



1 IN THE HOUSE

BY MR. BUCKALEW

2 HOUSE BILL NO. 27

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA  
4 TWENTY-SECOND SESSION

5 A BILL

6 FOR AN Act entitled: "An Act amending Sections 22-3-21,

7 22-3-25, and 22-3-25, ASLA 1949, relat-  
8 ing to reading conveyance in evidence,  
9 certificates of reception and recording  
10 of conveyance, when conveyances are  
11 deemed recorded, invalidity of unre-  
12 corded conveyances against subsequent  
13 innocent purchasers and recording  
14 certified copies of recorded conveyances  
15 and defining the term conveyances, as  
16 used herein."

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

18 Section 1. That Section 22-3-21 ASLA 1949, be amended  
19 to read as follows:

20 Section 22-3-21. READING CONVEYANCE IN EVIDENCE:

21 RECORDING: Every conveyance acknowledged or proved or  
22 certified in the manner hereinbefore prescribed by any  
23 of the officers before named may be read in evidence  
24 without further proof thereof, (AND) shall be entitled  
25 to be recorded in the precinct in which the lands lie,  
26 and from the time it is filed with the recorder for  
27 record shall be constructive notice of the contents  
28 thereof to subsequent purchasers and mortgagees of the  
29 same property or any part thereof. A certified copy of

1 any such recorded conveyance may be recorded in any  
2 other precinct and when so recorded the record thereof  
3 shall have the same force and effect *from the date of such filing for recordation* as though it was of  
4 the original conveyance, and where such original conveyance  
5 has been recorded in any precinct wherein the property  
6 therein mentioned is not situated, a certified copy of  
7 such recorded conveyance may be recorded in the precinct  
8 where the property is situated with the same force and  
9 effect *from the date of such filing for recordation* as if the original conveyance had been recorded  
10 in such precinct. The term "conveyance" as used in  
11 this section and in subsequent sections of this chapter  
12 shall include every instrument in writing by which any  
13 estate or interest in real property is created, aliened,  
14 mortgaged or encumbered, or by which the title to any  
15 real property may be affected, except wills.

16 Section 2. That Section 22-3-23, AOLA 1949, be amended  
17 to read as follows:

18 Section 22-3-23. CERTIFICATE OF RECEPTION AND RE-  
19 GORDING OF CONVEYANCE: WHEN CONVEYANCE DEEMED RECORDED:  
20 *Recorder*  
21 The Commissioner shall certify upon each conveyance  
22 recorded by him the time when it was received and the  
23 reference to the book and page where it is recorded and  
24 every conveyance shall be considered as recorded (AT THE  
25 TIME IT WAS SO RECEIVED) when, being duly acknowledged or  
26 proved or certified in the manner hereinbefore pre-  
27 scribed, it is *filed* in the *Recorder's* office  
28 for record.

29 Section 3. That Section 22-3-25, AOLA 1949, be  
30 amended to read as follows:

Page 2, Line 3: After the word "effect" add a comma and insert the words "from the time of filing for recordation such certified copy,"

Page 2, Line 4: Place a period (.) after the word "conveyance", omit the word "and" and capitalize the "W" in the word "where".

Page 2, Line 6: Add a comma after the word "situated"

Page 2, Line 9: After the word "effect" add a comma and insert the words "from the time of filing for recordation such certified copy,"

Page 2, Line 20: Substitute the word "recorder" for the word "commissioner"

Page 2, Line 26: Substitute the word "filed" for the word "deposited" and also substitute the word "recorder's" for the word "commissioner's"

1 Section 22-3-25. INVALIDITY OF UNRECORDED CONVEY-  
2 ANCE AGAINST SUBSEQUENT INNOCENT PURCHASER: Every  
3 conveyance of real property within the Territory hereafter  
4 made, other than a lease for a term not exceeding one  
5 year. (WHICH SHALL NOT BE FILED FOR RECORD AS PROVIDED  
6 IN THIS CHAPTER) shall be void as against any subsequent  
7 innocent purchaser or mortgagee in good faith and for a  
8 valuable consideration of the same real property or any  
9 portion thereof, whose conveyance shall be first duly  
10 recorded. An unrecorded instrument is valid as between  
11 the parties thereto and those who have <sup>actual</sup> notice of it.  
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Page 5, Line 11: Insert the word "actual" between the words "have" and "notice".

Page 3 Line 5 Strike period after "year" and insert comma.