



LAWS OF ALASKA

2005

Source
CSSB 129(JUD)

Chapter No.

AN ACT

Relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the wrongful recording of a notice of pendency of an action relating to title to or
2 right to possession of real property.

3 _____

4 * **Section 1.** AS 11.46.560(a) is amended to read:

5 (a) A person commits the crime of offering a false instrument for recording in
6 the second degree if [,]

7 (1) under AS 40.17, the person presents a lien to the recorder for
8 registration, filing, or recording with reckless disregard that the lien is not

9 (A) provided for by a specific state or federal statute; or

10 (B) a lien imposed or authorized by a court recognized under
11 state or federal law; [OR]

12 (2) under a law authorizing the receipt and filing of a document, the
13 person presents a lien to a department or person having responsibility to accept a lien
14 for filing with reckless disregard that the lien is not

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(A) provided for by a specific state or federal statute; or
(B) a lien imposed or authorized by a court recognized under
state or federal law; **or**

(3) the person presents to the recorder a notice of the pendency of an action affecting title to real property or the right to possession of real property with reckless disregard of the fact that the action specified does not concern the title to or right to possession of the real property referred to in the notice, or with reckless disregard of the fact that there is no pending action concerning the title to or right to possession of the real property referred to in the notice.

* Sec. 2. AS 11.46.560(b) is amended to read:

(b) In a prosecution under (a) of this section, it is an affirmative defense that the owner of the property affected has consented **in writing** to the lien **or the filing of the notice.**