

**SENATE BILL NO. 263**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY SENATORS LEMAN, Hoffman**

**Introduced: 1/30/02**

**Referred: Labor and Commerce, Judiciary**

**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 the law regarding estoppel by deed  
8 as applied in *North Star Terminal & Stevedore v. State*, 857 P.2d 335 (Alaska 1993), in  
9 which the Alaska Supreme Court applied the common law rule that estoppel by deed does not  
10 apply when the conveyance is made by a quitclaim deed and that a quitclaim deed passes only  
11 the title the grantor has on the date of the quitclaim deed.

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

13 **Sec. 34.15.075. Receipt of after-acquired title or interest.** In addition to  
14 any estate passed by the grantor under AS 34.15.070, whenever a person purports by a

1           warranty or quitclaim deed to grant real property in fee or in fee simple to a grantee  
2           and subsequently acquires title to, or an interest in, the real property, the subsequently  
3           acquired title or interest passes by operation of law to the grantee or the grantee's  
4           successors.

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

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

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