

CS FOR SENATE BILL NO. 263(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/28/02

Referred: Rules

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.** In addition to
12 any estate passed by the grantor under AS 34.15.070, whenever a person purports by a
13 warranty deed, or, for Native corporation real property, a quitclaim deed, to grant real
14 property in fee or in fee simple to a grantee and subsequently acquires title to, or an

1 interest in, the real property, the subsequently acquired title or interest passes by
2 operation of law to the grantee or the grantee's successors. In this section, "Native
3 corporation real property" means real property conveyed by the federal government
4 under 43 U.S.C. 1601-1629h (Alaska Native Claims Settlement Act) to a corporation
5 established under 43 U.S.C. 1601-1629h.

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

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

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