

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; providing for the repurchase of tax  
11 foreclosed property by former record owner  
12 or his assigns; amending Secs. 42, 45, and  
13 54 of Ch. 174, SLA 1957; and providing for  
14 an effective date."

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

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

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

19 Not less than thirty days after the filing of a petition for  
20 judgment and decree the court shall give judgment and decree  
21 for the delinquent taxes, penalty and interest appearing to  
22 be due on the several parcels of real property described in  
23 the petition; and shall decree that the several liens of such  
24 taxes be foreclosed. The judgment shall be a several judgment  
25 against and a lien on each parcel of property included therein.  
26 The several judgment shall bear interest at the rate of eight  
27 per centum (8%) on delinquent taxes only but not on penalty  
28 and interest ~~FIFTEEN PER CENTUM (15%)~~ from the date of  
29 entry thereof.

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

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

20           Sec. 3. Sec. 54 of Ch. 174, SLA 1957 is hereby amended to  
21 read as follows:

22           Sec. 54. DEED TO CITY. Upon filing proof of publica-  
23 tion of notice of expiration of redemption period as a part of  
24 the foreclosure proceedings, the properties not redeemed  
25 within the one-year period prescribed herein shall be deeded  
26 to the city by the clerk of court. All rights of redemption,  
27 with respect to the real properties therein described, shall  
28 terminate on the execution of the deed to the city. No  
29 return or confirmation of the sale or of the deed to the city

1 is required or EXPIRATION OF REDEMPTION PERIOD AS necessary.

2 (a) REPURCHASE BY RECORD OWNER OR ASSIGNS.

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

public utility district or other local governmental unit and shall also be subject to any title or equity of such entity predicated upon or growing out of any such lien or assessment.

Sec. 4. This Act shall take effect immediately upon its passage and approval, or upon its becoming law without such approval.