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IN THE HOUSE

BY MR. FISHER

HOUSE BILL NO. 60

IN THE LEGISLATURE OF THE STATE OF ALASKA
FIRST LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act amending the uniform procedure of assessing, levying and collecting, including the foreclosure of, taxes among political subdivisions in Alaska with taxing authority; changing the redemption period of tax foreclosed property from one to three years; providing for the repurchase of tax foreclosed property by former record owner or his assigns; amending Secs. 42, 45, 48 and 54 of Ch. 174, SLA 1957; and providing for an effective date".

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

Section 1. Sec. 42, Ch. 174, SLA 1957 is hereby amended to read as follows:

Sec. 42. JUDGMENT AND DECREE: LIEN: INTEREST.

Not less than thirty days after the filing of a petition for judgment and decree the court shall give judgment and decree for the delinquent taxes, penalty and interest appearing to be due on the several parcels of real property described in the petition; and shall decree that the several liens of such taxes be foreclosed. The judgment shall be a several judgment against and a lien on each parcel of property included therein. The several judgment shall bear interest at the rate of eight per centum (8%) / ~~FIFTEEN PER~~

1 CENTUM (15%) from the date of entry thereof.

2 Sec. 2. Sec. 45 of Ch. 174, SLA 1957 is hereby amended to
3 read as follows:

4 Sec. 45. LIMITATIONS ON PROCEEDINGS AFFECTING FORE-
5 CLOSURE SALE: DEPOSIT OF JUDGMENT AND INTEREST BY CLAIMANT.
6 Every action, suit or proceeding, commenced for the purpose
7 of determining the validity of a sale of real property on
8 foreclosure for delinquent taxes, or to quiet title against
9 such sale, or to remove the cloud thereof, or to recover pos-
10 session of the property, shall be commenced within two years
11 from the date of the judgment and decree of foreclosure and
12 sale to the city, and not otherwise. In every such action,
13 suit or proceeding any person claiming to be the owner of
14 the property, as against the city, or any person holding
15 title from the city, shall pay into court with the first
16 pleading the amount charged against the property in the
17 judgment and decree of foreclosure, together with interest
18 thereon at the rate of eight per centum (8%) /~~FIFTEEN PER~~
19 ~~CENTUM (15%)~~ per year from the date of the judgment and
20 decree to the date of filing and pleading.

21 Sec. 3. Sec. 48 of Ch. 174, SLA 1957 is hereby amended to
22 read as follows:

23 Sec. 48. PERIOD DURING WHICH PROPERTY HELD BY CITY;
24 REDEMPTION; ASSESSMENT DURING REDEMPTION PERIOD; REDEMPTION
25 OF PART OF PROPERTY. All real properties sold to the city
26 pursuant to this Act shall be held by the city for the period
27 of three years /~~ONE-YEAR~~ from and after the date of the
28 judgment and decree of foreclosure, unless sooner redeemed.
29 During the three years /~~ONE-YEAR~~ period, any person having

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1 an interest in the property at the date of the judgment and
2 decree of foreclosure, or any heir or devisee of such person,
3 or any person holding a lien of record on the property, or
4 any Independent School District or Public Utility District
5 having a lien on the property, may redeem the property by pay-
6 ment of the full amount applicable to the property under the
7 judgment and decree, with interest thereon as provided by law,
8 and the costs charged against such property. Property so re-
9 deemed shall be subject to assessment for taxation during the
10 period of redemption, as though it had continued in private
11 ownership. Any person holding a mortgage or other lien of
12 record covering a part only of a particular parcel of real
13 property included in the judgment and decree of foreclosure
14 may redeem such part by payment of the proportionate amount
15 applicable thereto under the judgment and decree.

16 Sec. 4. Sec. 54 of Ch. 174, SLA 1957 is hereby amended to
17 read as follows:

18 Sec. 54. DEED TO CITY. Upon filing proof of publica-
19 tion of notice of a part of the foreclosure proceedings, the
20 properties not redeemed within the three-year ~~three-year~~ ONE-YEAR
21 period prescribed herein shall be deeded to the city by the
22 clerk of court. All rights of redemption, with respect to the
23 real properties therein described, shall terminate on the ex-
24 ecution of the deed to the city. No return or confirmation of
25 the sale or deed to the city is required or ~~EXPIRATION OF RE-~~
26 DEMPTION PERIOD AS necessary.

27 (a) REPURCHASE BY RECORD OWNER OR ASSIGNS.

28 The record owner at the time of tax foreclosure of any prop-
29 erty acquired by a municipal corporation, independent school

1 district, public utility district or other local governmen-
2 tal unit for delinquent taxes, or his assigns, may at any
3 time prior to any sale or commitment of sale of such tax
4 foreclosed property by such local governmental unit, be en-
5 titled to repurchase such property, and such property shall
6 be resold by such governmental unit to such former record
7 owner or his assigns, for the full amount applicable to the
8 property under the judgment and decree, with interest there-
9 on at the rate of eight percent (8%) per annum from the date
10 of entry of the judgment and decree of foreclosure to the
11 date of repurchase; together with any delinquent taxes assess-
12 ed and levied as though it had continued in private ownership.

13 Provided further, however, that no such right of re-
14 purchase shall attach to any property subsequent to termina-
15 tion of the redemption period which is held by such municipal
16 corporation, independent school district, public utility dis-
17 trict or other local governmental unit for and devoted to any
18 public purpose, authorized by law, and upon which improvements
19 have been constructed pursuant to such public purpose.

20 (b) LIENS AND CLAIMS ARISING FROM ASSESSMENTS
21 FOR LOCAL IMPROVEMENTS. Any such property which is resold to
22 the record owner or his assigns shall be subject to all liens
23 and claims arising out of any assessment for a local improve-
24 ment levied against such property, or any part thereof, by
25 any such municipal corporation, independent school district,
26 public utility district or other local governmental unit and
27 shall also be subject to any title or equity of such entity
28 predicated upon or growing out of any such lien or assessment.

29 Sec. 3. This Act shall take effect immediately upon its

1 passage and approval, or upon its becoming law without such
2 approval.

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