

1 IN THE SENATE

BY SENATOR OWEN

2 SENATE BILL NO. 68

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act amending Sec. 26-1-3, ACLA 1949,  
7 as amended by Ch. 111, SLA 1953, as amended  
8 by Ch. 7, SLA 1955 on the subject of the  
9 priority of mechanics' and material-men's  
10 liens."

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

12 Section 1. Sec. 26-1-3, ACLA 1949, as amended by Sec. 1,  
13 Ch. 111, SLA 1953, as amended by Sec. 1, Ch. 7, SLA 1955, is  
14 hereby amended to read as follows:

15 Sec. 26-1-3. Priorities: Sale and removal of build-  
16 ing or other improvement. All liens created by this code  
17 upon any parcel of land and upon any building or other im-  
18 provement shall be preferred to all liens, mortgages, or  
19 other encumbrances which may have attached to the land upon  
20 which the building or other improvement shall have been con-  
21 structed, or situated when altered or repaired, subsequent  
22 to the time when the building or other improvement or the  
23 alteration or repair thereof was commenced, or materials  
24 for the same were commenced to be furnished and placed upon  
25 or adjacent to the land; and shall be likewise preferred  
26 to all liens, mortgages, or other encumbrances which were  
27 unrecorded at the time construction of the building, struc-  
28 ture, or other improvement or the alteration or repair there-  
29 of was commenced or materials for the same were commenced

SB #68

1 to be furnished and placed upon or adjacent to the land and  
2 all liens created by this code IN FAVOR OR ANY PERSON AC-  
3 TUALLY PERFORMING LABOR UPON OR FURNISHING MATERIAL USED  
4 IN upon any building or other IMPROVEMENT improvements  
5 IN THE ORIGINAL CONSTRUCTION THEREOF shall be preferred  
6 to all prior liens, mortgages or other incumbrances upon  
7 such building, improvements or the land upon which the  
8 building or other IMPROVEMENT improvements shall have  
9 been constructed or situated when altered or repaired and  
10 in enforcing such lien, such building or other improvement  
11 may be sold separately from the land, and when so sold the  
12 purchaser may remove the same, within a reasonable time  
13 thereafter, not to exceed thirty days, upon the payment  
14 to the owner of the land of a reasonable rent for its use  
15 from the date of its purchase to the time of removal: Pro-  
16 vided, if such removal be prevented by legal proceedings,  
17 the thirty days shall not begin to run until the final  
18 determination of such proceedings in the court of first  
19 resort or the appellate court if appeal be taken.