

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 41

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act pertaining to the rights of redemp-
7 tion and repurchase of certain property held
8 by the State of Alaska; amending Sec. 2 (a)
9 and Sec. 4 of Ch. 17, SLA 1957; amending
10 Sec. 7 of Ch. 134, SLA 1953 as amended by
11 Ch. 135, SLA 1955; adding Sec. 5 to Ch. 17,
12 SLA 1957; and providing for an effective date."

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

14 Section 1. Sec. 2 (a) of Ch. 17, SLA 1957 is hereby amended
15 to read as follows:

16 (a) before the entry of an order by the Court awarding
17 possession of said property to the state TERRITORY and
18 directing the deeding of said property to the state TERRI-
19 TORY, or

20 Sec. 2. Sec. 4 of Ch. 17, SLA 1957 is hereby amended to read
21 as follows:

22 Sec. 4. REDEMPTION AFTER ORDER OF COURT. Upon redemp-
23 tion of property after the entry of an order by the Court but
24 prior to the expiration of the one year redemption period, as
25 provided in Section 2 (b) above, the Land Commissioner shall,
26 on behalf of the state TERRITORY, execute and deliver a
27 quit claim deed to the former owner of the property.

28 Sec. 3. Sec. 7 of Ch. 134, SLA 1953 as amended by Ch. 135,
29 SLA 1955 is hereby amended to read as follows:

1 Sec. 7. Hereafter ON OR ABOUT SEPTEMBER 1, 1956 AND ON
2 OR ABOUT SEPTEMBER 1 OF EACH YEAR THEREAFTER, 7 the Land Com-
3 missioner shall file in the office of the Clerk of the Court
4 of the judicial district [DIVISION] in which the property
5 which is subject to such lien is situated, a list of all par-
6 cels of property which have become subject to such liens, [AND]
7 THE NAME OF THE RESPECTIVE OWNER THEREOF, IF KNOWN, 7 and upon
8 which the penalties have been unpaid for a period of at least
9 one year [SIX MONTHS] after the date the said penalties have
10 become due and payable. Thereupon, the liens on the parcels
11 contained in such list shall be foreclosed by appropriate
12 proceedings by the Land Commissioner in the name of the state
13 [TERRITORY] in the manner herein provided. The parcels of
14 property affected by such liens and filed with the Clerk of
15 the present District or Superior Court shall be numbered
16 serially. The Land Commissioner shall: (1) post a certified
17 copy of such list in his office; (2) mail to the last known
18 owner at his last known address a registered letter advising
19 such owner of the lien; (3) either (a) post or cause to be
20 posted a notice of such lien upon the real property involved,
21 or (b) post or cause to be posted notice of such lien in the
22 nearest post office, as he may determine as best calculated
23 to provide actual notice to the owner of the land; and (4)
24 shall further publish such list once each week for four con-
25 secutive weeks in a newspaper of general circulation in the
26 judicial district [DIVISION] in which such property is situa-
27 ted. [SUCH LIST SHALL BE KNOWN AND DESIGNATED AS THE "LIST
28 OF DELINQUENT PENALTIES ON REAL PROPERTY" AND SHALL BE
29 CAPTIONED AS AN ACTION IN THE APPROPRIATE DIVISION OF THE

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CS SB #41, as amended
Engrossed as amended in the House

1 DISTRICT COURT.] The action shall be entitled: "In the
2 matter of foreclosure of liens pursuant to the Alaska Regis-
3 tration Law of 1953, as amended [BY THE TERRITORY OF
4 ALASKA]". [SUCH LIST OF DELINQUENT PENALTIES SHALL BE VERIFIED
5 BY THE AFFIDAVIT OF THE LAND COMMISSIONER.] The filing of
6 such list, the mailing of notice to the lienee, and the posting
7 of such notice on the land involved or in the nearest post
8 office [OF DELINQUENT PENALTIES IN THE OFFICE OF THE CLERK
9 OF THE DISTRICT COURT] shall constitute and have the same force
10 and effect as the filing of [ANY INDIVIDUAL AND] a separate
11 complaint and service of summons to foreclose a lien in other
12 cases provided for [TO FORECLOSE A LIEN AGAINST EACH PARCEL
13 OF PROPERTY THEREIN DESCRIBED].

14 Sec. 4. Ch. 17, SLA 1957 is hereby amended by adding Sec. 5
15 as follows:

16 N Sec. 5. RE-PURCHASE BY RECORD OWNER OR ASSIGNS. The
17 E record owner at the time of the entry of the order of fore-
18 W closure or his assigns, may, at any time prior to any sale
19 M of such foreclosed property by the state, be entitled to re-
20 A purchase such property and such property shall be re-sold by
21 T the state to such former record owner, or his assigns, for
22 E the full amount applicable to the property under the judgment
23 N and decree, with interest thereon at the rate of six (6%)
24 D percentum per annum from the date of entry of the judgment
25 O and decree of foreclosure to the date of re-purchase, to-
26 F gether with any other assessments or other charges lawfully
27 N imposed thereon.

28 W Provided, however, that no such right of re-purchase
29 shall attach to any property, subsequent to termination of

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the redemption period, which has been sold by the state or
which is held by the state for and devoted to any public
purpose, authorized by law and upon which improvements have
been constructed pursuant to such public purpose.

Sec. 5. EFFECTIVE DATE. This Act shall take effect
immediately upon its passage and approval or upon its becoming law
without such approval.