



LAWS OF ALASKA

1988

Source

SCS CSHB 266 (Jud)

Chapter No.

83

AN ACT

Relating to the recording of documents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 8.

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 1, 1988
Actual Effective Date: August 30, 1988

AN ACT

Relating to the recording of documents.

* Section 1. LEGISLATIVE FINDINGS. The legislature finds that the

(1) recording of legal documents of the kind customarily recorded throughout the United States is an essential state function;

(2) time and place of the recording of a document can be more important than the underlying legal sufficiency of the document;

(3) recording offices exist primarily for the benefit and convenience of the general public;

(4) business community, commercial institutions including banks, and private individuals cannot function effectively without the public notice protection afforded by recording their documents; and

(5) policy of the state is to maintain a convenient means of regularly recording legal documents relating to property and obtaining information concerning existing recorded documents.

* Sec. 2. AS 34.15 is amended by adding a new section to read:

Sec. 34.15.343. RECORDING CRITERIA. When determining whether a document may be recorded, the recorder

(1) may not consider whether the contents of the document are legally sufficient to achieve the purposes of the document;

(2) may not reject a document because the document

(A) does not satisfy the current requirements for recording, if the document satisfied the requirements for recording that existed at the time the document was executed;

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1 (B) serves more than one purpose;

2 (C) does not state the name of the recording district,
3 if the name is given to the recorder at the time the document is
4 offered for recording, or if the name is contained in a cover
5 letter accompanying the document;

6 (D) references an attached exhibit that is not la-
7 belled;

8 (E) is a certified copy of an official document that
9 creates an interest in real property and that is from a govern-
10 mental office in this or another state; or

11 (3) may not require that a document that serves more than
12 one purpose be recorded separately for each of the purposes; this
13 paragraph does not prevent the multiple recording of the document if
14 the person offering the document requests that the document be re-
15 corded for more than one of its purposes.

16 * Sec. 3. AS 44.37.025(a) is amended to read:

17 (a) The Department of Natural Resources shall adopt regulations
18 [,] establishing, modifying, or discontinuing recording districts or
19 precincts and prescribing the records to be maintained and the instru-
20 ments to be recorded. A regulation may not impose a restriction on
21 document recording unless the restriction is required by statute or
22 further a legitimate administrative need of the recorder; a "legiti-
23 mate administrative need" includes ensuring the legibility of the
24 documents and identifying the parties, the capacity of each party, and
25 the affected property.