Table of Figures

Table of Docum Preface	nents	xxiii
	PART I	
	SALES	1
Chapter 1.	Scope	3
§1.1 §1.2	Subject Matter Exclusions	3
Chapter 2.	Consumer Sales	5
\$2.1 \$2.2 \$2.3 \$2.4 \$2.5	Cash Sales Contract Credit Debit Cards Homemade Contracts	5 6 10 11
Chapter 3.	Open Account Sales	13
	The Transaction The Parties Documentation	13 16 17

	Con	ntents
§3.4 §3.5	Further Documentation An Important Variation	18
§3.6	Electronic Data Interchange	20
Chapter 4.	Sale by Documentary Draft	29
§4.1	Cash Against Documents	29
§4.2	The Documents	30
§4.3	Mechanics of the Transaction	32
§4.4	Letter of Credit Variation	35
Chapter 5.	Sale by Commercial Letter of Credit	39
§5.1	The Setting	39
§5.2	The Parties	40
§5.3	Performance of the Commercial Credit	
	Transaction	42
§5.4	Documents	46
Chapter 6.	Consignments and the Like	51
§6.1	The Bright Idea	51
§6.2	The Consignment Transaction	54
§6.3	Like Transactions	55
§6.4	Modern Useful Bailments	56
Chapter 7.	Distribution Arrangements	59
§7.1	Marketing through Third Parties	59
§7.2	The Parties	59
§7.3	Distribution through Wholesalers	60
\$7.4	Distribution through Dealers	62
§7.5 §7.6	Distribution through Franchisees Distribution through Sales Representatives	62 65
§7.0 §7.7	Distribution through Sales Representatives Distribution by License	66
§7.8	Distribution by License Distribution through Brokers	68
§7.9	Group Buyers	68
§7.10	Inventory Control	69

Cha	pter 8.	Bulk Sales			7	' 3
	§8.1	The Trap			•	73
	§8.2	The Setting			•	73
	§8.3	The Transaction				75
	\$8.4	The "Cure"			•	75
	§8.5	Conclusion			•	76
					7.	
Cha	pter 9.	Leasing			7	7
	§9.1	Distinguishing the Nonlease				77
	§9.2	The Consumer Lease			•	78
	§9.3	The Equipment Lease			•	78
	§9.4	Bankruptcy Considerations			8	31
Cha	pter 10.	Construction Contracts			8	3
	§10.1	The Industry		05)	8	33
		The Planning Phase			8	34
		The Bidding Phase			8	35
		The Role of the Bonding Co	mpany or			
		Other Guarantor			8	36
	§10.5	The Performance Phase			. (38
		PARTII				
		SECURED LEI	NDING		9	1
Cha	pter 11.	Introduction to Secure	d Lending		9)3
145	§11.1	Subject Matter				93
		Some History of Commercia	l Lending			94
		Deciding to Lend				96
		Function of Collateral				99
	§11.5	Bank Regulation and Structi	ure		_	00
	§11.6	Exclusions			1()1

			Contents
Ch	apter 12.	The Basic Loan Agreement and the	
		Working Capital Loan Concept	107
	§12.1	Introduction	107
	§12.2	Need for the Loan Agreement	107
	§12.3	Promissory Note	108
	§12.4	Form of Loan Agreement	109
	§12.5	The Working Capital Loan Concept	109
	§12.6	Further Loan Documentation	111
	§12.7	Policing	111
Ch	apter 13.	The Financing Seller	121
	§13.1	Introduction	121
	§13.2	Secured Transactions and Charge-	
		Account Sales	122
	§13.3	Consumer Paper	124
	§13.4	Equipment Financing	125
	§13.5	Policing	125
Ch	apter 14.	Pledges (Especially of Securities)	127
	§14.1	Introduction	127
	§14.2	Possession	128
	§14.3	Common Pledge Transactions	129
	§14.4	Buying Securities on Margin	131
	§14.5	Repledges	134
	§14.6	Repurchase Agreements	134
	§14.7	Field Warehousing	135
	§14.8	Security Agreements in General	138
	§14.9	Notice to Bailee	138
	§14.10	Uncertificated Securities	139
Ch	apter 15.	Financing Accounts (Including Factoring)	145
	§15.1	Introduction	145
	§15.2	The Transaction	147
	§15.3	Revolving Accounts	147
	§15.4	Discrete Account Financing	148
	§15.5	Factoring	148
	§15.6	Sale or Secured Transaction	149

§15. §15.		149 150
§15.		151
317.	Illivoice occurrancy Deceed of Circuit	
	_ 4. /- 4 4.	
Chapter	16. Inventory Lending (Including	
	Automobile Dealer Financing)	157
§16.	1 Introduction	157
§16.	2 Inventory Definition	159
§16.		159
§16.	4 Automobile Dealer Financing	160
§16.	5 Proceeds	161
§16.	6 Policing	164
Chanton	17. Chattel-Paper Financing (Including	
Chapter	Automobile Paper Financing)	167
	Automobile raper rinancing)	101
817	1 Introduction	167
§17.		169
§17.		171
§17.		171
§17.	4 Policing 5 Defenses	172
317.	Delenses	
Chapter	18. Equipment Financing	175
§18.	1 Unique Features of Equipment Lending	175
§18.	2 Lease Financing	176
§18.	3 Closed-end and Open-end Leases	178
§18.	4 Fixtures	179
Chapter	19. Financing Imports and Exports	181
§19.	1 Import Transactions	181
§19.	A.	182
§19.		102
317		183
§19.	Import Transaction The Commercial Letter of Credit in the	100
317	Export Transaction	185
§19.		186
§19.		188
§19.		189
317	i dualing and diminal Amangements	103

			Contents
Cha	pter 20.	Banker's Acceptances	195
	§2.0.1	Understanding the Device	195
	§20.2	Export Transactions	196
	•	Import Transactions	198
		Stored Commodities	199
	3200		
Cha	pter 21.	Financing the Farmer	201
	821.1	Introduction	201
		Government Role	202
		Farm Inventory	202
		Farm Buyers	203
		Farm Lenders	203
	321.5	1 alli Dellacis	
Cha	pter 22.	Promissory Notes	209
	§22.1	History	209
	-	The Consumer Debacle	210
	•	The Demand Note and Lender Liability	211
		Current Challenges to the Note	211
		Current Uses	213
		PART III	
		PAYMENTS SYSTEMS	215
Cha	pter 23.	Introduction to Payments Systems	217
	823 1	Moving Money	217
	§23.1	The Need for Payments Systems	217
	•		210
	823.3	Creating Money to Move	219
Cha	pter 24.	Check Collections	221
	§24.1	In General	221
	§24.2	The On-Us Transaction	223

	824.3	The Clearinghouse	224
	824.4	The Federal Reserve Check-Clearing System	227
	824.5	Regional Check-Processing Centers	231
	\$24.6	Interdistrict Settlements and Transportation	231
	824.7	Direct Presentment	232
	\$24.8	Cashier's Checks, Certified Checks, and	
	3 - ,	Other Payment Instruments	233
	§24.9	Lock Boxes	235
	0	Returns	236
	0	Check-Guaranty Programs	239
	0 -	The Depositor Agreement	240
	32,112		
Cha	pter 25.	Collecting Drafts	245
		1 7	245
	0 – –	Noncash Items	245
	0-0	Demand and Time Drafts	246
	0	Using the Draft	246
	§25.4	Payable-Through Drafts	248
\sim 1	2		251
Cha	ipter 20.	Wholesale Electronic Funds Transfer	201
	8261	Saana	251
	§26.1		251
		The Participants	253
		The "Paperless" Society	
		Distinguishing Wire and Paper Payments Concepts	254
	0	Fedwire	257
		CHIPS and Similar International Systems	258
	\$26.7	SWIFT	261
Cha	apter 27.	. Retail Electronic Funds Transfer	263
	§27.1	Scope	263
		Automated Teller Machines (ATMs)	264
	§27.3	Debit Cards, Smart Cards, and the Point-	
		of-Sale (POS) Terminal	266
	§27.4	Check Truncation	269
	0	The Automated Clearinghouse (ACH)	271
		Electronic Clearing	275
	§27.7	Home Banking and Telephone Bill Paying	276
			277
	371.0	Consumer Money Transfers	211

		Contents
Chapter 28.	Collection of International Payments	279
§28.1	The Need	279
	The International Bank Draft	280
	Payment by Correspondent	281
	Payment by Wire	281
	Payment by Letter of Credit	282
	Collecting the Seller's Draft	283
§28.7	Intrabank Network	283
Chapter 29.	Giro Accounts	285
S 2 0 1	D. 11 Ondone and Duck Ondone	285
•	Pull Orders and Push Orders Postal Giro Accounts	287
	Postal Giro Accounts Bank Giro Accounts	287
	Electronic Giro Systems	287
827.7	Electionic Ono Systems	201
Chapter 30.	291	
§30.1	Introduction	291
§30.2	Bank Credit-Card Systems	291
§30.3	The Cardholder and His Bank	292
§30.4	The Merchant and His Bank	293
	Payment	294
§30.6	Two-Party Charge Cards	295
§30.7	Travel and Entertainment Cards	297
§30.8	Prepaid Cards	297
	PART IV	
	TRANSPORT AND STORAGE	299
Chapter 31	. Introduction to Bailments	301
8311	Introduction	301
§31.1 §31.2		307
301.2	ocope	302

Chapter 32.	The Documents of Title	303
§32.1	Kinds of Documents of Title	303
§32.2	The Contract Function of the Document	
	of Title	306
§32.3	The Marketing Function of the Document of Title	307
§32.4	The Financing Function of the Document	
	of Title	310
§32.5	Bonds and Regulators: Protecting the Public	312
§32.6	Reification	313
Chapter 33.	Using the Warehouse Receipt	319
		210
§33.1	Storing Domestic Goods	319
§33.2	Storing Agricultural Products	320
§33.3	The Terminal Warehouse	320
§33.4	The Field Warehouse	321
Chapter 34.	Using the Delivery Order	327
§34.1	In General	327
§34.2	Bill-and-Hold Sales	328
§34.3	Pipeline Sales	329
	Ocean Shipments	331
Chanton 25	Domostic Transmet	333
Chapter 33	Domestic Transport	
§35.1	By Barge, Rail, or Truck	333
§35.2	By Air	334
§35.3	Freight Consolidation	335
§35.4	Multi-carrier and Multi-modal Transport	336
Chapter 36	International Shipping '	339
§36.1	Introduction with a Few Distinctions	339
§36.2	Shipping Terms	341

Ústřední knihovna právnické fakulty MU Brno

xvii

			Contents
§36.3	The Ocean Bill of Lading		342
§36.4	Charters		344
§36.5	Forwarders		345
§36.6	Maritime Insurance		347
§36.7	Export Documents		348
§36.8	Maritime Fraud		349
§36.9	Imports		349
Glossary			355
Master Word I	List		443
Index			459