rules stated in the following listed sections:

- (1) Subsection 70A-9a-207(2)(d)(iii), which deals with use and operation of the collateral by the secured party;
- (2) Section 70A-9a-210, which deals with requests for an accounting and requests concerning a list of collateral and statement of account;
- (3) Subsection 70A-9a-607(3), which deals with collection and enforcement of collateral;
- (4) Subsections 70A-9a-608(1) and 70A-9a-615(3) to the extent that they deal with application or payment of noncash proceeds of collection, enforcement, or disposition;
- (5) Subsections 70A-9a-608(1) and 70A-9a-615(4) to the extent that they require accounting for or payment of surplus proceeds of collateral;
- (6) Section 70A-9a-609 to the extent that it imposes upon a secured party that takes possession of collateral without judicial process the duty to do so without breach of the peace;
- (7) Subsection 70A-9a-610(2) and Sections 70A-9a-611, 70A-9a-613, and 70A-9a-614, which deal with disposition of collateral;
- (8) Subsection 70A-9a-615(6), which deals with calculation of a deficiency or surplus when a disposition is made to the secured party, a person related to the secured party, or a secondary obligor;
- (9) Section 70A-9a-616, which deals with explanation of the calculation of a surplus or deficiency;
- (10) Sections 70A-9a-620, 70A-9a-621, and 70A-9a-622, which deal with acceptance of collateral in satisfaction of obligation;
- (11) Section 70A-9a-623, which deals with redemption of collateral;
- (12) Section 70A-9a-624, which deals with permissible waivers; and
- (13) Sections 70A-9a-625 and 70A-9a-626, which deal with the secured party's liability for failure to comply with this chapter.

Enacted by Chapter 252, 2000 General Session