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IN THE HOUSE

BY MR. POLLOCK

HOUSE BILL NO. 124

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act requiring the registration of ownership of all real property in Alaska; placing administrative responsibility for said program in the Department of Public Lands and to charge the Land Commissioner with duties and powers incident thereto; and repealing Sections 22-2-1 to 22-2-18, inclusive, AGLA 1949, and Chapter 106, SLA 1949."

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

Section 1. This Act shall be known as the "Alaska Registration Law of 1953."

Section 2. Sections 22-2-1 to 22-2-18 inclusive, AGLA 1949 and Chapter 106, Session Laws of Alaska 1949, are hereby repealed. With the exception of an owner of land who has acquired title thereto subsequent to July 1, 1949, any owner of land who has complied with the registration provisions of Section 22-2-1 AGLA 1949 shall be exempt from the registration provisions of this Act.

Section 3. Responsibility for the administration of the land registration program shall vest in the Department of Public Lands, and the Land Commissioner shall make such rules and regulations as he may deem proper and necessary to carry out the provisions of this Act. The Land Commissioner shall have custody

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1 of all land registration records assembled pursuant to Sections  
2 22-2-1 to 22-2-18 inclusive, ACLA 1949 and Chapter 106, Session  
3 Laws of Alaska 1949, and of those records in the Territorial  
4 Department of Taxation pertaining to or arising from the levying  
5 of a general property tax pursuant to Chapter 10, Session Laws  
6 of Alaska, 1949, as amended, and shall have access to such other  
7 public records as may relate to his duties as set forth in this  
8 Act. Funds to administer this Act shall be those provided in  
9 appropriations for the Department of Public Lands.

10 Section 4. It shall be the duty of each owner of real  
11 property in Alaska, other than that to which the United States  
12 holds title, or which is owned by the territory, to file in  
13 the Office of the Recorder of recording precinct in which such  
14 property is situated on or before June 30, 1953, a sworn state-  
15 ment giving his name, his post office address, a description of  
16 the tract of land, its acreage, and any other information neces-  
17 sary for the purposes of this Act. Thereafter upon a transfer  
18 of title to real property on or after January 1 of any year, a  
19 statement in the form required by this section must be filed by  
20 the owner of such newly acquired tract of land on or before  
21 December 31 of that year. The owner of real property who has  
22 filed such statement as to such property in any year need not  
23 thereafter file a statement under this Act. Upon failure to  
24 file such statement, as required herein, the owner of such pro-  
25 perty shall be subject to a penalty of five dollars (\$5.00) which  
26 shall constitute a lien upon such property as of January 1 of  
27 the ensuing year and subject to collection as hereinafter pro-  
28 vided.

29 Section 5. When such statement is filed, the Recorder shall

1 prepare and enter a copy thereof in a special Alaska Registration  
2 Law book to be provided by him for that purpose, and shall enter  
3 the name of the owner in an alphabetical index together with  
4 the date and hour of filing such statement. The Recorder shall  
5 on or before the tenth day of each month transmit to the Land  
6 Commissioner all original statements filed with him for the pre-  
7 ceding calendar month.

8 Section 6. The Land Commissioner shall collect and re-  
9 ceive all penalties due and payable under this Act and trans-  
10 mit the same to the Territorial Treasurer for deposit into  
11 the general fund of the treasury. For the purposes of this  
12 Act an error in the description of any property shall not  
13 invalidate the assessment of the penalty against such property  
14 if such description is sufficiently accurate to identify the  
15 property.

16 Section 7. On July 1, 1954 and each year thereafter, the  
17 Land Commissioner shall file in the Office of the Clerk of  
18 Court of the judicial division in which the property subject to  
19 such lien is situated, a list of all parcels of property affected  
20 by such liens which have been unpaid for a period of at least  
21 six months after the date the penalties become due and payable.  
22 Whenever a penalty shall have been due and unpaid for a period  
23 of six months, the lien thereof shall be summarily foreclosed  
24 by appropriate proceedings by the Land Commissioner in the  
25 name of the Territory in the manner herein provided. The  
26 parcels of property affected by such liens and filed with the  
27 Clerk of Court shall be numbered serially. The Land Commissioner  
28 shall post a certified copy of such list in his office and  
29 shall publish such list once each week for four consecutive

1 weeks in a newspaper of general circulation in the division  
2 in which such property is situated. Such list shall be known  
3 and designated as the "List of Delinquent Penalties on Real  
4 Property" and shall be captioned as an action in the appro-  
5 priate division of the District Court. The action shall be  
6 entitled: "In the matter of foreclosure of liens pursuant to  
7 the Alaska Registration Law of 1953 by the Territory of Alaska."  
8 Such list of delinquent penalties shall be verified by the  
9 affidavit of the Land Commissioner. The filing of such list  
10 of delinquent penalties in the Office of the Clerk of the  
11 District Court shall constitute and have the same force and  
12 effect as the filing of an individual and separate complaint  
13 to foreclose a lien against each parcel of property therein  
14 described.

15 Section 8. Every person having any right, title or in-  
16 terest in or lien upon any parcel described in such list of  
17 delinquent penalties may redeem such parcel by paying to the  
18 Land Commissioner all of the sums mentioned in such list of  
19 delinquent penalties within sixty days from the date of the  
20 filing of the list in the office of the Clerk of the Court,  
21 or may serve a duly verified answer upon the Attorney General,  
22 setting forth in detail the nature, character and amount of  
23 his interest and any defense or objections to the foreclosure  
24 of the lien. The caption of such answer shall contain a re-  
25 ference to the serial number of each parcel concerned. Such  
26 answer must be served on the Attorney General and filed in the  
27 office of the Clerk of the district within twenty days after  
28 the last day for redemption. In the event of failure to redeem  
29 or answer by any person having the right to redeem or answer,

1 such person shall be in default and shall be barred and forever  
2 foreclosed of all his right, title and interest in the parcels  
3 described in such list of delinquent penalties, and a judgment  
4 of foreclosure may be taken as herein provided. Upon redemp-  
5 tion as permitted by this section, the person redeeming shall  
6 be entitled to a certificate from the Land Commissioner describ-  
7 ing the property in the same manner as it is described in such  
8 list of delinquent penalties. Upon the filing of such certi-  
9 ficate with the Clerk of the Court, the Clerk shall note the  
10 word "redeemed" and the date of such filing opposite the descrip-  
11 tion of said parcel on such list. Such notice shall operate  
12 to cancel the notice of pendency of action with respect to  
13 such parcel.

14 Section 9. All affidavits of filing, publication, posting,  
15 mailing or other acts required by this statute in connection  
16 with an action to foreclose liens shall be filed in the office  
17 of the clerk of the district court for the division in which  
18 the property subject to such lien is situated and shall, to-  
19 gether with all other documents required by this statute to  
20 be filed in the office such clerk, constitute and become a part  
21 of the judgment roll in such foreclosure action.

22 Section 10. If a duly verified answer is served upon the  
23 Attorney General within the period specified in Section 8, the  
24 court shall forthwith hear and determine the issues raised by  
25 the complaint and answer in the same manner and under the same  
26 rules as it hears and determines other actions, except as in  
27 this Act otherwise provided. Upon such trial, proof that the  
28 report required by Section 4 of this Act was filed when due or  
29 that the penalty was paid, together with any interest which

1 may have been due, shall constitute a complete defense. When-  
2 ever an answer is interposed as herein provided, the defendant  
3 shall have an absolute right to the severance of the action as  
4 to any parcel or parcels of land in which he has an interest,  
5 upon written demand therefor filed with or made a part of his  
6 answer.

7 Section 11. It shall not be necessary for the plaintiff  
8 to plead or prove the various steps, procedures and notices  
9 for the assessment of the penalties or other lawful charges  
10 against the lands set forth in the list of delinquent penalties  
11 and all such penalties or other lawful charges and the lien  
12 thereof shall be presumed to be valid. A defendant alleging  
13 any irregularity in the lien must particularly specify in his  
14 answer such irregularity and must affirmatively establish such  
15 defense. The provisions of this Act shall apply to and be valid  
16 and effective with respect to all defendants even though one  
17 or more of them be infants, incompetents, absentees or non-  
18 residents of the Territory of Alaska.

19 Section 12. The court shall have full power to determine  
20 and enforce in all respects the priorities, rights, claims,  
21 and demands of the several parties to said action as the same  
22 shall exist according to law, including the priorities, rights,  
23 claims and demands of the defendants as between themselves,  
24 and in a proper case to direct a sale of such lands and the  
25 distribution or other disposition of the proceeds of the sale.  
26 Where an answer has been interposed by a party as to any parcel  
27 included in the list of delinquent penalties, if the court shall  
28 determine that such party has any right, title, interest, claim,  
29 lien or equity of redemption in such parcel, the court shall

1 make a final judgment directing the sale of such parcel. Any  
2 sale directed by the court shall be a public auction by the  
3 Land Commissioner. Public notice thereof shall be given once  
4 a week for at least three successive weeks in a newspaper  
5 published in the judicial division, and shall be posted in a  
6 conspicuous place at the United States post office nearest the  
7 land to be sold. The description of the parcel offered for  
8 sale in such notice shall be that contained in the list of  
9 delinquent penalties with such other description, if any, as  
10 the court may direct. In directing any conveyance pursuant  
11 to this Act, the judgment shall direct the Land Commissioner  
12 to prepare and execute a deed conveying title to the parcel  
13 or parcels concerned. Upon the execution of such deed, the  
14 grantee shall be seized of an estate in fee in such parcel  
15 and all persons including the Territory of Alaska, infants,  
16 incompetents, absentees and nonresidents who may have had any  
17 right, title, interest, claim, lien or equity of redemption in  
18 or upon such parcel shall be barred and forever foreclosed of  
19 all such right, title, interest, claim, lien or equity of re-  
20 demption.

21 Section 13. The court shall make a final judgment award-  
22 ing to the Territory of Alaska the possession of any parcel  
23 described in the list of delinquent penalties not redeemed as  
24 provided in this Act, and to which no answer is interposed as  
25 provided herein. In addition, such judgment shall contain a  
26 direction to the Land Commissioner to prepare, execute and cause  
27 to be recorded a deed conveying to the Territory full and comp-  
28 lete title to such lands. Upon the execution of such deeds,  
29 the Territory shall be seized of an estate in fee in such land,

1 and all persons including infants, incompetents, absentees and  
2 nonresidents who may have had any right, title, interest, claim,  
3 lien or equity of redemption in or upon such lands shall be  
4 barred forever and foreclosed of all such right, title and  
5 interest, claim, lien or equity of redemption.

6 Section 14. Any party acquiring title to premises under  
7 and pursuant to the terms and provisions of this Act shall be  
8 entitled to be put into possession as if such party had obtained  
9 a judgment in action for forcible entry and detainer of such  
10 property.

11 Section 15. In lieu of prosecuting an action to foreclose  
12 a lien on any parcel pursuant to this Act, the Territory may  
13 accept a conveyance of the interest of any person having any  
14 right, title, interest, claim, lien or equity of redemption  
15 in or to such parcel.

16 Section 16. The Board of Administration may authorize  
17 the Land Commissioner to sell, lease or otherwise administer  
18 all property to which the Territory may obtain title under the  
19 provisions of this Act. Proceeds derived from such sales shall  
20 be remitted to the Treasurer and by him deposited into the  
21 general fund of the Territorial Treasury.