

CS FOR SENATE BILL NO. 263(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/13/02

Referred: Judiciary

Sponsor(s): SENATORS LEMAN, Hoffman

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the subsequent acquisition of title to, or an interest in, real property**
2 **by a person to whom the property has purportedly been granted in fee or fee simple;**
3 **and providing for an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 PURPOSE. One purpose of this Act is to change in some cases the common law rule
8 that estoppel by deed does not apply when the conveyance is made by a quitclaim deed and
9 that a quitclaim deed passes only the title the grantor has on the date of the quitclaim deed.

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

11 **Sec. 34.15.075. Receipt of after-acquired title or interest.** (a) In addition to
12 any estate passed by the grantor under AS 34.15.070, whenever a person purports by a
13 warranty or quitclaim deed to grant real property in fee or in fee simple to a grantee
14 and subsequently acquires title to, or an interest in, the real property, the subsequently

1 acquired title or interest passes by operation of law to the grantee or the grantee's
2 successors.

3 (b) This section does not apply to a conveyance by a quitclaim deed by a
4 municipality or by a state agency of the legislative, executive, or judicial branch of
5 state government, including the University of Alaska, the Alaska Railroad
6 Corporation, the Alaska Housing Finance Corporation, and the Alaska Mental Health
7 Trust Authority.

8 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **APPLICABILITY.** To the extent constitutionally permissible, this Act applies to a
11 title or interest that is acquired after the execution of a warranty or quitclaim deed if the title
12 or interest is acquired on or after the effective date of this Act, whether or not the warranty or
13 quitclaim deed is executed before, on, or after the effective date of this Act.

14 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).