

TITLE 5: UNIFORM COMMERCIAL CODE  
DIVISION 9: SECURED TRANSACTIONS, ETC.

**§ 9501. Default; Procedure when Security Agreement Covers Both Real and Personal Property.**

(1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this chapter and except as limited by subsection (3) of this section those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in 5 CMC § 9207. The rights and remedies referred to in this subsection are cumulative.

(2) After default, the debtor has the rights and remedies provided in this chapter, those provided in the security agreement and those provided in 5 CMC § 9207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subsections referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (5 CMC §§ 9504(3) and 9505) and with respect to redemption of collateral (5 CMC § 9506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

(a) 5 CMC §§ 9502(2) and 9504(2) insofar as they require accounting for surplus proceeds of collateral;

(b) 5 CMC §§ 9504(3) and 9505(1) which deal with disposition of collateral;

(c) 5 CMC § 9505(2) which deals with acceptance of collateral as discharge of obligation;

(d) 5 CMC § 9506 which deals with redemption of collateral; and

(e) 5 CMC § 9507(1) which deals with the secured party's liability for failure to comply with this chapter.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this chapter as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this chapter do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this division.

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**Source:** PL 3-56, § 1 (§ 9501).