

Introduced: 2/25/64
Referred: Commerce and
Judiciary

COMMERCE COMMITTEE
BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 346

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mechanic's and material-
7 men's liens."

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

9 * Section 1. AS 34.35 is amended by adding a new section to
10 read:

11 Sec. 34.35.061. LIMITATION ON MATERIALMEN'S PREFERENCE.

12 (a) If a person haveing a prior lien, mortgage, or other
13 incumbrance to land properly recorded in the recording dis-
14 trict in which the land is located posts a "notice to sup-
15 pliers", the lien of a person furnishing material used in a
16 building or other improvement in its original construction
17 is preferred to the incumbrance of the person posting notice
18 only to the extent of the value of the materials listed in
19 the answer to the notice.

20 (b) A "notice to suppliers" is effective if the person
21 having a prior incumbrance

22 (1) states in the notice

23 (A) a reasonably accurate description of the
24 land to which he holds an incumbrance;

25 (B) the name of the recording district in
26 which the incumbrance is recorded, and a citation to the
27 recording book and page number;

28 (C) that a person supplying materials to be
29 used in a building or other improvement in its original

1 construction will not have a lien preference over the cited
2 incumbrance unless he delivers an answer to the address given
3 in the notice containing a certified list of all materials
4 he delivers each day for the construction project, and the
5 value of the materials, within five days after each day's
6 delivery of the materials;

7 (D) his name and the address to which the
8 answer is to be delivered;

9 (2) signs the notice in the presence of two attest-
10 ing witnesses or acknowledges it before a notary public;

11 (3) within three days after he obtains knowledge
12 of the construction or improvement, posts the notice in some
13 conspicuous place upon the land or upon the building or
14 other improvement located on the land;

15 (4) posts the notice in the presence of an attest-
16 ing witness;

17 (5) has an attested or notarized copy of the notice
18 recorded with the recorder of the recording district in
19 which the land is situated within three days after he posts
20 the notice.

21 (c) An answer is sufficient if it

22 (1) is delivered at the address given in the notice
23 within five days after the person furnishing material makes a
24 day's delivery of material for use in the construction or
25 improvement project;

26 (2) is signed by the person furnishing material,
27 and contains

28 (A) a list of materials furnished;

29 (B) the value of the materials;

1 (C) the name of the person to whom the
2 materials were furnished;

3 (D) the address at which the materials were
4 delivered;

5 (E) this statement: "We certify that no
6 payment has been received for any of the material listed in
7 this answer.";

8 (F) the date on which the answer is signed.

9 * Sec. 2. AS 34.35.070 is amended by adding new subsections
10 to read:

11 (d) If the person against whom a lien may be created
12 under secs. 50 - 120 of this chapter records a "notice of
13 completion", (b) of this section no longer applies, and all
14 claims must be filed within 30 days after the notice is
15 filed in order for liens to be created. A person may record
16 a "notice of completion" within 10 days after the building
17 or improvement is completed by filing for record in the
18 recording district in which the property is located, a
19 statement signed by the owner of the property or the owner's
20 agent containing

21 (1) the date of completion of the building or
22 improvement;

23 (2) the name and address of the owner;

24 (3) the nature of the interest or estate of the
25 owner;

26 (4) a sufficient legal description of the property;

27 (5) the name of the original contractor, if any,
28 engaged to perform the work;

29 (6) a general statement of the kind of work done

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or the kind of materials furnished.

(e) In (d) of this section, the date of completion is the date the work is accepted or the date the building or improvement is occupied by the owner. Work may be completed even though minor or trivial corrective work, the cost of which does not exceed \$1,000 in labor and materials, remains to be done. In (d) of this section, the date of completion stated in the "notice of completion" is correct if it is within 10 days of the actual date of completion.