

1 IN THE HOUSE

BY MR. FISHER

2 HOUSE BILL NO. 60

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the uniform procedure of
7 assessing, levying and collecting, including
8 the foreclosure of, taxes among political
9 subdivisions in Alaska with taxing author-
10 ity; changing the redemption period of tax
11 foreclosed property from one to two years;
12 providing for the repurchase of tax fore-
13 closed property by former record owner or
14 his assigns; amending Secs. 42, 45, 48 and
15 54 of Ch. 174, SLA 1957; and providing for
16 an effective date."

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

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

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

21 Not less than thirty days after the filing of a petition for
22 judgment and decree the court shall give judgment and decree
23 for the delinquent taxes, penalty and interest appearing to
24 be due on the several parcels of real property described in
25 the petition; and shall decree that the several liens of such
26 taxes be foreclosed. The judgment shall be a several judgment
27 against and a lien on each parcel of property included therein.
28 The several judgment shall bear interest at the rate of six
29 per centum (6%) on delinquent taxes only but not on penalty

1 and interest ~~/FIFTEEN PER CENTUM (15%)~~ from the date of
2 entry thereof.

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

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

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

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

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

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

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

29 (a) REPURCHASE BY RECORD OWNER OR ASSIGNS.

1 The record owner at the time of tax foreclosure of any prop-
2 erty acquired by a municipal corporation, independent school
3 district, public utility district or other local governmental
4 unit for delinquent taxes, or his assigns, may at any time
5 prior to any sale or contract of sale of such tax foreclosed
6 property by such local governmental unit, be entitled to re-
7 purchase such property, and such property shall be resold by
8 such governmental unit to such former record owner or his
9 assigns, for the full amount applicable to the property under
10 the judgment and decree, with interest thereon at the rate of
11 six percent (6%) per annum from the date of entry of the
12 judgment and decree of foreclosure to the date of repurchase;
13 together with any delinquent taxes assessed and levied as
14 though it had continued in private ownership.

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

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

1 predicated upon or growing out of any such lien or assessment.

2 Sec. 3. This Act shall take effect immediately upon its
3 passage and approval, or upon its becoming law without such approval.
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