

Introduced: 3/9/64
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 412

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 the conveyance of
7 property."

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

9 * Section 1. AS 34.15.160 is amended to read:

10 Sec. 34.15.160. DEEDS EXECUTED OUTSIDE THE STATE.

11 If a deed or conveyance is executed in a state, territory or
12 district of the United States, the deed or conveyance may be
13 executed according to the laws of that state, territory,
14 district, and the execution of the deed or conveyance may be
15 acknowledged before a judge of a court of record, justice of
16 the peace, notary public, or other officer authorized by the
17 laws of that state, territory, or district to take the
18 acknowledgment of deeds or conveyances or before a commis-
19 sioner appointed for that purpose.

20 * Sec. 2. AS 34.15.170 is amended to read:

21 Sec. 34.15.170. CERTIFICATE OF ACKNOWLEDGMENT. (a) In
22 a case provided for in sec. 160 of this chapter the deed or
23 conveyance shall have attached to it a certificate of the
24 clerk or other certifying officer of a court of record of
25 the county or district where the acknowledgment is taken,
26 under the seal of his office, that (1) the person whose name
27 is subscribed to the certificate of acknowledgment is, at
28 the date of the certificate, the officer he is represented
29 to be in the certificate; (2) he believes the signature of

1 the person subscribed to the certificate is genuine; (3) the
2 deed or conveyance is executed and acknowledged according to
3 the laws of the state, territory, or district.

4 (b) The provisions of (a) of this section do not apply
5 where the acknowledgment is taken before

6 (1) a commissioner appointed for that purpose;

7 (2) a notary public certified under his notarial
8 seal; or

9 (3) the clerk of a court of record certified under
10 the seal of the court.

11 * Sec. 3. AS 34.15.180 is amended to read:

12 Sec. 34.15.180. EXECUTION AND ACKNOWLEDGMENT OF DEED
13 OR CONVEYANCE IN FOREIGN COUNTRY. If a deed or conveyance
14 is executed in a foreign country it may be executed according
15 to the laws of that country and the execution of it acknow-
16 ledged as provided in sec. 10 and secs. 50 - 80 of this chap-
17 ter.

18 * Sec. 4. AS 34.15.210(a) is amended to read:

19 (a) Proof of the execution of a conveyance may be made
20 before an officer authorized to take acknowledgment of deeds
21 or conveyances, and shall be made by a subscribing witness,
22 who shall state his own place of residence and that he knows
23 the person described in and executing the conveyance.

24 * Sec. 5. AS 34.15.220 is amended to read:

25 Sec. 34.15.220. PROOF OF DEED BY HANDWRITING. When a
26 grantor is dead, out of the state, or refuses to acknowledge
27 his deed or conveyance, and all the subscribing witnesses to
28 the deed or conveyance are also dead or reside out of the
29 state, the deed or conveyance may be proved before the supe-

1 rior court, by proving the handwriting of the grantor and of
2 a subscribing witness to it.

3 * Sec. 6. AS 34.15.340(a) is amended to read:

4 (a) The following instruments may be recorded in the
5 office of the recorder of the recording district in which the
6 land is located in the same manner and with the same effect
7 as a conveyance of land acknowledged, proved, or certified:

8 (1) a patent, lease or conveyance of an estate or
9 interest in land from the United States for land in the state;

10 (2) notice of a pending action affecting title to
11 real estate;

12 (3) a judgment of a court in the state requiring
13 the execution of a conveyance of real estate in the state;

14 (4) an approved list of land granted to the state
15 or to a corporation in the state;

16 (5) a conveyance executed by an officer of the
17 state by authority of law or land in the state;

18 (6) any conveyance, not otherwise entitled by this
19 chapter to be recorded, which is acknowledged or proved in
20 the manner herein provided, by the grantee, lessee, assignee,
21 or person to whom an estate or interest in land is conveyed;

22 (7) a duplicate original copy of any lease or con-
23 tract to purchase real property when recorded by a party to
24 the instrument, when such party certifies under oath that the
25 duplicate original copy was received by him in the course of
26 the transaction, that the original is not in his possession
27 and that the instrument offered for recordation is an exact
28 duplicate original copy.

29 * Sec. 7. AS 34.15.350 is amended to read:

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Sec. 34.15.350. DEFINITION. In secs. 260 - 350 of this chapter "conveyance" includes every instrument in writing by which an estate or interest, including royalty interest, in real property, or the minerals therein, is created, alienated, mortgaged or encumbered, or by which the title to real property is affected, except a will.