

THE SECURITY INTEREST HAS PRIORITY OVER A CONFLICTING SECURITY INTEREST PERFECTED BY MEANS OTHER THAN CONTROL, EVEN IF A NECESSARY INDORSEMENT IS LACKING.

9-116.

(1) IF A PERSON BUYS A FINANCIAL ASSET THROUGH A SECURITIES INTERMEDIARY IN A TRANSACTION IN WHICH THE BUYER IS OBLIGATED TO PAY THE PURCHASE PRICE TO THE SECURITIES INTERMEDIARY AT THE TIME OF THE PURCHASE, AND THE SECURITIES INTERMEDIARY CREDITS THE FINANCIAL ASSET TO THE BUYER'S SECURITIES ACCOUNT BEFORE THE BUYER PAYS THE SECURITIES INTERMEDIARY, THE SECURITIES INTERMEDIARY HAS A SECURITY INTEREST IN THE BUYER'S SECURITY ENTITLEMENT SECURING THE BUYER'S OBLIGATION TO PAY. A SECURITY AGREEMENT IS NOT REQUIRED FOR ATTACHMENT OR ENFORCEABILITY OF THE SECURITY INTEREST, AND THE SECURITY INTEREST IS AUTOMATICALLY PERFECTED.

(2) IF A CERTIFICATED SECURITY, OR OTHER FINANCIAL ASSET REPRESENTED BY A WRITING WHICH IN THE ORDINARY COURSE OF BUSINESS IS TRANSFERRED BY DELIVERY WITH ANY NECESSARY INDORSEMENT OR ASSIGNMENT IS DELIVERED PURSUANT TO AN AGREEMENT BETWEEN PERSONS IN THE BUSINESS OF DEALING WITH SUCH SECURITIES OR FINANCIAL ASSETS AND THE AGREEMENT CALLS FOR DELIVERY VERSUS PAYMENT, THE PERSON DELIVERING THE CERTIFICATE OR OTHER FINANCIAL ASSET HAS A SECURITY INTEREST IN THE CERTIFICATED SECURITY OR OTHER FINANCIAL ASSET SECURING THE SELLER'S RIGHT TO RECEIVE PAYMENT. A SECURITY AGREEMENT IS NOT REQUIRED FOR ATTACHMENT OR ENFORCEABILITY OF THE SECURITY INTEREST, AND THE SECURITY INTEREST IS AUTOMATICALLY PERFECTED.

9-203.

(1) Subject to the provisions of § 4-208 on the security interest of a collecting bank, [§ 8-321 on security interests in securities] §§ 9-115 AND 9-116 ON SECURITY INTERESTS IN INVESTMENT PROPERTY, and § 9-113 on a security interest arising under the title on sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless:

(a) The collateral is in the possession of the secured party pursuant to agreement, THE COLLATERAL IS INVESTMENT PROPERTY AND THE SECURED PARTY HAS CONTROL PURSUANT TO AGREEMENT, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned;

(b) Value has been given; and

(c) The debtor has rights in the collateral.

9-301.

(1) Except as otherwise provided in subsection (2) an unperfected security interest is subordinate to the rights of