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1 IN THE SENATE

BY SENATOR *Stepovich*

2 SENATE BILL NO. *84*

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act validating: Defective acknow-
7 ledgments, defective deeds and other
8 instruments to real property, deeds on
9 judicial sales, executors' and administra-
10 tors' sales and deeds, and defective tax
11 deeds; and curing any defects and irregul-
12 arities in any proceedings pertaining to
13 such instruments or connected with their
14 execution; and amending Sections 22-3-38,
15 22-3-40, 22-3-41, and 22-3-42, Alaska
16 Compiled Laws Annotated 1949; and declar-
17 ing an emergency."

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

19 Section 1. That Section 22-3-38, Alaska Compiled Laws
20 Annotated 1949, is hereby amended to read as follows:

21 § 22-3-38. Validation of Defective Acknowledgments.

22 All defective and informal acknowledgments of deeds, con-
23 tracts, leases, powers of attorney, mortgages, or other
24 instruments for the conveyance of (LAND) real property,
25 or any interest therein, or pertaining to any right, title
26 or interest in real property, heretofore or hereafter made
27 by any person or persons in good faith, whether the acknow-
28 ledgments were taken by or before any clerk, deputy clerk,
29 or judge of any Federal, State or Territorial court of

1 record, (WITHIN THE TERRITORY) or any commissioner, (OR)
2 notary public (OF THE TERRITORY) or other person authorized
3 to administer oaths, shall be, and (THE SAME) they are
4 hereby, legalized (.) and declared sufficient in law, pro-
5 vided, that no suit has been filed in a court of record in
6 the judicial division in which the real property affected
7 by such instrument is located within ten years from the date
8 of said instrument, or the acknowledgment, to have said in-
9 strument set aside, altered, or otherwise changed or re-
10 formed, in event of such proceedings the determination of
11 the court shall govern.

12 Section 2. That Section 22-3-40, Alaska Compiled Laws
13 Annotated 1949, is hereby amended to read as follows:

14 § 22-3-40. Validation of Defective (DEEDS) Instruments
15 (;) and (DEEDS) Use as Evidence. All deeds, (TO REAL PROPERTY
16 HERETOFORE EXECUTED IN THE TERRITORY WHICH SHALL HAVE BEEN
17 SIGNED BY THE GRANTORS IN DUE FORM,) contracts, leases,
18 powers of attorney, mortgages, or other instruments for
19 the conveyance of real property or any interest therein,
20 or pertaining to any right, title or interest in real
21 property, heretofore or hereafter signed and delivered
22 by any person (IN DUE FORM) in good faith, as grantor,
23 lessor, mortgagor, or otherwise as maker thereof shall be,
24 and they are hereby legalized and shall be sufficient in
25 law (TO CONVEY THE LEGAL TITLE TO THE PREMISES THEREIN
26 DESCRIBED FROM THE GRANTORS TO THE GRANTEEES WITHOUT ANY
27 OTHER EXECUTION OR ACKNOWLEDGMENT WHATEVER:;) for the pur-
28 pose for which such instruments had been executed and
29 delivered, although such instruments may be otherwise

1 defective as to form; provided, that no suit has been
2 filed in a court of record in the judicial division in
3 which the real property affected by any such instrument
4 is located within ten years from the date of said instru-
5 ment to have said instrument set aside, altered, or other-
6 wise changed, or reformed; and such (DEEDS) instruments
7 so executed and delivered shall be received in evidence
8 in all courts in the Territory and be evidence of the
9 right, title or interest to the (LANDS) real property
10 therein described against the grantors, lessors, mortgagors
11 or makers, and their heirs, successors and assigns.

12 Section 3. That Section 22-3-41, Alaska Compiled Laws
13 Annotated 1949, is hereby amended to read as follows:

14 § 22-3-41. Deeds on Judicial Sales. All judicial
15 sales of real property heretofore or hereafter made in
16 the Territory on (PROCEEDINGS) execution to satisfy (VALID)
17 a judgment(S), or (DECREES OF ANY COURT) to satisfy, or
18 made pursuant to terms and provisions of an order or decree
19 of any court in the Territory, and the moneys bidden thereon
20 having been paid to the officer making such sale, or his
21 successor, and such sale (SHALL HAVE) having been confirmed
22 or acquiesced in by (AN ORDER OF) the (PROPER) court from
23 which such execution has issued or wherein such order or
24 decree has been entered, (SUCH SALE) shall be valid and
25 sufficient in law to sustain a deed based on such sale,
26 and when no such deed has been executed shall entitle
27 (SUCH) a purchaser at such sale to such deed; and such
28 deed, when executed and delivered, shall be sufficient to
29 convey all the title of the judgment debtor or other person

1 affected by such order or decree, in the premises so sold
2 to the purchaser at the sale; and all defects and irregul-
3 arities in the proceedings or suit in which such execution
4 has been issued or order or decree entered, and all defects
5 or irregularities in the issuance of the execution or in
6 obtaining the order or decree of court, and (OR) in the
7 manner of making or conducting such sale shall be disre-
8 garded (.) ; provided, that no suit has been filed in a
9 court of record in the judicial division in which the real
10 property affected by such deed is located within ten years
11 from the date of said deed, to have said deed set aside,
12 altered, or otherwise changed or reformed; in the event of
13 such proceedings the determination of the court to govern.
14 Section 4. That Section 22-3-42, Alaska Compiled Laws
15 Annotated 1949, is hereby amended to read as follows:

16 § 22-3-42. Executors', (AND) Administrators' and
17 Guardians' Sales and Deeds Validated. All sales heretofore
18 or hereafter made by executors, (AND) administrators, or
19 guardians of their decedents', wards', or incompetent
20 persons' real property in the Territory to purchasers
21 for a valuable consideration, which has been paid by such
22 purchasers to such executors, (OR) administrators, or
23 guardians, or their successors, in good faith, and such
24 sales (SHALL) not (HAVE) having been set aside by the
25 court, but (SHALL HAVE) having been confirmed or acquiesced
26 in by such court, shall be sufficient to sustain an execu-
27 tor's, (OR) administrator's, or guardian's deed to such
28 purchaser for such real property, and in case such deed
29 shall not have been given, shall entitle such purchaser

1 to such deed; and such deed shall be sufficient to convey
2 to such purchaser all the title that such decedent, ward,
3 or incompetent person had in the real property; and all
4 defects or irregularities in estate or court proceedings
5 or in obtaining the order of the court for such sale, and
6 all defects or irregularities in the making or conducting
7 (THE SAME) of such sale by such executor, (OR) administra-
8 tor or guardian shall be disregarded; (.) provided, that
9 no suit has been filed in a court of record in the judicial
10 division in which the real property affected by such deed
11 is located within ten years from the date of said deed,
12 to have said deed set aside, altered or otherwise changed,
13 or reformed; in the event of such proceedings the deter-
14 mination of the court to govern.

15 Section 5. Tax Deeds Validated. All sales of real property
16 heretofore or hereafter made in the Territory in proceed-
17 ings to enforce the lien of taxes against real property,
18 and the moneys bidden thereon having been paid to the
19 clerk of the city conducting such sale, or his successor,
20 in good faith, and such sale having been confirmed or
21 acquiesced in by the court ordering such sale, shall be
22 valid and sufficient in law to sustain a tax deed based
23 on such sale, and when no such deed has been executed,
24 shall entitle such purchaser to such deed; and such deed,
25 when executed, shall be sufficient to convey all of the
26 right, title or interest of the delinquent owner or any
27 person in privity with him in the real property so sold
28 to the purchaser at the sale; and all defects or irregu-
29 larities in the delinquent tax roll, any notices, presentation

1 of delinquent tax roll to a court, proofs of notice, orders
2 of sale, confirmation of sale or any other proceedings prior
3 to or in connection with such sale, and all defects and
4 irregularities in obtaining the order of the court for
5 such sale, or the lack of an order of court confirming
6 such sale or the lack of, or failure to issue, a certifi-
7 cate of sale and purchase, and all defects and irregular-
8 ities in the making or conducting of such sale by the clerk
9 of the city, or by any other person authorized to make or
10 conduct such sale, shall be disregarded; provided, however,
11 that no suit has been filed in a court of record in the
12 judicial division in which the real property affected by
13 such deed is located within ten years from the date of
14 said deed, to have said deed set aside, altered, or other-
15 wise changed, or reformed; in the event of such proceedings
16 the determination of the court to govern.

17 Section 6. An emergency is hereby declared to exist, and
18 this Act shall take effect immediately upon its passage and
19 approval.
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