

## ARGENTINA

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers moveable goods or accounts  <i>(Civ. C. Art 3204)<sup>i</sup></i>	Owner with authority to encumber  <i>(Civ. C Art. 3213)</i>	No However, some accessories may be included  <i>(Civ.C. Arts. 3231 &amp; 3232)</i>	Yes  <i>(Civ.C, Art. 3210)</i>	Creditor/third person  <i>(Civ.C. Arts. 3205-3207)</i>  No	N/A	No  <i>(Civ.C. Arts. 3222 &amp; 3224)</i>	No
<b>Commercial Pledge:</b> Covers moveable goods  <i>(Com.C. Arts. 580 &amp; 583)<sup>ii</sup></i>	Owner with authority to encumber, or authorized third party  <i>(Com.C Art. 580)</i>	No	The Creditor, not the debtor, may encumber the collateral in some instances  <i>(Com.C. Art. 585 – 588)</i>	Creditor -- No  <i>(Com.C. Arts. 580 &amp; 584)</i>	N/A	The Creditor may request Sale  <i>(Com.C. Art. 585)</i>	No
<b>Registered Pledge:</b> Covers monetary loans and other obligations  <i>(Law 12.962, Art. 1, 1995)<sup>iii</sup></i>	Owner with authority to encumber	Yes  <i>(Law 12.962, Art. 8)</i>	No  Unless authorized in writing  <i>(Law 12.962, Art. 7)</i>	Debtor/third person  <i>(Law 12.962, Art. 2)</i> -- Yes Registration with Pledge Registry  <i>(Law 12.962, Art. 4-6)</i>	Requires creditor and debtor identification, as well as itemization of the collateral  <i>(Law 12.962, Art.11)</i>	No  Requires civil procedures Arts. 36, 39, 26 and 28  <i>(Law 12.962)</i>	No

<p><b>Fixed Pledge:</b> Covers moveable goods or livestock</p> <p><i>(Law 12.962, Art 10, 1995)<sup>iii</sup></i></p>	<p>Owner with authority to encumber</p>	<p>Yes</p> <p><i>(Law 12.962, Art 8)</i></p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Law 12.962, Art. 7)</i></p>	<p>Debtor/third person</p> <p><i>(Law 12.962, Art. 2)</i></p> <p>--</p> <p>Yes</p> <p>Registration at debtor's domicile</p> <p><i>(Law 12.962, Art. 12)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p> <p><i>(Law 12.962, Art.11)</i></p>	<p>No</p> <p>Requires civil procedures Arts. 36, 39, 26 and 28</p> <p><i>(Law 12.962)</i></p>	<p>No</p>
<p><b>Floating Pledge:</b> Covers a company's inventory and raw materials</p> <p><i>(Law 12.962, Art. 14, 1995)<sup>iii</sup></i></p>	<p>Owner with authority to encumber</p>	<p>Yes</p> <p><i>(Law 12.962, Art. 14)</i></p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Law 12.962, Art. 7)</i></p>	<p>Debtor/third person</p> <p><i>(Law 12.962, Art. 2)</i></p> <p>--</p> <p>YES</p> <p>Registration at debtor's domicile</p> <p><i>(Law 12.962, Art. 12)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral, specifying any fungible goods</p> <p><i>(Law 12.962, Art.15)</i></p>	<p>No</p> <p>Requires civil procedures Arts. 36, 39, 26 and 28</p> <p><i>(Law 12.962)</i></p>	<p>No</p>
<p><b>Agrarian Pledge:</b> Covers agricultural goods and livestock</p> <p><i>(Law 9644, Art. 2-3, 1914)<sup>iv</sup></i></p>	<p>Owner with authority to encumber</p> <p><i>(Law 9644, Art. 3)</i></p>	<p>Yes</p> <p>Extends to animal products and agricultural fruits</p> <p><i>(Law 9644, Art. 2)</i></p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Law 9644, Art. 10)</i></p>	<p>Debtor</p> <p><i>(Law 9644, Art. 5)</i></p> <p>--</p> <p>Yes</p> <p>Registration at Public Registry</p> <p><i>(Law 9644, Art 7)</i></p>	<p>Over the creditor, debtor and the specie, amount and location of the goods</p> <p><i>(Law 9644, Art. 8)</i></p>	<p>No</p> <p><i>(Law 9644, Art. 24)</i></p>	<p>No</p>
<p><b>Naval Mortgage:</b> Covers ships (10 tons and greater)</p> <p><i>(Law 20.094, Art. 499, 1973)<sup>v</sup></i></p>	<p>Owner with authority to encumber, or lien holder</p> <p><i>(Law 20.094, Art. 499)</i></p>	<p>No</p>	<p>Yes</p> <p><i>(Law 20.094, Art. 504)</i></p>	<p>Debtor</p> <p>--</p> <p>Yes</p> <p>Registration at the Naval Registry</p> <p><i>(Law 20.094, Art. 501)</i></p>	<p>Over the creditor, debtor and a itemization of ship</p> <p><i>(Law 20.094, Art. 501 and 503)</i></p>	<p>No</p> <p><i>(Law 20.094, Art. 517)</i></p>	<p>No</p>

<p><b>Trust:</b> Covers moveable or immovable property</p> <p><i>(Civ.C. Art. 2662.)</i></p> <p><i>(Law No. 24.441, Art. 1, 1994)<sup>vi</sup></i></p>	<p>Owner with authority to encumber</p> <p><i>(Civ.C., Art. 2661)</i></p> <p><i>(Law 24.441, Art. 1)</i></p>	<p>The trustee may be authorized to receives fruits and income from the trust corpus</p> <p><i>(Law 24.441, Art. 13)</i></p>	<p>Yes</p> <p>If authorized in writing</p> <p><i>(Law 24.441, Art. 17)</i></p>	<p>Trustee</p> <p><i>(Law 24.441, Art. 1)</i></p> <p>--</p> <p>Yes</p> <p>Only if trust corpus includes goods that require registration</p> <p><i>(Law 24.441, Arts. 12 and 13)</i></p>	<p>When required, registration must include itemization of the collateral</p> <p><i>(Law 24.441, Art. 4 (a))</i></p>	<p>Possible, if agreed by the parties</p>	<p>Possible, if the corpus covers goods that don't require registration</p>
<p><b>Financial Lease:</b> Covers an option to buy property</p> <p><i>(Law No. 24.441, Arts. 27-34, 1994)<sup>vii</sup></i></p>	<p>Financial institutions or commercial enterprises</p> <p><i>(Law 24.441, Arts. 27-28)</i></p>	<p>No</p>	<p>No</p>	<p>Debtor</p> <p><i>(Law 24.441, Art. 32)</i></p> <p>--</p> <p>Yes</p> <p>If covers moveables, not registered, registration takes place at the Pledge Credit Registry</p> <p><i>(Law 24.441, Arts. 30-31)</i></p>	<p>When required, registration must include itemization of the collateral</p>	<p>No</p>	<p>Possible, if the lease covers goods that don't require registration</p>
<p><b>Letras Hipotecarias:</b> Cover mortgage backed negotiable instruments</p> <p><i>(Law 24.441, Art. 35, 1994)<sup>viii</sup></i></p>	<p>Debtor</p> <p><i>(Law 24.441, Art. 39)</i></p>	<p>No</p>	<p>No</p> <p><i>(Law 24.441, Art. 36)</i></p>	<p>Debtor/Third Party</p> <p><i>(Law 24.441, Art. 38)</i></p> <p>--</p> <p>Yes</p> <p>Real Property Registry</p> <p><i>(Law 24.441, Art. 39)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the real property</p> <p><i>(Law 24.441, Art. 39 (a)(b)(g))</i></p>	<p>No</p> <p><i>(Law 24.441, Arts. 53-54)</i></p>	<p>No</p>

<p><b>Warrants &amp; Certificates of Deposit:</b> Cover moveable goods deposited in fiscal warehouses</p> <p><i>(Law 9643, Art. 1, 1914)<sup>ix</sup></i></p>	<p>Owner with authority to encumber</p>	<p>No</p>	<p>No</p> <p>Although the goods may be divided to secure separate obligations</p> <p><i>(Law 9643, Art. 14)</i></p>	<p>Fiscal warehouse</p> <p><i>(Law 9643, Arts. 1 &amp; 9)</i></p> <p>--</p> <p>No</p> <p>The only registration required is in company books</p> <p><i>(Law 9643, Arts. 8, 10 &amp; 31)</i></p>	<p>Endorsement of the title document replaces registration requirement</p> <p><i>(Law 9643, Art. 10)</i></p>	<p>Possible</p> <p>The bailee may, at the creditor's demand, sell the goods by public auction</p> <p><i>(Law 9643, Art.s 16-17)</i></p>	<p>No</p>
---	---	-----------	---	--	--	---	-----------

- 
- i Civil Code: Law Decree No. 340, January 1871
  - ii Commercial Code: Law Decree No. 2637, October 1889
  - iii Law Decree No. 15.348, 1946 (text ordered by Decree 897 of December 11, 1995), ratified by Law 12.962 of Registered Pledge with the reforms of Decrees 8572 of 1960 and 11.774 of 1960
  - iv Law No. 9644, September 30, 1914 – Agrarian Pledge
  - v Law No. 20.094, January 15, 1973 – Navigation
  - vi Law Decree No. 5965, 1963 – (DE LOS TITULOS CAMBIARIOS)
  - vii Law No. 24.452, March 2, 1995 – Checks
  - viii Law No. 24.441, December 22, 1995 – Housing and Construction Financing - (Fideicomiso, Leasing, Credit Mortgages)
  - ix Law No. 9643, September 30, 1914 – Warrants

## BRAZIL

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Possessory Pledge:</b> Covers Movable Goods <i>(Civ.C. Art. 768)<sup>i</sup></i>	Owner with authority to encumber <i>(Civ.C. Art. 756)</i>	Possible, Fruits and accessories are delivered to the creditor <i>(Civ.C. Art. 774)</i>	Unclear	Creditor/third Party <i>(Civ.C. Arts. 768 &amp; 769)</i> -- No	N/A	No <i>(Civ.C Art. 765)</i>	No
<b>Commercial Pledge:</b> Covers Movable Goods <i>(Com.C. Arts. 271-273)<sup>ii</sup></i>	Debtor/Third Party <i>(Com.C. Art. 271)</i>	No <i>(Com.C. Art. 275)</i>	No <i>(Com.C Art. 279)</i>	Debtor/Creditor/ Third Party <i>(Com.C. Art. 274)</i>	Unclear	No <i>(Com.C. Arts 275 &amp; 279)</i>	Unclear
<b>Agrarian Pledge:</b> Covers agricultural goods <i>(Law #492, Arts. 6-10,1937)<sup>iii</sup></i>	Owner with authority to encumber <i>(Civ.C. Art. 756)</i>	No	Yes  Only if the value of the collateral exceeds the outstanding debt <i>(Law 492, Art. 4(1))</i>	Debtor <i>(Civ.C. Art. 769)</i> <i>(Law 492, Art. 1)</i> -- Yes Registration at real property registry <i>(Law 492, Art. 2)</i>	Requires creditor and debtor identification, as well as itemization of the collateral <i>(Law 492, Art. 15)</i>	No <i>(Civ.C. Art. 765)</i>	No

- 
- i Civil Code: Law No. 3071, Jan. 1916
  - ii Commercial Code: Law No. 556. June 1850
  - iii Law 492, Aug. 30, 1937

## CHILE

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers movable goods  ( <i>Civ.C. Art. 2384</i> ) <sup>i</sup>	Owner with authority to encumber  ( <i>Civ.C. Arts. 2387-2388</i> )	Yes  If the collateral produces fruits  ( <i>Civ.C. Art. 2403</i> )	No  ( <i>Civ.C. Art. 2395</i> )	Creditor/Third Party  ( <i>Civ.C. Art. 2386</i> )  No  ( <i>Civ.C. Art. 2386</i> )	N/A	No  ( <i>Civ.C. Art. 2397</i> )	No
<b>Pledge of a Credit:</b> Covers Negotiable Instrument  ( <i>Civ.C. Art. 2389</i> )	Owner with authority to encumber  ( <i>Civ.C. Arts. 2387-2388</i> )	Yes  If the collateral produces fruits  ( <i>Civ.C. Art. 2403</i> )	No  ( <i>Civ.C. Art. 2395</i> )	Creditor/Third Party -- No	N/A  The N.I. is delivered to the creditor who notifies third parties  ( <i>Civ.C. Arts. 2386-2389</i> )	No  ( <i>Civ.C. Art. 2397</i> )	No
<b>Commercial Pledge:</b> Covers movable goods  ( <i>Com.C. Arts. 813 &amp; 814</i> ) <sup>ii</sup>	Owner with authority to encumber	Yes  If the collateral produces interest  ( <i>Com.C. Art. 819</i> )	No	Creditor/Third Party  ( <i>Com.C. Art. 817</i> ) -- No  ( <i>Com.C. Arts. 815-817</i> )	N/A	No	No

<p><b>Non-Possessory Pledge:</b> Covers movable goods</p> <p><i>(Law 18.112, Arts. 1 &amp; 4, 1982)<sup>iii</sup></i></p>	<p>Owner or third party with authority to encumber</p> <p><i>(Law 18.112, Art. 11)</i></p>	<p>No</p> <p><i>(Law 18.112, Art. 6)</i></p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Law 18.112, Art. 18)</i></p>	<p>Debtor</p> <p><i>(Law 18.112, Art.1)</i></p> <p>--</p> <p>Some Instances</p> <p>Vehicle or Ship Registry</p> <p><i>(Law 18.112, Arts. 2, 8 &amp; 9)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p> <p><i>(Law 18.112, Arts. 3, 8 &amp; 9)</i></p>	<p>No</p> <p><i>(Law 18.112, Art. 20 &amp; 21)</i></p>	<p>Possible</p> <p>If registration is not required</p>
<p><b>Agrarian Pledge:</b> Covers agricultural goods</p> <p><i>(Law 4.097, Art.1, 1927)<sup>iv</sup></i></p>	<p>Owner or third party with authority to encumber</p> <p><i>(Law 4.097, Art.1)</i></p>	<p>No</p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Law 4.097, Art. 17)</i></p>	<p>Debtor</p> <p><i>(Law 4.097, Art. 1)</i></p> <p>--</p> <p>Yes</p> <p><i>(Law 4.097, Arts. 5-6)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p> <p><i>(Law 4.097, Art. 8)</i></p> <p><i>(Decree 1.511, Art. 3, 1927)<sup>v</sup></i></p>	<p>No</p> <p><i>(Law 4.097, Art. 19)</i></p>	<p>No</p>
<p><b>Pledge of Movable Values:</b> Covers negotiable instruments</p> <p><i>(Law 4.287, Art. 1, 1928)<sup>vi</sup></i></p>	<p>Owner or third party with authority to encumber</p>	<p>Unclear</p> <p><i>(Law 4.287, Art. 5)</i></p>	<p>A banking institution may create a second lien</p> <p><i>(Law 4.287, Art. 2)</i></p>	<p>Creditor</p> <p><i>(Law 4.287, Art. 1)</i></p> <p>--</p> <p>No</p> <p><i>(Law 4.287, Art.3)</i></p>	<p>N/A</p>	<p>Yes</p> <p><i>(Law 4.287, Art. 6)</i></p>	<p>Unclear</p>
<p><b>Compraventa a Plazo:</b> Covers options to buy movable goods.</p> <p><i>(Law 4.702, Arts. 1-41, 1929)<sup>vii</sup></i></p>	<p>Buyers</p> <p><i>(Law 4.702, Arts. 1-3)</i></p>	<p>No</p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Law 4.702, Art. 10)</i></p>	<p>Debtor/Buyer</p> <p><i>(Law 4.702, Art. 1)</i></p> <p>--</p> <p>Yes</p> <p>Registration at Special Registry</p> <p><i>(Law 4.702, Art. 2)</i></p>	<p>Must follow Special Registry Regulations</p> <p><i>(Decree 2.836, 1930)<sup>viii</sup></i></p>	<p>No</p> <p><i>(Law 4.702, Arts. 20-27)</i></p>	<p>No</p>

<p><b>Industrial Pledge:</b> Covers inventory (finished and in-process goods)</p> <p><i>(Law 5.687, Art 23-24, 1935)<sup>ix</sup></i></p>	<p>Debtor or authorized third party</p>	<p>Yes</p> <p>Only in direct manufacturing (i.e. raw materials into finished goods)</p> <p><i>(Law 5.687, Art. 25)</i></p>	<p>No</p> <p><i>(Law 5.687, Art. 49)</i></p>	<p>Debtor</p> <p><i>(Law 5.687, Arts. 23 &amp; 32)</i></p> <p>--</p> <p>Yes</p> <p>Registration in Industrial Pledge Registry</p> <p><i>(Law 5.687, Arts. 27 &amp; 28)</i></p>	<p>Must follow Regulations for Industrial Pledge Registry</p> <p><i>(Law 5.687, Art. 28 &amp; 30)</i></p>	<p>No</p> <p><i>(Law 5.687, Arts. 37-39)</i></p>	<p>No</p>
<p><b>Naval Mortgage:</b> Covers naval vessels</p> <p><i>(Com.C. Art. 866)</i></p>	<p>Owner with authority to encumber</p> <p><i>(Com.C. Art. 867)</i></p>	<p>No</p> <p><i>(Law 5.687, Art. 876)</i></p>	<p>Yes</p> <p><i>(Com.C. Art. 878)</i></p>	<p>Debtor</p> <p>--</p> <p>Yes</p> <p>Maritime Registry</p> <p><i>(Com.C. Arts. 866, 868 &amp; 871)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the vessel</p> <p><i>(Com.C. Art. 870)</i></p>	<p>No</p>	<p>No</p>

- i Civil Code: Decree No. 2-95, Dec. 1996
- ii Commercial Code: Decree No. 996, Aug. 31, 1993
- iii Law No. 18.112, April 1, 1982
- iv Law 4.097, Aug. 25, 1927 - Agrarian Pledge and reforms via Law No. 4.163
- v Law No. 1.511, Sep. 29, 1927 - Agrarian Pledge Regulation
- vi Law No. 4.287, Feb. 29, 1928
- vii Law No. 4.702, Dec. 6, 1929 - Term Purchase-Sale Law
- viii Decree No. 2.836 - Industrial Pledge Registry Regulations
- ix Law 5.687, Sep. 17, 1935 - Industrial Pledge Law

## COLOMBIA

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers movable goods  (Civ. C. Art. 2409) <sup>i</sup>	Owner or third party with authority to encumber  (Civ.C. Arts. 2412 & 2413)	No  But, if collateral produces fruits, these may be applied to the outstanding loan  (Civ.C. Art. 2428)	No	Creditor  (Civ.C. Arts. 2409 & 2411)  -- No	N/A	No  (Civ.C. Art. 2422)	No
<b>Pledge of a Credit:</b> Covers accounts  (Civ.C. Art. 2414)	Owner or third party with authority to encumber  (Civ.C. Arts. 2412 & 2413)	No  But, if collateral produces fruits, these may be applied to the outstanding loan  (Civ.C. Art. 2428)	No	Creditor  (Civ.C. Arts. 2409, 2411 & 2414)  -- No Accounts are delivered to the creditor who notifies account debtors  (Civ.C. Art. 2414)	N/A	No  (Civ.C. Art. 2422)	Possible,  3 <sup>rd</sup> parties may not receive notice from Account Debtors

<p><b>Commercial Pledge:</b> Covers movable goods</p> <p><i>(Com.C. Arts. 1204 &amp; 1200)<sup>ii</sup></i></p>	<p>Owner with authority to encumber</p> <p><i>(Com.C. Art. 1201)</i></p>	<p>Yes</p> <p>Extends to future products</p> <p><i>(Com.C. Art. 1218)</i></p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Com.C. Art. 1204)</i></p>	<p>Creditor/Third Party</p> <p><i>(Com.C. Art. 1204)</i></p> <p>--</p> <p>No</p> <p>Although some items require registration</p> <p><i>(Com.C. Art. 1215)</i></p>	<p>Registrable items must follow own special rules</p>	<p>No</p> <p><i>(Com.C. Art. 1203)</i></p>	<p>Yes</p> <p>If collateral covers non-registrable items</p>
<p><b>Non-Possessory Pledge:</b> Covers movable goods destined to use in economic activity</p> <p><i>(Com.C. Arts. 1207 &amp; 1200)</i></p>	<p>Owner or third party with authority to encumber</p> <p><i>(Com.C. Art. 1201)</i></p>	<p>Yes</p> <p>Extends to assets produced by the collateral</p> <p><i>(Com.C. Art. 516 &amp; 532)</i></p>	<p>No</p> <p><i>(Com.C. Art. 1204)</i></p>	<p>Debtor</p> <p><i>(Com.C. Art. 1207)</i></p> <p>--</p> <p>Yes</p> <p><i>(Com.C. Arts. 1208 &amp; 1210)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p> <p><i>(Com.C. Art. 1209)</i></p>	<p>No</p> <p><i>(Com.C. Art. 1203)</i></p>	<p>No</p>
<p><b>Pledge Bond:</b> Cover warehoused goods</p> <p><i>(Com.C. Arts. 757, 763 &amp; 765)</i></p>	<p>Owner or holder with authority to encumber</p> <p><i>(Com.C. Art. 644)</i></p>	<p>No</p>	<p>No</p> <p>Although the goods may be divided to secure separate obligations</p>	<p>Bailee (retains the goods) – Holder (retains the bond)</p> <p><i>(Com.C. Arts. 757 &amp; 758)</i></p> <p>--</p> <p>Yes</p> <p>Registration in warehouse books</p> <p><i>(Com.C. Arts. 759)</i></p>	<p>Requires descriptions of the warehouse, bond beneficiary and an itemization of the goods</p> <p><i>(Com.C. Arts. 759 &amp; 760)</i></p>	<p>Yes</p> <p>The creditor/holder may ask bailee to sell collateral</p> <p><i>(Com.C. Arts. 794 &amp; 797)</i></p>	<p>No</p>

<p><b>Trust:</b> Covers movable or immovable goods  (<i>Com.C. Arts. 1226 &amp; 1233</i>)</p>	<p>Owner with authority to encumber  (<i>Com.C. Art. 1226</i>)</p>	<p>May extend to the fruits of the trust corpus</p>	<p>No  Although a group of creditors may be secured with the same trust</p>	<p>Trustee  (<i>Com.C. Art. 1226</i>)  No  Reg. required for some property only  (<i>Com.C. Art. 1228</i>)</p>	<p>If reg. is required, depends on type of property  (<i>Com.C. Art. 1228</i>)</p>	<p>No</p>	<p>Possible, Although prohibited  (<i>Com.C. Art.1230</i>)</p>
<p><b>Naval Mortgage:</b> Covers most naval vessels  (<i>Com. C. Arts. 1904 &amp; 1570</i>)</p>	<p>Owner with authority to encumber</p>	<p>No</p>	<p>Yes</p>	<p>Debtor -- Yes Reg. required with naval registry  (<i>Com.C. Art. 1904</i>)</p>	<p>Description of the vessel  (<i>Com.C. Art. 1904</i>)</p>	<p>No  (<i>Com.C. Arts. 1452 &amp; 1454</i>)</p>	<p>No</p>

i Civil Code: Decree Law No. 57, April 1887  
ii Commercial Code: Decree Law No. 410, March 1971

## COSTA RICA

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers movable property  <i>(Civ.C. Art. 441)i</i>	Owner with authority to encumber	No	Unclear	Creditor/Third Party  <i>(Civ.C. Arts. 441 &amp; 443)</i> -- No	N/A	No  <i>(Civ.C. Arts. 445 &amp; 423)</i>	No
<b>Pledge of a Credit:</b> Covers accounts  <i>(Civ.C. Art. 442)</i>	Owner with authority to encumber	No	Unclear	Creditor/Third Party  <i>(Civ.C. Arts. 442 &amp; 443)</i> -- No	N/A	No  <i>(Civ.C. Art. 445 &amp; 423)</i>	No
<b>Commercial Pledge:</b> Covers movable and immovable goods  <i>(Com.C. Arts. 530 &amp; 533)<sup>ii</sup></i>	Owner with authority to encumber	No	Yes  If authorized in writing  <i>(Com.C. Art. 541)</i>	Creditor/Third Party  <i>(Com.C. Art. 538)</i> -- No	N/A	No  <i>(Com.C. Art. 536)</i>	No

<p><b>Non-Possessory Pledge:</b> Covers movable goods <i>(Com.C. Art. 537)</i></p>	<p>Owner with authority to encumber <i>(Com.C. Art. 537)</i></p>	<p>No</p>	<p>Yes If authorized in writing <i>(Com.C. Art. 541)</i></p>	<p>Debtor <i>(Com.C. Art. 537)</i> -- Yes Reg. with general pledge registry <i>(Com.C. Art. 537, 542, 551 &amp; 554)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral <i>(Com.C. Art. 554)</i></p>	<p>No <i>(Com.C. Art. 536)</i></p>	<p>No</p>
<p><b>Trust:</b> Covers movable and immovable goods <i>(Com.C. Art. 633, 634)</i></p>	<p>Owner with authority to encumber <i>(Com.C. Art. 633)</i></p>	<p>No</p>	<p>No Unless authorized in writing <i>(Com.C. Art. 652)</i></p>	<p>Trustee <i>(Com.C. Art. 633)</i> -- Yes Only if trust corpus includes goods require registration <i>(Com.C. Art. 636)</i></p>	<p>When required, registration must include itemization of the collateral <i>(Com.C. Art. 662)</i></p>	<p>Unclear</p>	<p>Possible, if the trust corpus includes goods that don't require registration</p>

<sup>i</sup> Civil Code: Law No. 7020, January 1986

<sup>ii</sup> Commercial Code: Law 2797, Aug. 1961 - Law No. 1644 , Sep. 26, 1953

## DOMINICAN REPUBLIC

<b>Legal Mechanism</b> -- <b>Type of Collateral</b>	<b>Who may encumber the collateral ?</b>	<b>Does the Mechanism encumber future goods ?</b>	<b>Does the Mechanism provide for junior liens ?</b>	<b>Who retains possession of the collateral ?</b> <b>Is registration required ?</b>	<b>Type of Registration system ?</b>	<b>Does the Mechanism provide for extra-judicial enforcement ?</b>	<b>Does the Mechanism Create a Secret Lien ?</b>
<b>Civil Pledge:</b> Covers movable goods  <i>(Civ.C. Art.2073)<sup>i</sup></i>	Owner or third party with authority to encumber  <i>(Civ.C. Art. 2077)</i>	No  Although a creditor may apply products of the collateral to the outstanding loan  <i>(Civ.C. Art. 2081)</i>	Unclear	Creditor/Third Party  <i>(Civ.C. Art. 2076)</i>  -- No <i>(Civ.C. Art. 2074)</i>	N/A	No  <i>(Civ.C. Art. 2078)</i>	No
<b>Conditional Sale:</b>  <i>(Law No. 483, Art. 1, 1964),<sup>ii</sup> and (Law 435, 1972)<sup>iii</sup></i>	Commercial or physical entity authorized to buy and/or sell  <i>(Law 435, Art. 1)</i>	No	May be negotiable and transferred by endorsement  <i>(Law No. 435, Art. 3)</i>	Debtor -- Yes Central Conditional Sales Registry  <i>(Law No. 482, Art. 2, 1969<sup>iv</sup> as modified by Law 435, Art. 3)</i>	Requires seller and buyer identification, as well as brief description of the sold item  <i>(Law No. 483, Art.5)</i>	No  <i>(Law No. 483, Art. 10)</i>	No

<p><b>Non-Possessory Pledge:</b> Covers movable goods</p> <p><i>(Law No. 1841, Art. 1, 1948)<sup>v</sup> and (Law No. 6186, Art. 200, 1963)<sup>vi</sup></i></p>	<p>Selected (productive activities) owners with authority to encumber</p> <p><i>(Law No. 1841, Art. 1)</i></p>	<p>Yes</p> <p>Extends to fruits and industrial-conversion of materials</p> <p>Modified by: <i>(Law 3784, Art. 1, 1954)<sup>vii</sup></i></p>	<p>No</p> <p><i>(Law No. 1841, Art. 2) and (Law No. 6186, Art. 201)</i></p>	<p>Debtor</p> <p><i>(Law No. 1841, Arts 1 &amp; 11)</i></p> <p>--</p> <p>Yes</p> <p>Registration locally (Justice of the Peace) at debtor's place of residence</p> <p><i>(Law No. 1841, Arts. 4 &amp; 9)</i></p>	<p>Requires creditor and debtor identification, identification of the Justice of the Peace office, as well as itemization of the collateral</p> <p><i>(Law No. 1841, Art. 4)</i></p>	<p>No</p> <p><i>(Law No. 1841, Arts. 13 &amp; 14)</i></p>	<p>No</p>
<p><b>Encumbrance of Fruits, Products and Merchandise</b></p> <p><i>(Law No. 249, Art. 1, 1943)<sup>viii</sup></i></p>	<p>Selected (productive activities) owners with authority to encumber</p> <p><i>(Law No. 1841, Art. 1)</i></p>	<p>Yes</p> <p>Extends to fruits and industrial-conversion of materials</p> <p>Modified by: <i>(Law 3784, Art. 3, 1954)<sup>ix</sup></i></p>	<p>No</p> <p><i>(Law No. 1841, Art. 2) and (Law No. 6186, Art. 201)</i></p>	<p>Debtor</p> <p><i>(Law No. 1841, Arts 1 &amp; 11)</i></p> <p>--</p> <p>Yes</p> <p>Registration locally (Justice of the Peace) at debtor's place of residence</p> <p><i>(Law No. 1841, Arts. 4 &amp; 9)</i></p>	<p>Requires creditor and debtor identification, identification of the Justice of the Peace office, as well as itemization of the collateral</p> <p><i>(Law No. 1841, Art. 4)</i></p>	<p>No</p> <p><i>(Law No. 249, Art. 2)</i></p>	<p>No</p>
<p><b>Commercial Pledge:</b> Covers movable goods and instruments</p> <p><i>(Com.C. Art. 91)<sup>x</sup></i></p>	<p>Owner with authority to encumber</p> <p><i>(Com.C. Art. 91)</i></p>	<p>Unclear</p>	<p>Unclear</p>	<p>Creditor</p> <p><i>(Com.C. Art. 92)</i></p> <p>--</p> <p>No</p>	<p>N/A</p>	<p>No</p> <p><i>(Com.C. Art. 93)</i></p>	<p>No</p>

---

i	Civil Code: Nov. 28, 1966
ii	Law No. 483, 1964 – Conditional Sale of Personal Property
iii	Law 435, Nov. 4, 1972 –
iv	Law 482, Oct. 10, 1969 – Registry
v	Law No. 1841, Nov. 1948 - Non-Possessory pledge
vi	Law No. 6186, Feb. 12, 1963 – Agricultural Non-Possessory Pledge
vii	Law 3784, Mar. 6, 1954
viii	Law No. 249, Apr. 8, 1943 – Encumbrance of Fruits, Products and merchandise
ix	Law No. 3784, Feb. 13, 1953 - Loans for Seed, Animals and Equipment
x	Commercial Code: Apr. 16, 1884

## ECUADOR

<b>Legal Mechanism</b> -- <b>Type of Collateral</b>	<b>Who may encumber the collateral ?</b>	<b>Does the Mechanism encumber future goods ?</b>	<b>Does the Mechanism provide for junior liens ?</b>	<b>Who retains possession of the collateral ?</b> <b>Is registration required ?</b>	<b>Type of Registration system ?</b>	<b>Does the Mechanism provide for extra-judicial enforcement ?</b>	<b>Does the Mechanism Create a Secret Lien ?</b>
<b>Civil Pledge:</b> Covers movable goods  <i>(Civ.C. Art. 2310)<sup>i</sup></i>	Owner with authority to encumber  <i>(Civ.C. Arts. 2313 &amp; 2314)</i>	No  Although the creditor may apply fruits produced by the collateral to the outstanding loan  <i>(Civ.C. Art. 2329)</i>	Unclear	Creditor  <i>(Civ.C. Arts. 2310 &amp; 2312)</i> -- No	N/A	No  <i>(Civ.C. Art. 2323)</i>	No
<b>Commercial Pledge:</b> Covers movable goods  <i>(Com.C. Art. 569),<sup>ii</sup> and (Supreme Decree No. 548-E. RO 99, Art. 3, 1963)<sup>iii</sup></i>	Owner with authority to encumber  <i>(Civ.C. Arts. 2313 &amp; 2314) (Disposición común Art. 601 Com.C.)</i>	No  Although the creditor may apply fruits produced by the collateral to the outstanding loan  <i>(Com.C. Art. 601) and (Civ.C. Art. 2329)</i>	Unclear	Creditor/Third Party  <i>(Com.C. Art. 571)</i>  --  No	N/A	No  <i>(Com.C. Art. 575)</i>	No

<p><b>Special Commercial Pledge:</b> Covers movable goods</p> <p><i>(Com.C. Sección II, Art. 5 [Art. I] and (Supreme Decree No. 548-E. RO, 99, Art. 3, 1963)</i></p>	<p>Owner with authority to encumber</p> <p><i>(Civ.C. Arts. 2313 &amp; 2314) (Com.C. Art. 601)</i></p>	<p>No</p> <p>Although the creditor may apply fruits produced by the collateral to the outstanding loan</p> <p><i>(Com.C. Art. 601) and (Civ.C. Art. 2329)</i></p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Art. 5 [Art. XI])</i></p>	<p>Debtor</p> <p><i>(Art. 5 [Art. III])</i></p> <p>--</p> <p>Yes</p> <p>Property or Special Pledge Registry</p> <p><i>(Art. 5 [Art. II])</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p> <p><i>(Art. 5 [Art. III] Sec. II)</i></p>	<p>No</p> <p><i>(Art. 5 [Art. IV])</i></p>	<p>No</p> <p>Unless registered in wrong registry</p>
<p><b>Agrarian and Industrial Pledge:</b> Covers agricultural and industrial goods</p> <p><i>(Com.C. Sección III, Arts 576-579) and (Supreme Decree 548-E. RO 99, Art.3, 1963)</i></p>	<p>Owner with authority to encumber</p> <p><i>(Civ.C. Arts. 2313 &amp; 2314) (Com.C. Art. 601)</i></p>	<p>Unclear</p> <p><i>(Art. 580 Com.C.)</i></p>	<p>Unclear</p>	<p>Debtor</p> <p><i>(Com.C. Art. 576)</i></p> <p>--</p> <p>Yes</p> <p>Property Registry</p> <p><i>(Com.C Art. 581)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p> <p><i>(Com.C. Art. 601)</i></p>	<p>No</p> <p><i>(Com.C. Art. 596)</i></p>	<p>No</p>
<p><b>Lease:</b> Covers movable and immovable goods</p> <p><i>(Resolution No. SB-JB-96-0084, Arts. 1 &amp; 7, 1996)<sup>iv</sup> and Resolution No. 90-743, Arts. 1 &amp; 2, 1990)<sup>v</sup></i></p>	<p>Owner</p> <p><i>(Resolution No. SB-JB-96-0084, Art. 1)</i></p>	<p>No</p>	<p>No</p> <p><i>(Resolution No. 90-743, Art. 10)</i></p>	<p>Debtor</p> <p><i>(Resolution No. SB-JB-96-0084, Art. 1)</i></p> <p>--</p> <p>Yes</p> <p><i>(Resolution No. SB-JB-96-0084, Arts. 21, 9 &amp; 12)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p>	<p>No</p>	<p>No</p>

- 
- i Civil Code: 1960 Amended by Law 256 RO 446, Jun. 4 , 1970.  
Decree Law RO 78, Feb. 9, 1962. Supreme Decree No. 40, Jul. 2, 1970.
  - ii Commercial Code: Supreme Decree, Jul. 30, 1906. RO-S 1202, Aug. 20, 1960.
  - iii Supreme Decree 548-E. Official Registry 99, Nov. 8, 1963.
  - iv Resolution No. SB-JB-96-0084, Aug 12, 1996. RO 6, Aug. 19, 1996 -  
Organization and Function Commercial Leasing Companies Regulation
  - v Resolution No. 90-743, Mar. 7, 1990 - Regulation for Emission of Leasing Certificates

## EL SALVADOR

<b>Legal Mechanism</b> -- <b>Type of Collateral</b>	<b>Who may encumber the collateral ?</b>	<b>Does the Mechanism encumber future goods ?</b>	<b>Does the Mechanism provide for junior liens ?</b>	<b>Who retains possession of the collateral ?</b> <b>Is registration required ?</b>	<b>Type of Registration system ?</b>	<b>Does the Mechanism provide for extra-judicial enforcement ?</b>	<b>Does the Mechanism Create a Secret Lien ?</b>
<b>Civil Pledge:</b> Covers movable goods  <i>(Civ.C. Art. 2134)<sup>i</sup></i>	Owner with authority to encumber  <i>(Civ.C. Arts. 2137 &amp; 2138)</i>	No  Although Creditor may apply fruits produced by the collateral to the outstanding loan  <i>(Civ.C. Art. 2153)</i>	No	Creditor  <i>(Civ.C. Art. 2134 &amp; 2136)</i>  -- No	N/A	No  <i>(Civ.C. Art. 2147)</i>	No
<b>Commercial Pledge:</b> Covers movable goods and negotiable instruments  <i>(Com.C. Arts. 1525 &amp; 1531)<sup>ii</sup></i>	Owner or third party with authority to encumber  <i>(Com.C. Art. 1526 &amp; 1527)</i>	No	No	Creditor/Third Party  <i>(Com.C. Art. 1529)</i>  -- In Some Instances  <i>(Com.C. Art. 1533)</i>	Unclear	No  <i>(Com.C. Art. 1535 &amp; 1537)</i>	No

<p><b>Non-Possessory Commercial Pledge:</b> Covers movable goods</p> <p><i>(Com.C. Arts. 1144, 1156-58 &amp; 1530)</i></p>	<p>Owner with authority to encumber</p> <p><i>(Com.C. Arts. 1148, 1526 &amp; 1527)</i></p>	<p>No</p>	<p>No</p> <p><i>(Com.C. Art. 1158)</i></p>	<p>Debtor</p> <p><i>(Com.C. Arts. 1156 &amp; 1530)</i></p> <p>--</p> <p>Yes</p> <p>Commercial Registry</p> <p><i>(Com.C. Arts. 1145, 1154, 1155 &amp; 1530 Amended by Decree No. 22, 1995)<sup>iii</sup></i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p> <p><i>(Com.C. Art. 1153 (III &amp; IV))</i></p>	<p>No</p> <p><i>(Com.C. Art. 1535 &amp; 1537)</i></p>	<p>No</p>
<p><b>Pledge Bond:</b> Covers warehoused goods</p> <p><i>(Com.C. Art. 840)</i></p>	<p>The bond holder may encumber or transfer</p> <p><i>(Com.C. Art. 839)</i></p>	<p>No</p>	<p>No</p> <p>Although the bond may be divided</p> <p><i>(Com.C. Art. 842)</i></p>	<p>Fiscal warehouse keeps possession of the goods, Holder keeps possession of the Bond</p> <p><i>(Com.C. Art. 839)</i></p> <p>--</p> <p>Yes</p> <p>Registration with the bailee</p> <p><i>(Com.C. Art. 846)</i></p>	<p>Requires description of the warehouse, goods, and original holder</p> <p><i>(Com.C. Art. 844 [iii, vii-viii])</i></p>	<p>No</p> <p><i>(Com.C. Arts. 865-867)</i></p>	<p>No</p>
<p><b>Trust:</b> Covers movable and immovable goods</p> <p><i>(Com.C. Arts. 1233 &amp; 1245)</i></p>	<p>Owner with authority to encumber</p> <p><i>(Com.C. Arts. 1233 &amp; 1252)</i></p>	<p>Unclear</p>	<p>No</p> <p>Although the trust may be created to secure more than one creditor</p> <p><i>(Com.C. Art. 1252)</i></p>	<p>Trustee</p> <p><i>(Com.C. Art. 1233)</i></p> <p>--</p> <p>Yes</p> <p>Commercial or Property Registry, depending on the type of goods</p> <p><i>(Com.C. Arts. 1249-1250 &amp; Commercial Registry Law, Decrees 271 &amp; 22, Art. 13 (9))</i></p>	<p>Requires party identification, as well as itemization of the trust corpus</p> <p>(Commercial Registry Law, Art. 21)</p>	<p>No</p> <p><i>(Com.C. Arts. 1256 &amp; 1258)</i></p>	<p>No</p>

<p><b>Trust Participation Certificates:</b> Cover movable goods <i>(Com.C. Art. 888 &amp; 883)</i></p>	<p>Only duly authorized banks may emit participation certificates <i>(Com.C. Art. 883)</i></p>	<p>No</p>	<p>Yes If necessary and authorized in writing <i>(Com.C. Art. 899)</i></p>	<p>Holder <i>(Com.C. Art. 891)</i> -- Yes Commercial or Property Registry, depending on the type of goods  <i>(Com.C. Arts. 1249-1250 &amp; Commercial Registry Law, Decrees 271 &amp; 22, Art. 13 (10))</i></p>	<p>Requires party identification, as well as itemization of the trust corpus  <i>(Commercial Registry Law, Art. 21)</i></p>	<p>No</p>	<p>No</p>
--	--	-----------	--	--	---	-----------	-----------

- 
- i Civil Code (Law No. 4) Feb. 1858
  - ii Commercial Code (Law No. 671) May 1970
  - iii Commercial Registry Law, Decree 271, May 1973—amended by Decree 22, Mar. 1995

## GUATEMALA

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<p><b>Civil Pledge:</b> Covers movable goods <i>(Civ.C. Art. 880)<sup>i</sup></i></p>	<p>Owner or third party with authority to encumber <i>(Civ.C. Art. 889)</i></p>	<p>No <i>(Civ.C. Art. 881)</i></p>	<p>Yes <i>(Civ.C. Art. 883 and (Decree 218, Art. 57)<sup>ii</sup></i></p>	<p>Creditor, who may elect non-possessory status <i>(Civ.C. Art. 885); (Decree 218, Art. 58)</i> -- Yes Property Registry <i>Civ.C. Arts. 1125 (10), 1185 &amp; 884)</i></p>	<p>Identifiable goods are registered in a special book <i>(Civ.C. Art. 1131—amended by Decree 124-85 Art. 5)<sup>iii</sup></i>  Registrations must contain conditions to which the parties are subject  <i>(Civ.C. Art. 1136) (Decree 218, Art. 85)</i></p>	<p>No <i>(Civ.C. Art. 882) (Decree 218, Art. 56)</i></p>	<p>No</p>
<p><b>Pledge of a Credit:</b> Covers negotiable instruments <i>(Civ.C. Art. 887)</i></p>	<p>Owner or third party with authority to encumber <i>(Civ.C. Art. 889)</i></p>	<p>No <i>(Civ.C. Art. 881)</i></p>	<p>Unclear</p>	<p>Creditor/Third Party (Debtor may retain possession if agreed to by the Creditor)  <i>(Civ.C. Art. 885) (Decree 218, Art. 58)</i> -- Yes Property Registry <i>(Civ.C. Arts. 1185 &amp; 884)</i></p>	<p>Identifiable goods are registered in a special book <i>(Civ.C. Art. 1131—amended by Decree 124-85 Art. 5)<sup>iii</sup></i>  Registrations must contain conditions to which the parties are subject  <i>(Civ.C. Art. 1136) (Decree 218, Art. 85)</i></p>	<p>No <i>(Civ.C. Art. 882) (Decree 218, Art. 56)</i></p>	<p>No</p>

<p><b>Pledge of an Invoice:</b> Cover Accounts (<i>Civ.C Art. 888</i>)</p>	<p>Owner or third party with authority to encumber (<i>Civ.C. Art. 889</i>)</p>	<p>No (<i>Civ.C. Art. 881</i>)</p>	<p>Unclear</p>	<p>Creditor/Third Party (Debtor may retain possession if agreed to by the Creditor)  (<i>Civ.C. Art. 885</i>) (<i>Decree 218, Art. 58</i>) -- Yes Property Registry (<i>Civ.C. Arts. 1185 &amp; 884</i>)</p>	<p>Identifiable goods are registered in a special book (<i>Civ.C. Art. 1131—amended by Decree 124-85 Art. 5</i>)<sup>iii</sup>  Registrations must contain conditions to which the parties are subject (<i>Civ.C. Art. 1136</i>) (<i>Decree 218, Art. 85</i>)</p>	<p>No (<i>Civ.C. Art. 882</i>) (<i>Decree 218, Art. 56</i>)</p>	<p>No</p>
<p><b>Non-Possessory Agrarian and Industrial Pledge:</b> Cover agricultural and industrial goods (<i>Civ.C. Art. 904</i>) (<i>Decree 218, Art. 65</i>)</p>	<p>Owner or third party with authority to encumber (<i>Civ.C. Arts. 889 &amp; 916</i>)</p>	<p>Yes  Extends to new machinery, vehicles, livestock, fruits, etc.  (<i>Civ.C. Art. 911</i>)</p>	<p>Yes (<i>Civ.C. Art. 908</i>)</p>	<p>Debtor (<i>Civ.C. Art. 904</i>) (<i>Decree 218, Art. 65</i>) -- Yes  Registration with Property Registry if pledge covers detailed goods  (<i>Civ.C. Art. 1185, 904 &amp; 912</i>)</p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral  (<i>Civ.C. Art. 1188 (2) &amp; (8)</i>)</p>	<p>No (<i>Civ.C. Art. 882</i>) (<i>Decree 218, Art. 56</i>)</p>	<p>No</p>
<p><b>Open Pledge:</b> Covers future payment receipts (<i>Civ.C. Art. 913</i>) (<i>Decree, 218, Art. 69</i>)</p>	<p>Owner or third party with authority to encumber (<i>Civ.C. Art. 889</i>)</p>	<p>Unclear</p>	<p>Unclear</p>	<p>Unclear</p>	<p>Unclear</p>	<p>No (<i>Civ.C. Art. 882</i>) (<i>Decree 218, Art. 56</i>)</p>	<p>Unclear</p>

<p><b>Trust:</b> Covers movable and immovable goods <i>(Com.C. Arts. 766 &amp; 791)</i></p>	<p>Owner with authority to encumber <i>(Com.C. Art. 767)</i></p>	<p>No <i>(Com.C. Arts. 778 &amp; 783)</i></p>	<p>Yes The trustee may encumber the trust corpus with the authorization of the parties <i>(Com.C. Art. 775)</i></p>	<p>Trustee <i>(Com.C. Art. 766)</i> -- Yes  Only if the trust corpus includes goods that require registration  <i>(Com.C. Art. 776(1))</i> <i>(Civ.C. Art. 1125 (4))</i></p>	<p>Requires identification of the parties and the collateral</p>	<p>No <i>(Com.C. Art. 791)</i></p>	<p>Possible, if the corpus includes goods that don't require registration.</p>
---	--	---	---	--	--	--	--

- i Civil Code (Decree 106, Sep. 14, 1963)
- ii Decree. 218,
- iii Decree 124-85,
- iv Commercial Code (Decree 2-70, Jan. 28, 1970)

## HONDURAS

<b>Legal Mechanism</b> -- <b>Type of Collateral</b>	<b>Who may encumber the collateral</b> ?	<b>Does the Mechanism encumber future goods</b> ?	<b>Does the Mechanism provide for junior liens</b> ?	<b>Who retains possession of the collateral</b> ? <b>Is registration required</b> ?	<b>Type of Registration system</b> ?	<b>Does the Mechanism provide for extra-judicial enforcement</b> ?	<b>Does the Mechanism Create a Secret Lien</b> ?
<b>Civil Pledge:</b> Covers movable goods  <i>(Civ.C. Arts. 2056 &amp; 2057)<sup>i</sup></i>	Owner with authority to encumber  <i>(Civ.C. Arts. 2058 &amp; 2063)</i>	No  But if the collateral produces fruits (or interest), these may be applied to the outstanding loan  <i>(Civ.C. Arts. 2080 &amp; 2090)</i>	Yes  <i>(Civ.C. Arts. 2065, 2067 &amp; 2082)</i>	Creditor  <i>(Civ.C. Arts. 2056, 2062 &amp; 2068)</i>  -- No	N/A	Yes  The parties may agree to an extrajudicial sale  <i>(Civ.C. Arts. 2086, 2087-2088)</i>	No
<b>Commercial Pledge:</b> Covers movable and immovable goods  <i>(Com.C. Arts. 1289 &amp; 1292)<sup>ii</sup></i>	Owner with authority to encumber  <i>(Com.C. Arts. 1290 &amp; 1293)</i>	No  But, the collateral may be substituted for other goods of the same species  <i>(Com.C. Art. 1294)</i>	Unclear	Creditor/Third Party  <i>(Com.C. Art. 1296)</i>  -- No	N/A	No  <i>(Com.C. Arts. 1303 &amp; 1305)</i>	No

<p><b>Non-Possessory Pledge:</b> Covers movable goods</p> <p><i>(Com.C. Art. 1297)</i></p>	<p>Owner or authorized third party</p> <p><i>(Com.C. 1290 &amp; 1293)</i></p>	<p>Yes</p> <p><i>(Com.C. Art. 1294)</i></p>	<p>Unclear</p>	<p>Debtor</p> <p><i>(Com.C. Art. 1297)</i></p> <p>--</p> <p>Yes</p> <p>Registry</p> <p><i>(Com.C. Art. 1295)</i></p>	<p>Unclear</p>	<p>No</p> <p><i>(Com.C. Arts. 1303 &amp; 1305)</i></p>	<p>No</p>
<p><b>Naval Mortgage:</b> Covers naval vessels</p> <p><i>(Com.C. Book III, Art. 733)</i></p>	<p>Unclear</p>	<p>No</p>	<p>Unclear</p>	<p>Debtor</p> <p>--</p> <p>Yes</p> <p><i>(Com.C. Art. 394, III, (b))</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the vessel</p> <p><i>(Com.C. Art. 393)</i></p>	<p>No</p>	<p>No</p>
<p><b>Pledge Bonds:</b> Covers movable goods deposited in a warehouse</p> <p><i>(Com.C. Arts. 850 &amp; 851)</i></p>	<p>Owner with authority to encumber</p>	<p>No</p>	<p>No</p> <p>Although the goods may be divided to secure separate obligations</p> <p><i>(Com.C. Art. 852)</i></p>	<p>Bailee</p> <p><i>(Com.C. Art. 850)</i></p> <p>--</p> <p>Yes</p> <p>Registration in the bailee's books</p>	<p>Requires description of bailee and itemization of the collateral</p>	<p>No</p> <p><i>(Com.C. Art. 847)</i></p>	<p>No</p>
<p><b>Trust:</b> Covers movable and immovable goods</p> <p><i>(Com.C. Arts. 1033-1048)</i></p>	<p>Owner with authority to encumber</p> <p><i>(Com.C. Art. 1039)</i></p>	<p>No</p>	<p>No</p>	<p>Trustee</p> <p><i>(Com.C. Art. 1035)</i></p> <p>--</p> <p>Yes</p> <p>Property Registry when the corpus includes real estate</p> <p><i>(Com.C. Art. 1062)</i></p>	<p>When required, registration must include itemization</p>	<p>No</p>	<p>Possible, if the trust covers goods that don't require registration</p>

i Civil Code (Mar. 1, 1906)

ii Commercial Code: Decree 73, Feb 17, 1950

## MEXICO

<b>Legal Mechanism -- Type of Collateral</b>	<b>Who may encumber the collateral ?</b>	<b>Does the Mechanism encumber future goods ?</b>	<b>Does the Mechanism provide for junior liens ?</b>	<b>Who retains possession of the collateral ? Is registration required ?</b>	<b>Type of Registration system ?</b>	<b>Does the Mechanism provide for extra-judicial enforcement ?</b>	<b>Does the Mechanism Create a Secret Lien ?</b>
<b>Civil Pledge:</b> Covers movable goods  <i>(Civ.C. Art. 2856)<sup>i</sup></i>	Owner with authority to encumber  <i>(Civ.C. Arts. 2859 &amp; 2868)</i>	No  <i>(Civ.C. Art. 2873)</i>	No  <i>(Civ.C. Art. 2879)</i>	Creditor, Third Party or Debtor  <i>(Civ.C. Art. 2859)</i> -- Yes When in possession of the debtor  <i>(Civ.C. Art. 2859)</i>	Requires creditor and debtor identification, as well as itemization of the collateral	No  <i>(Civ.C. Art. 2887)</i>	No
<b>Commercial Pledge:</b> Covers movable goods  <i>(General Law of Credit Instruments, Art. 334, i-viii)</i>	Owner with authority to encumber	May encumber future goods as long as these are of the same quantity, quality ad species as the original collateral  <i>(General Law of Credit Instruments, Art. 335)</i>	Unclear	Creditor/Third Party  <i>(General Law of Credit Instruments, Art 334)</i>  -- No	Unclear	No  Although the creditor is permitted to sell the collateral, Mexican case law prohibits such sale  <i>(General Law of Credit Instruments, Art 341)</i>	Possible

<p><b>Trust:</b> Covers movable and immovable goods</p> <p><i>(General Law of Credit Instruments, Art 346 &amp; 351)</i></p>	<p>Owner with authority to encumber</p> <p><i>(General Law of Credit Instruments, Art 349)</i></p>	<p>Unclear</p>	<p>Unclear</p>	<p>Trustee</p> <p><i>(General Law of Credit Instruments, Art 346)</i></p> <p>--</p> <p>Yes</p> <p>But only if the trust corpus includes real property goods</p> <p><i>(General Law of Credit Instruments, Art 353)</i></p>	<p>Unclear</p>	<p>No</p>	<p>Possible, If the trust covers goods that don't require registration</p>
<p><b>Pledge Bond:</b> Covers warehoused goods</p> <p><i>(General Law of Credit Instruments, Art 229) (General Law of Credit Organizations and Activities, Art. 11)<sup>iii</sup></i></p>	<p>Owner with authority to encumber</p>	<p>No</p>	<p>No</p> <p>Although the goods may be divided to secure separate obligations</p> <p><i>(General Law of Credit Instruments, Art 230)</i></p>	<p>Bailee</p> <p><i>(General Law of Credit Instruments, Art 229)</i></p> <p>--</p> <p>Yes</p> <p>Registration with the bailee</p> <p><i>(General Law of Credit Instruments, Art 234) and (General Law of Credit Organizations and Activities, Art. 11)</i></p>	<p>Identification of the warehouse, bailor, and collateral</p> <p><i>(General Law of Credit Instruments, Art. 231 [ii, vii, ix &amp; xii] &amp; 234)</i></p>	<p>No</p> <p>Although a special procedure may be applied to the sale of goods</p> <p><i>(General Law of Credit Organizations, Art 21)</i></p>	<p>No</p>
<p><b>Naval Mortgage:</b> Covers naval vessels</p> <p><i>(Navigation Law, Art. 90)<sup>iv</sup></i></p>	<p>Owner with authority to encumber</p> <p><i>(Navigation Law, Art. 90)</i></p>	<p>No</p>	<p>No</p> <p>Unless authorized in writing</p> <p><i>(Navigation Law, Art. 93)</i></p>	<p>Debtor</p> <p>--</p> <p>Yes</p> <p>Naval Registry</p> <p><i>(Navigation Law, Art. 90) and (Commercial Registry regulation, Art. 32)<sup>v</sup></i></p>	<p>Requires vessel and party or concession identification</p> <p><i>(Naval Registry Regulation, Art. 13, iv)<sup>vi</sup></i></p>	<p>No</p>	<p>No</p>

<p><b>Industrial Mortgage:</b> Covers all the assets of a commercial enterprise</p> <p><i>(Law of Credit Institutions, Art. 67)</i></p>	<p>Owner with authority to encumber</p>	<p>Yes</p>	<p>No</p>	<p>Debtor -- Yes</p>	<p>Parties and terms and conditions of the Mortgage</p>	<p>No</p>	<p>No</p>
---	---	------------	-----------	------------------------------	---	-----------	-----------

- 
- i Civil Code, 1928
  - ii General Law of Credit Instruments and Operations, Aug. 27, 1932
  - iii General Law of Credit Organizations and Auxiliary Activities, Jan. 14, 1985
  - iv Navigation Law, Dec. 18, 1993
  - v Commercial Registry Regulation, Jan. 18, 1979
  - vi Naval Registry Regulations, Aug. 21, 1980

## NICARAGUA

<b>Legal Mechanism</b> -- <b>Type of Collateral</b>	<b>Who may encumber the collateral ?</b>	<b>Does the Mechanism encumber future goods ?</b>	<b>Does the Mechanism provide for junior liens ?</b>	<b>Who retains possession of the collateral ?</b> <b>Is registration required ?</b>	<b>Type of Registration system ?</b>	<b>Does the Mechanism provide for extra-judicial enforcement ?</b>	<b>Does the Mechanism Create a Secret Lien ?</b>
<b>Civil Pledge:</b> Covers movable goods  (Civ.C. Art. 3728) <sup>i</sup>	Owner or third party with authority to encumber  (Civ.C. Art. 3730)	Fruits or interests are received by the creditor, who retains them for debtor  (Civ.C. Art. 3752)	Yes  (Civ.C. Art. 3737)	Creditor  (Civ.C. Arts. 3728 & 3734) -- No	N/A	Yes  Extra-judicial sale of the collateral if agreed  (Civ.C. Art. 3759)	No
<b>Commercial Pledge:</b> Covers movable goods  (Com.C. Arts. 506 & 507) <sup>ii</sup>	Owner with authority to encumber	Unclear	Yes	Creditor  (Com.C. Art. 510) -- No	N/A	No	No

<p><b>Pledge Bonds:</b> Cover movable goods deposited in a warehouse</p> <p><i>(Com.C. Arts. 468 &amp; 469)</i></p>	<p>Owner with authority to encumber</p>	<p>No</p>	<p>No</p> <p>Although the goods may be divided to secure separate obligations</p> <p><i>(General Law of Credit Instruments, Art. 230)</i></p>	<p>Bailee</p> <p><i>(Com.C. Art. 468)</i></p> <p>--</p> <p>Yes</p> <p>Registration with the bailee</p>	<p>Requires description of the warehouse, and collateral</p>	<p>No</p>	<p>No</p>
<p><b>Naval Mortgage:</b> Covers naval vessels</p> <p><i>(Com.C. Art. 1024)</i></p>	<p>Owner or third party with authority to encumber</p> <p><i>(Com.C. Art. 1026)</i></p>	<p>No</p> <p><i>(Com.C. Art. 1027)</i></p>	<p>No</p>	<p>Debtor</p> <p>--</p> <p>Yes</p> <p>Naval Mortgage Registry</p> <p><i>(Com.C. Art. 13)</i></p>	<p>Mortgage Documents and ship and party identification</p> <p><i>(Com.C. Art. 17)</i></p>	<p>Judicial Sale is permitted when over half of the ship is encumbered</p> <p><i>(Com.C. Art. 1033)</i></p>	<p>No</p>

- 
- i Civil Code: Legislative Decree, Nov. 3. 1899
  - ii Commercial Code, April 24, 1914

## PANAMA

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers movable goods  <i>(Civ.C. Art. 1548 &amp; 1555)</i>	Owner with authority to encumber  <i>(Civ.C. Art. 1548)</i>	No	No	Creditor/Third Party  <i>(Civ.C. Art. 1554)</i> -- No	N/A	No  <i>(Civ.C. Arts. 1550 &amp; 1563)</i>	No
<b>Non-Possessory Pledge:</b> Covers movable goods  <i>(Civ.C. Art. 1554(a))<sup>f</sup></i>	Owner with authority to encumber  <i>(Civ.C. Art. 1548)</i>	No	No	Debtor  <i>(Civ.C. Art. 1554a)</i> -- Yes Commercial Registry  <i>(Civ.C. Art. 1554a &amp; 1777a.)</i>	Requires creditor and debtor identification, as well as itemization of the collateral	No  <i>(Civ.C. Arts. 1550 &amp; 1563)</i>	No
<b>Commercial Pledge:</b> Covers movable goods  <i>(Com.C. Arts. 814 &amp; 816)<sup>ii</sup></i>	Owner with authority to encumber	No	No  Unless authorized in writing  <i>(Com.C. Art. 828)</i>	Creditor/Third Party  <i>(Com.C. Art. 814 &amp; 824)</i> -- No	N/A	No  <i>(Com.C. Arts. 820 &amp; 822)</i>	No

<b>Agrarian Pledge:</b> Covers agricultural goods and livestock  <i>(Law 22, Art. 1, 1952)<sup>iii</sup></i>	Owner with authority to encumber  <i>(Law 22, Art. 1)</i>	No  <i>(Law 22, Art. 3)</i>	No  <i>(Law 22, Art. 3)</i>	Debtor <i>(Law 22, Art. 1)</i> -- Yes Agrarian Pledge Registry <i>(Law 22, Art. 4)</i>	Requires creditor and debtor identification, as well as itemization of the collateral  <i>(Law 22, Art. 5-6)</i>	No  <i>(Law 22, Art. 16 &amp; 21)</i>	No
<b>Naval Mortgage:</b> Covers naval vessels  <i>(Com.C. Art. 1512)</i>	Owner with authority to encumber  <i>(Com.C. Art. 1513)</i>	No	Yes  <i>(Com.C. Art. 1512-D)</i>	Debtor -- Yes Public Registry <i>(Com.C. Art. 1512-B &amp; 1516)</i>	Requires creditor and debtor identification, as well as itemization of the Ship  <i>(Com.C. Art. 1515)</i>	No  <i>(Com.C. Art. 1527)</i>	No
<b>Trust:</b> Covers movable and immovable goods  <i>(Law 1, Arts. 1, &amp; 2, 1984)<sup>iv</sup></i>	Owner with authority to encumber  <i>(Law 1, Arts. 1)</i>	No	No	Trustee  <i>(Law 1, Arts. 1)</i> -- No Registration is only required for real property  <i>(Law 1, Arts. 13)</i>	Unclear	No	Possible, If the corpus includes movable goods
<b>Chattel Mortgage:</b> Covers movable goods  <i>(Civ.C. Arts. 1548, 1566 &amp; 1567)</i> <i>(Decree Law 2)<sup>v</sup></i>	Owner with authority to encumber  <i>(Civ.C. Arts. 1548 &amp; 1570)</i>	Extends to natural accessions and other future goods  <i>(Civ.C. Arts. 1571)</i>	No  <i>(Decree 2, Arts. 3&amp;5)</i>	Debtor/Third Party  <i>(Decree 2, Art. 2)</i> <i>(Civ.C. Arts. 1580)</i> -- Yes Mortgage Registry <i>(Civ.C. Arts. 1773)</i>	Requires creditor and debtor identification, as well as itemization of the collateral  <i>(Civ.C. Arts. 1774)</i>	No  <i>(Civ.C. Arts. 1602)</i>	No

i Civil Code: Law No. 2, 1916  
ii Commercial Code: Law No. 2, 1916  
iii Law No. 22, Feb. 15, 1952 - Agrarian Pledge  
iv Law 1, Jan. 5, 1984  
v Decree Law 2, May 24, 1995

## PARAGUAY

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers movable goods <i>(Civ.C. Art. 2294)</i>	Owner with authority to encumber or creditor  <i>(Civ.C. Art. 2295)</i>	Extends to accessories  <i>(Civ.C. Art. 2300)</i>	Yes  <i>(Civ.C. Art. 2313)</i>	Creditor  <i>(Civ.C. Art. 2294)</i> -- No  <i>(Civ.C. Art. 2296)</i>	N/A	No  <i>(Civ.C. Art. 2298)</i>	No
<b>Pledge of a Credit:</b> Covers negotiable instruments  <i>(Civ.C. Art. 2294)</i>	Owner with authority to encumber or creditor  <i>(Civ.C. Art. 2295)</i>	Extends to accessories  <i>(Civ.C. Art. 2300)</i>	Yes  <i>(Civ.C. Art. 2321)</i>	Creditor/Third Party  <i>(Civ.C. Art. 2316)</i> -- No	N/A	No  <i>(Civ.C. Art. 2317)</i>	No
<b>Registered Pledge:</b> Covers movable goods  <i>(Civ.C. Art. 2327-28)</i>	Owner with authority to encumber or creditor  <i>(Civ.C. Art. 2295)</i>	Yes  <i>(Civ.C. Art. 2343)</i>	No  Unless authorized in writing  <i>(Civ.C. Art. 2341)</i>	Debtor  <i>(Civ.C. Art. 2327)</i> -- Yes Pledge Registry  <i>(Civ.C. Art. 2327 &amp; 2334)</i>	Requires creditor and debtor identification, as well as itemization of the collateral  <i>(Civ.C. Art. 2335)</i>	No  <i>(Civ.C. Art. 2352)</i>	No

## PERU

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers movable goods <i>(Civ.C. Art. 1055)<sup>i</sup></i>	Owner with authority to encumber <i>(Civ.C. Art. 1058)</i>	Extends to accessories <i>(Civ.C. Art. 1057)</i>	Yes <i>(Civ.C. Art. 1060)</i>	Creditor/Third Party <i>(Civ.C. Art. 1055, -58 &amp; 67)</i> -- No	N/A	No <i>(Civ.C. Art. 1066 &amp; 69)</i>	No
<b>Non-Possessory Pledge:</b> Covers movable goods <i>(Civ.C. Art. 1059)</i>	Owner with authority to encumber <i>(Civ.C. Art. 1058)</i>	Extends to accessories <i>(Civ.C. Art. 1057)</i>	Yes <i>(Civ.C. Art. 1060)</i>	Debtor <i>(Civ.C. Art. 1059)</i> -- Yes Movable Registry <i>(Civ.C. Art. 2043)</i>	Depends on applicable jurisdiction registry <i>(Civ.C. Art. 2044)</i>	No <i>(Civ.C. Art. 1066 &amp; 69)</i>	No
<b>Pledge of Negotiable Instruments:</b> <i>(Civ.C. Art. 1084)</i>	Holder <i>(Civ.C. Art.1084)</i>	May extend to interests <i>(Civ.C. Art. 1088)</i>	Yes <i>(Civ.C. Art. 1085)</i>	Creditor/Third Party <i>(Civ.C. Art. 1084)</i> -- No	N/A	No <i>(Civ.C. Art. 1066-69)</i>	No

<p><b>Commercial Pledge:</b> Covers movable goods <i>(Com.C. Art. 315)<sup>ii</sup></i></p>	<p>Owner with authority to encumber or holder</p>	<p>Unclear</p>	<p>Unclear</p>	<p>Debtor/Third Party <i>(Com.C. Art. 315)</i> -- Yes  Unclear</p>	<p>Unclear</p>	<p>Yes <i>(Com.C. Art. 317)</i></p>	<p>Unclear</p>
<p><b>Trust:</b> Covers movable and immovable goods <i>(Law 26702, Art. 241, 1996)<sup>iii</sup></i></p>	<p>Owner with authority to encumber <i>(Law 26702, Art. 241)</i></p>	<p>No</p>	<p>No</p>	<p>Trustee <i>(Law 26702, Art. 241)</i> -- Yes  Only if trust corpus includes goods that are registrable <i>(Law 26702, Art. 241)</i></p>	<p>When required, registration must include itemization of collateral <i>(Civ.C. Art. 2044)</i></p>	<p>No</p>	<p>Possible, if trust covers goods that don't require registration</p>
<p><b>Naval Mortgage:</b> Covers Commercial Vessels <i>(Law No. 2411, Art. 1, 1916)<sup>iv</sup></i></p>	<p>Owner or third party with authority to encumber <i>(Law No. 2411, Art. 4-5)</i></p>	<p>No</p>	<p>Unclear</p>	<p>Debtor -- Yes Commercial Registry <i>(Law No. 2411, Art. 2 &amp; 14)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral <i>(Law No. 2411, Art. 6) (Com.C. Art.22)</i></p>	<p>No <i>(Law No. 2411, Art. 41)</i></p>	<p>No</p>

<b>Financial Lease: Option to buy property</b>  <i>(Decree 299, Art. 1, 1984)<sup>v</sup></i>	Financial Institutions and commercial enterprises  <i>(Decree 299, Art. 2-3)</i>	No	No  <i>(Decree 299, Art. 11 &amp; 13)</i>	Lessee <i>(Decree 299, Art. 3-4)</i> -- No <i>(Decree 299, Art. 8)</i>	May, but need not, be registered	Unclear	Possible
---	--	----	---	--	----------------------------------	---------	----------

- 
- i Civil Code: Law No. 23403, 1984
  - ii Commercial Code: 1902
  - iii Law No. 26702, Dec. 9, 1996 -- General Financial System Law
  - iv Law No. 2411, Dec. 30, 1916 -- Naval Mortgage
  - v Law No. 299, Dec. 28, 1984 -- Financial Lease

## URUGUAY

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers movable goods <i>(Civ.C. Art. 2292)<sup>i</sup></i>	Owner or third party with authority to encumber  <i>(Civ.C. Art. 2292-96)</i>	No	No  Unless authorized in writing  <i>(Civ.C. Art. 2304)</i>	Creditor  <i>(Civ.C. Art. 2300 &amp; 2292)</i> -- No	N/A	Creditor may sell extra-judicially  <i>(Civ.C. Art. 2308)</i>	No
<b>Commercial Pledge:</b> Covers movable goods  <i>(Com.C. Art. 741)<sup>ii</sup></i>	Owner with authority to encumber  <i>(Com.C. Art. 744)</i>	Extends to the fruits and products of the collateral  <i>(Com.C. Art. 756)</i>	No  <i>(Com.C. Art. 755)</i>	Creditor  <i>(Com.C. Art. 741-50)</i> -- No	N/A	No  <i>(Com.C. Art. 753)</i>	No
<b>Agrarian Pledge:</b> Covers agricultural goods and livestock  <i>(Law No. 5.649, Art. 1, 1918)<sup>iii</sup></i>	Owner with authority to encumber  <i>(Com.C. Art. 744)</i>	Unclear	No  Unless authorized in writing  <i>(Law No. 5.649, Art. 13)</i>	Debtor  <i>(Law No. 5.649, Art. 2)</i> -- Yes Registry  <i>(Law No. 5.649, Art.6)</i>	Identification of the debtor and collateral  <i>(Decree No.15.514 Arts.20-21, 1983)<sup>iv</sup></i>	No  <i>(Law No. 5.649, Art. 19)</i>	No

<b>Forestry Pledge:</b> Covers forestry products  <i>(Forestry Law No. 15.939, Arts. 1, 4 &amp; 58)<sup>v</sup></i>	Owner of the real property  <i>(Forestry Law No. 15.939, Arts. 59)</i>	Unclear	No  <i>(Law No. 5.649, Art. 13)</i>	Debtor  <i>(Law No. 5.649, Art. 2)</i> -- Yes  General Forestry Registry  <i>(Forestry Law, Art. 60)</i>	Identification of the debtor and collateral  <i>(Decree No.15.514 Arts.20-21, 1983)</i>	No  <i>(Law No. 5.649, Art. 19)</i>	No
<b>Vehicle Pledge:</b> Covers vehicles  <i>(Law No. 12.367, Art. 25, 1957)<sup>vi</sup></i>	Owner with authority to encumber  <i>(Law No. 12.367, Art. 25)</i>	No	No  Unless authorized in writing  <i>(Law No. 12.367, Art. 25)</i>	Debtor  <i>(Law No. 12.367, Art. 26)</i> -- Yes  Registry  <i>(Law No. 12.367, Art. 25)</i>	Identification of the owner and serial identification of the vehicle  <i>(Decree No.15.514 Arts.17)</i>	No  <i>(Law No. 12.367, Art. 26)</i>	No
<b>Industrial Pledge:</b> Covers movable goods  <i>(Law No. 8.292, Art. 1, 1928)<sup>vii</sup></i>	Owner with authority to encumber  <i>(Law No. 8.292, Art. 1)</i>	Yes  <i>(Law No. 8.292, Art. 1)</i>	No  Unless authorized in writing  <i>(Law No. 8.292, Art. 5)</i>	Debtor  <i>(Law No. 8.292, Art. 3)</i> -- Yes  Department Registry  <i>(Law No. 8.292, Art. 5)</i>	Identification of the owner and serial identification of the vehicle  <i>(Decree No.15.514 Arts.20-21)</i>	No  <i>(Law No. 8.292, Art.5)</i>	No

- i Civil Code: Law No. 16.603, Oct. 1994  
ii Commercial Code: Decree 841, Jan. 1866  
iii Law No. 5.649 21, Mar. 1918 - Agrarian Pledge  
iv Decree No. 15.514, Dec. 1983 - Registry Amendments  
v Forestry Law No. 15.939, Dec. 28, 1987  
vi Law No. 12.367, Jan. 8, 1957 – Vehicle Pledge  
vii Law No. 8.292, Sep. 24, 1928 – Industrial Pledge

## VENEZUELA

Legal Mechanism -- Type of Collateral	Who may encumber the collateral ?	Does the Mechanism encumber future goods ?	Does the Mechanism provide for junior liens ?	Who retains possession of the collateral ? Is registration required ?	Type of Registration system ?	Does the Mechanism provide for extra-judicial enforcement ?	Does the Mechanism Create a Secret Lien ?
<b>Civil Pledge:</b> Covers movable goods <i>(Civ.C. Art. 1837)<sup>i</sup></i>	Owner or third party with authority to encumber  <i>(Civ.C. Arts. 1837 &amp; 1843)</i>	No	No	Creditor/Third Party  <i>(Civ.C. Arts. 1837 &amp; 1841)</i> -- No	N/A	No  <i>(Civ.C. Art. 1844)</i>	No
<b>Livestock Pledge:</b> Covers livestock  <i>(Civ.C. Art. 1842)</i>	Owner or third party with authority to encumber  <i>(Civ.C. Art. 1837 &amp; 1843)</i>	No	No	Debtor  Civ.C. Arts. 1837 & 1837 & 1842) -- Yes Alternate Registry Office  <i>(Civ.C. Arts. 1837 &amp; 1842)</i>	Requires creditor and debtor identification, as well as itemization of the collateral  <i>(Civ.C. Arts. 1913)</i>	No  <i>(Civ.C. Arts. 1844)</i>	No
<b>Commercial Pledge:</b> Covers movable goods  <i>(Com.C. Arts. 535 &amp; 543)<sup>ii</sup></i>	Owner or third party with authority to encumber  <i>(Civ.C. Art. 1837 &amp; 1843)</i>	No	No	Creditor/Third Party  <i>(Com.C. Arts. 537)</i> -- No	N/A	No  <i>(Com.C. Arts. 539)</i>	No

<p><b>Chattel Mortgage &amp; Non-Possessory Pledge:</b> Covers accounts, negotiable instruments, future obligation, cars, fruits, etc.</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Arts. 1, 10, 13, 14, 20, 35, 51)<sup>iii</sup></i></p>	<p>Owner with authority to encumber</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Art. 1)</i></p>	<p>Yes</p> <p>If agreed to by the parties</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Art. 8)</i></p>	<p>No</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Arts. 2, 63-64)</i></p> <p>Unless authorized in writing by the creditor</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Art. 6 &amp; 16)</i></p>	<p>Debtor/Third Party</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Art. 5, 24 &amp; 55)</i></p> <p>--</p> <p>Yes</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Arts. 4, 15, 53, 78, 81-82)</i></p>	<p>Requires creditor and debtor identification, as well as itemization of the collateral</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Art. 22, 54 &amp; 79)</i></p>	<p>No</p> <p><i>(Chattel Mortgage and Non-Possessory Pledge Law, Art. 70 &amp; 74)</i></p>	<p>No</p>
<p><b>Naval Mortgage:</b> Covers naval vessels</p> <p><i>(Naval Mortgage Law, Arts. 3, 16, 17, 1983)<sup>iv</sup></i></p>	<p>Owner with authority to encumber</p> <p><i>(Naval Mortgage Law, Arts. 18-19)</i></p>	<p>No</p>	<p>Possible</p> <p><i>(Naval Mortgage Law, Arts. 21)</i></p>	<p>Debtor</p> <p>--</p> <p>Yes</p> <p>Registry for the port with jurisdiction over vessel</p> <p><i>(Naval Mortgage Law, Arts. 20-21)</i></p>	<p>Identification of the owner and the debtor, as well as a specific description of the vessel</p> <p><i>(Naval Mortgage Law, Art. 23)</i></p>	<p>No</p> <p><i>(Naval Mortgage Law, Arts. 32)</i></p>	<p>No</p>

<p><b>Trust:</b> Covers movable and immovable goods</p> <p><i>(Trust Law, Arts. 1 &amp; 6)<sup>v</sup></i></p>	<p>Owner with authority to encumber</p>	<p>No</p> <p><i>(Trust Law, Art. 2)</i></p>	<p>No</p>	<p>Trustee</p> <p><i>(Trust Law, Arts. 1 &amp; 3)</i></p> <p>--</p> <p>Yes</p> <p>As long as the trust is considered an act of commerce</p> <p><i>(Trust Law, Arts. 5)</i></p>	<p>Unclear</p>	<p>Unclear</p> <p><i>(Trust Law, Art. 29)</i></p>	<p>No</p>
--	---	---	-----------	--	----------------	---	-----------

- i Civil Code: 1982
- ii Commercial Code: 1955
- iii Chattel Mortgage and Non-Possessory Pledge Law, Dec. 20, 1972.
- iv Naval Mortgage Law, Aug. 9, 1983.
- v Trust Law, Jul. 23, 1956.

- 
- ~~i Civil Code: Law Decree No. 340, January 1874~~
  - ~~ii Commercial Code: Law Decree No. 2637, October 1889~~
  - ~~iii Law Decree No. 15.348, 1946 (text ordered by Decree 897 of December 11, 1995),  
ratified by Law 12.962 of Registered Pledge with the reforms of Decrees 8572 of 1960 and 11.774 of 1960~~
  - ~~iv Law No. 9644, September 30, 1914 Agrarian Pledge~~
  - ~~v Law No. 20.094, January 15, 1973 Navigation~~
  - ~~vi Law No. 24.441, December 22, 1995 Housing and Construction Financing (Fideicomiso, Leasing, Credit Mortgages)~~
  - ~~vii Law No. 9643, September 30, 1914 Warrants~~