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IN THE SENATE

BY SENATOR OWEN

SENATE BILL NO. 3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act relating to mechanics' and materialmen's liens; repealing and re-enacting Section 26-1-3, ACLA, 1949, as amended."

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

Section 1. Section 26-1-3, Alaska Compiled Laws Annotated, 1949, as amended by Section 1 of Chapter 111, Session Laws of Alaska, 1953, is hereby repealed.

Sec. 2. Section 26-1-3, Alaska Compiled Laws Annotated, 1949, as amended by Section 1 of Chapter 111, Session Laws of Alaska, 1953, is re-enacted to read as follows:

Sec. 26-1-3. Priorities: Sale and removal of building or other improvement. A lien created by this code upon any parcel of land shall be preferred to any lien, mortgage, or other incumbrance which may have attached to the land subsequent to the time when the building or other improvement was commenced, or the materials were commenced to be furnished and placed upon or adjacent to the land; also to any lien, mortgage, or other incumbrance which was unrecorded at the time when the building, structure, or other improvement was commenced, or other materials for the same were commenced to be furnished and placed upon or adjacent to the land; and all liens created by this code upon any building or other improvements shall

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be preferred to all prior liens, mortgages, or other incumbrances upon the land upon which the building or other improvement shall have been constructed or situated when altered or repaired; and in enforcing such lien, such building or other improvement may be sold separately from the land, and when so sold the purchaser may remove the same, within a reasonable time thereafter, not to exceed thirty days, upon the payment to the owner of the land of a reasonable rent for its use from the date of its purchase to the time of removal: Provided, If such removal be prevented by legal proceedings, the thirty days shall not begin to run until the final determination of such proceedings in the court of first resort or the appellate court if appeal be taken.