

THE TWENTY-NINTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the ninth day of January
two thousand and six

AN ACT RELATING TO THE APPLICABILITY AND DESCRIPTIONS OF
COLLATERAL; AMENDING SECTION 27.1510 A.S.C.A.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 27.1510 is amended to read:

“27.1510 Validity of mortgage, bill of sale, etc.

No mortgage, agreement that creates or provides for a security interest, bill of sale, conditional sales contract, deed of trust or conveyance of personal property which is not accompanied by a permanent delivery thereof to the vendee is valid as to persons who do not have actual knowledge thereof unless all of the following conditions are met:

- (1) it is in writing signed by the person to be bound and attested to by at least one witness;
- (2) it is filed with the Territorial Registrar within 10 days after its execution;
- (3) it truly states the consideration upon which it was based or the debt or liability which it was intended to secure, and contains a description of the specific article, articles, or land sold or mortgaged, or the security for the debt or liability that reasonably identifies the security, whether specific or not. The security may be described by its listing, category, type, quantity and/or location and may include property so described which is acquired after execution of the mortgage or agreement creating or providing for the security interest.”

LoLo M. Moliga

LOLO M. MOLIGA
President of the Senate

Matafi Ray Ma'ilo McMoore

MATAFI RAY MA'ILO MCMOORE
Speaker, House of Representatives

Hereby Approved this 28th day of March 2006

[Signature]

Governor Of American Samoa

NOFOA'IGA LUASEFULU-IVA FONOFAITULAFONO A AMERIKA SAMOA

FONO TELE LONA TOLU

Nofolia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso iva o Ianuari
lua afe ma le ono

O SE TULAFONO E FA'ATATAU I LE FA'AAOGAINA MA LE FA'AMATALAINA AUILIILI O MEA E FOLAFOLAINA ATU E FA'AMAUSALI AI LE TOTOGIGA O SE AITALAFU; SUIA AI LE MAGA 27.1510 T.T.A.S.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 27.1510 ua suia e faitauina fa'apea:
"27.1510 Taualoaina o le tu'uina atu o se mokesi, se fa'amatalaga o se mea ua faatau, ma isi

E leai se mokesi, maliliega e fa'avae ai se aiaiga fa'aletulafono o le tu'uina atu (po'o le aiā), feagaiga (contract) o fa'atauga e i ai tu'utu'uga, feagaiga ua sainia ma fa'amaufa'ailogaina o le tu'uina atu o meatotino fa'apitoa e le o tu'uina atu fa'atasi ai e ala i lona tu'uina tumau i le tagata fa'atau (vendee) e taualoa e pei o tagata e leai so latou malamalama moni e fa'atatau i ai vagana ai ua fa'amalieina aiaiga ua ta'ua i lalo:

(1) ua tusitusia ma sainia e le tagata ua notia ai ma fa'amaonia e se molimau e tasi;

(2) ua fa'aulufaleina i le Ofisa o le Resitara Fa'ale-Teritori i totonu o aso e 10 pe afai ua uma ona fa'ataunu'uina aiaiga mana'omia;

(3) ua ta'ua moni ai fetu'una'iga ma aiaiga ua fa'avae i ai po'o le aitalafu po'o fatuaiga tau tupe ua fa'amoemoe e fa'amautuina ai, ma e aofia ai se fa'amatalaga fa'atuatua o le aiaiga fa'apitoa o se fa'amaumauga, fa'amaumauga po'o fanua ua fa'atauina atu pe ua tu'uina atu (e fai ma puipuiga i se nogatupe) po'o se mea e folafolaina atu mo le fa'ataunu'uina o le fatuaiga mo le aitalafu po'o se a'afiaga fa'aletulafono ua tolaulauina talafeagai lelei ai le mea ua folafolaina e totonu ai, pe ua patino pe leai fo'i. O le mea ua folafolaina atu e mafai ona fa'amatalalaina e ala i lona fa'amaumauina, fa'avasegaga, ituaiga, ma/po'o nofoaga ma e mafai ona aofia ai meatotino ua fa'amatalalaina e pulea pe a mae'a ona fa'ataunu'uina aiaiga mana'omia fa'atonuina o meatotino

ma/po'o nofoaga ma e mafai ona aofia ai meatotino ua fa'amatalatalaina e pulea pe a mae'a ona fa'ataunu'uina aiaiga mana'omia fa'atonuina o meatotino (pui puiga fa'aagaaga mo le totogiga o le aitalafu) po'o se maliliega ua fa'avacina pe ua aiaia mo le pasene fa'ae'eina atu mo le malupuipua o se nogatupe."

Lolo M. Moliga
LOLO M. MOLIGA
Peresetene, Maota Maualuga

Matagi R. Ma'ilo McMoore
MATAGI RAY MA'ILO MCMOORE
Fofoga Fetalai, Maota o Sui

Hereby Approved this *28th* day of *March* - 20*06*
[Signature]
Governor Of American Samoa



OFFICE OF THE GOVERNOR

PAGO PAGO, AMERICAN SAMOA 96799

TOGIOLA T.A. TULAFONO
GOVERNOR

AITOFELE T.F. SUNIA
LIEUTENANT GOVERNOR

March 28, 2006

TELEPHONE: (684) 633-4116
FACSIMILE: (684) 633-2269

Honorable Lolo M. Moliga
President of the Senate
Legislature of American Samoa
Fagatogo, American Samoa 96799

Serial: 468

Subject: Security Interest Legislation

Dear Mr. President:

I have today approved S.B. 29-56, which amends A.S.C.A. Section 27.1510 of the Commercial Code to clarify applicability of the section to security agreements and to provide greater detail on acceptable descriptions of collateral pledged as security for lending transactions.

Providing certainty for lenders and borrowers regarding pledged property will reduce the need to rely on the courts to apply this outdated section to new transactions. It is the intent of this amendment that any cost savings resulting from these clarifications will be properly reflected in the cost of financing. Also, the increased comfort level the amendment affords would help facilitate additional credit transactions, providing an overall benefit to our economy and its development.

I appreciate the work that you and your colleagues put toward this bill to ensure its speedy passage. Should you have any questions regarding this action, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Togiola T.A. Tulafono", is written over the typed name and title.

TOGIOLA T.A. TULAFONO
Governor of American Samoa

cc: President, Development Bank of American Samoa
President, ANZ Amerika Samoa Bank
President, Bank of Hawaii



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President, Bank of Hawaii