

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 HOUSE BILL NO. 369  
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 foreclosure of liens on  
7 real property; and providing for an effective  
8 date."

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

10 \* Section 1. AS 09.45.170 is amended to read:

11 Sec. 09.45.170. JUDGMENT ON FORECLOSURE OF LIEN. (a) A  
12 person having a lien upon real property, other than that of a  
13 judgment, whether created by mortgage, deed of trust, or  
14 otherwise, to secure a debt or other obligation may bring an  
15 action to foreclose the lien. In the action, the court may  
16 direct the sale of the encumbered property or a portion of it  
17 and the application of the proceeds of the sale to the payment  
18 of costs, expenses of sale, and the amount due the plaintiff.

19 (b) If a promissory note or other personal obligation  
20 for the payment of the debt has been given by the mortgagor,  
21 trustor, or other lien debtor, or by any other person as  
22 principal or otherwise, the court shall also give judgment in  
23 the same action for a recovery of the amount of the debt  
24 against that person as in the case of an ordinary judgment for  
25 the recovery of money. [THE JUDGMENT SHALL ALSO DETERMINE THE  
26 PERSONAL LIABILITY OF A DEFENDANT FOR THE PAYMENT OF THE DEBT  
27 SECURED BY THE LIEN AND BE ENTERED ACCORDINGLY.]

28 \* Sec. 2. AS 34.20.100 is amended to read:

29 Sec. 34.20.100. DEFICIENCY JUDGMENT [PROHIBITED]. (a)

1           When a sale is made by a trustee under a deed of trust, as  
2           authorized by sec. 70-130 of this chapter, no other or further  
3           action or proceeding may be taken nor judgment entered against  
4           the maker, his surety, or guarantor [,] on the obligation  
5           secured by the deed of trust for a deficiency.

6           (b) If the lien created by the deed of trust is foreclosed  
7           under AS 09.45.170, a deficiency judgment may be obtained under  
8           that section.

9           \* Sec. 3. This Act takes effect on the day after its passage  
10          and approval, or on the day it becomes law without such approval.

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