

**SENATE BILL NO. 173**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY SENATOR COWDERY**

**Introduced: 4/14/05**

**Referred: Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the requirements to qualify as a newspaper in which notices of**  
2 **property sales are published."**

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

4 **\* Section 1.** AS 09.35.140 is amended to read:

5 **Sec. 09.35.140. Notice of sale on execution.** Before the sale of property on  
6 execution, notice of the sale shall be given as follows:

7 (1) notice of the sale of personal property is given by posting a written  
8 or printed notice of the time and place of sale in three public places within five miles  
9 of the place where the sale is to be held, not less than 10 days before the day of sale;  
10 one of the notices shall be posted at the post office nearest to the place where the sale  
11 is to take place;

12 (2) notice of the sale of real property is given by posting a similar  
13 notice particularly describing the property, including the property's street address if  
14 there is a street address for the property, not less than 30 days before the day of sale in

1 three public places, as provided in (1) of this section, and publishing a copy of the  
 2 notice four times, once a week for four successive weeks in a newspaper of general  
 3 circulation published nearest to the place of sale; an inaccuracy in the street address  
 4 may not be used to set aside a sale if the legal description is correct; in this paragraph,  
 5 "newspaper of general circulation" means a publication that

6 (A) is published in newspaper format;

7 (B) is distributed at least once a week for at least 50 weeks  
 8 each year within the judicial district, excluding a period when publication is  
 9 interrupted by a labor dispute or by a natural disaster or other casualty that the  
 10 publisher cannot control; and has a total paid circulation or paid distribution of  
 11 at least 500 copies, or 10 percent of the total population of the judicial district,  
 12 whichever is less; in this subparagraph, "judicial district" means the judicial  
 13 district where the place of sale is located;

14 (C) [HOLDS A SECOND CLASS MAILING PERMIT FROM  
 15 THE UNITED STATES POSTAL SERVICE;

16 (D)] is not published primarily to distribute advertising; and

17 **(D)** [(E)] is not intended primarily for a particular professional  
 18 or occupational group.