



March 8, 2009

Stephen Routh  
Routh Crabtree, APC  
3000 A Street Suite 200  
Anchorage, AK 99503

Re: HB 108-An Act relating to real property foreclosures, to the sale of property on execution, and to deed of trust

Dear Mr. Routh:

We are an association representing all thirteen credit unions doing business in Alaska, with a combined membership base of over 500,000.

Thank you for alerting us to this legislation. We think the changes proposed in the bill are well thought-out, necessary, and will benefit borrowers, financial institutions, and title agents. Much of the bill is housekeeping, which will reduce future litigation. Other parts are forward-thinking, like developing methods for internet advertising and bidding, that will tend to increase bidding at foreclosure auctions.

We are pleased to support this legislation.

Sincerely,

James M. Wileman  
Chair

**Kirk Wickersham**  
**280 W. 34<sup>th</sup> Ave.**  
**Anchorage, Alaska 99503**

**907-561-3726**

March 18, 2009

Re: House Bill 108 "*An Act relating to real property foreclosures, to the sale of property on execution, and to deeds of trust.*"

Dear Members of the Legislature,

I am a real estate lawyer, real estate broker and title insurance licensee.

I have had the opportunity to review HB 108, which updates the provisions of Alaska's foreclosure law. It contains many housekeeping items that clarify existing law, as well as some sections that will take Alaska solidly into the 21<sup>st</sup> century.

An outstanding provision is the requirement for publication on the Internet. Most folks look to the internet today for foreclosure information. Having this information on the web will improve dissemination of the sale information to the general public, and thus it should increase the number of bids above the offset bid.

Bids above the offset bid are in everyone's interest. The debtor receives the net proceeds of the sale. The lender does not have to take title, renovate and market the property. And the successful bidder is obviously happy.

I encourage you to adopt this bill. It is my understanding that, if adopted, this bill will become a model for legislation in other states. Please contact me if you have any questions.

Sincerely,

Kirk Wickersham

KENNETH P. EGGERS, P.C.  
SALLY J. KUCKO  
DENNIS G. FENERTY  
DAVID A. DEVINE, P.C.  
ROBERT H. SCHMIDT  
SARAH A. BADTEN

CLIFFORD J. GROH, SR.  
1929-1998

LAW OFFICES OF  
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MAR 11 2009

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March 11, 2009

The Honorable Kurt Olson  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Via E-mail: Representative\_Kurt\_Olson@legis.state.ak.gov

re: HB 108 – “A Bill Relating to Foreclosures, etc.”  
Our File No. 85-19-15

Dear Representative Olson:

I am writing on my own behalf, and on behalf of my law firm, to voice my opposition to the as-written version of HB 108 changing Alaska's laws relating to deed of trust foreclosures. While the majority of the bill contains beneficial changes, HB 108, as written, will create a requirement for Internet publication that will result in giving monopoly power to the law firm that wrote HB 108.

HB 108 requires publication on the Internet prior to a foreclosure. I have no objection to Internet publication as a general matter. In fact, current law requires that all default notices must be published in a newspaper, and most newspapers that publish default notices simultaneously publish the default notice on the newspaper's accompanying website. Every judicial district already has a newspaper of general circulation that publishes legal notices online. **Therefore, almost all default notices in Alaska are already published on the Internet.**

However, HB 108 goes further to provide that, to qualify as a website for publishing default notices, the website must have 5,000 unique visitors a month, be used primarily for advertising foreclosure properties, and have senior management within the state. Under this definition, almost no websites will qualify. **The websites operated by the Anchorage Daily News, Alaska Journal of Commerce, Juneau Empire, and Fairbanks Daily News-Miner, among others, will not qualify because they are not “used primarily to advertise real property under foreclosure[.]”** Websites such as Craigslist, which was mentioned favorably in the February 23, 2009 committee hearing, would not qualify because it is not used primarily for foreclosures, and because it does not have senior management in Alaska. Websites operated by banks will not qualify because they are not used primarily for foreclosures. Websites operated by local law firms will not qualify because they do not get 5,000 unique visitors a month. Finally, the State of Alaska's own website will not qualify because it is not used primarily to advertise foreclosures.

Hon. Kurt Olson  
March 11, 2009  
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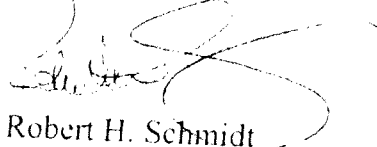
It is my belief that the only website that will qualify under the current HB 108 is USA-Foreclosure.com, which is half owned by Mr. Stephen Routh, whose law firm wrote HB108. Mr. Routh's law firm, with over 400 employees and offices in seven states, should not be granted monopoly power to conduct all foreclosures in Alaska.

I recommend the committee do one of two things with HB 108. I would recommend that all provisions relating to Internet advertising be eliminated. This is what happened last year with HB 163 and I recommend the same change be made now. Alternately, I recommend that proposed subsections AS 09.35.140(c)(3), (5) and (6) be eliminated. This would take away the requirement that a website "be used primarily to advertise real property under foreclosure", that the website have 5,000 unique visitors a month, and the website have senior management in Alaska. This would allow newspaper websites, bank websites, law firm websites, and Craigslist to qualify.

Thank you for the opportunity to provide information to the Committee on HB 108. If I can be of any further assistance, please don't hesitate to contact me.

Very truly yours,

GROH EGGERS, LLC



Robert H. Schmidt

cc: House Labor & Commerce Committee Members (via E-mail)



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[www.mvfcu.coop](http://www.mvfcu.coop)

February 24, 2009

Mr. Stephen Routh  
Routh & Crabtree, APC  
3000 A Street, Suite 200  
Anchorage, AK 99503

Re: HB 108 - Property Foreclosures and Executions


Dear Mr. Routh,

This letter is being written in support of House Bill 108 "An Act relating to real property foreclosures, to the sale of property on execution, and to deeds of trust."

The proposed changes to the above referenced bill will clarify and update the current foreclosure process and language.

If there are any questions please don't hesitate to contact me at 745-9140.

Sincerely,

  
Al Strawn  
CEO

geg



Building Better Financial Futures Since 1948!

Your savings federally insured to at least \$100,000 and backed by the full faith and credit of the United States Government



# **AlaskaUSA**

*Federal Credit Union<sup>®</sup>*

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February 6, 2009

Mr. Stephen Routh  
Routh & Crabtree, APC  
3000 A Street, Suite 200  
Anchorage, AK 99503

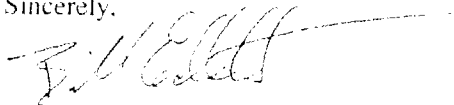
Re: HB 108-An Act relating to property foreclosures and executions

Dear Mr. Routh:

Thank you for alerting us to this legislation. We think the changes proposed in the bill are well thought out, necessary, and will benefit borrowers, financial institutions, and title agents.

We are pleased to support this legislation.

Sincerely,



William B. Eckhardt  
President



**First American  
Title Insurance Company**

**BRYAN S. MERRELL**  
REGIONAL COUNSEL

February 5, 2009

RE: House Bill 108 *"An Act relating to real property foreclosures, to the sale of property on execution, and to deeds of trust."*

To Whom It May Concern:

This letter is written in support of House Bill 108, relating to Deeds of Trust and Foreclosures.

I am Regional Counsel for First American Title Insurance Company. First American is the leading title insurer in the United States, and in Alaska. I am a 20 year member of the Alaska Bar, and a former long time resident of Alaska. In my capacity as an in-house attorney for First American, I have had many occasions to be involved in non-judicial foreclosure related issues and controversies, as First American has produced title insurance produces related to such foreclosures, and acted as trustee in many cases as well.

HB 108 would clarify a large number of issues relative to non-judicial foreclosure actions. It would fill in gaps in the current statutes relative to procedure. It would clarify issues which Alaska Supreme Court opinions over the years have made unclear. The result of passage of the bill would be a clearer pattern of conduct for the parties to the foreclosure, which should result in less litigation and higher bidding for the properties involved in the process. I urge your yes vote for the bill, and would be happy to answer any questions you may have regarding it.

Very truly yours,

FIRST AMERICAN TITLE INSURANCE CO.

Bryan S. Merrell  
Regional Counsel