

Original sponsor: Judiciary  
Committee by Request

Offered: 3/25/64  
Referred: Rules

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR 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 definition, execu-  
7 tion, acknowledgement, proof, and recording  
8 of conveyances of property."

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

10 \* Section 1. AS 34.15.160 is amended to read:

11 Sec. 34.15.160. CONVEYANCES [DEEDS] EXECUTED OUTSIDE  
12 THE STATE. If a conveyance [DEED] is executed in a state,  
13 territory, or district of the United States, the conveyance  
14 [DEED] may be executed according to the laws of that state,  
15 territory, or district, and the execution of the conveyance  
16 [DEED] may be acknowledged before a judge of a court of record,  
17 justice of the peace, notary public, or other officer author-  
18 ized by the laws of that state, territory, or district to t  
19 take the acknowledgment of conveyances [DEEDS] or before a  
20 commissioner appointed for that purpose.

21 \* Sec. 2. AS 34.15.170 is amended to read:

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

1 to be in the certificate; (2) he believes the signature of  
2 the person subscribed to the certificate is genuine; (3) the  
3 conveyance [DEED] is executed and acknowledged according to  
4 the laws of the state, territory, or district.

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

7 (1) a commissioner appointed for that purpose;

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

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

12 \* Sec. 3. AS 34.15.180 is amended to read:

13 Sec. 34.15.180. EXECUTION AND ACKNOWLEDGMENT OF CON-  
14 VEYANCE [DEED] IN FOREIGN COUNTRY. If a conveyance [DEED] is  
15 executed in a foreign country it may be executed according to  
16 the laws of that country and the execution of it acknowledged  
17 as provided in sec. 10 and secs. 50 - 80 of this chapter.

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 con-  
21 veyances [DEEDS], 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 CONVEYANCE [DEED] BY HAND-  
26 WRITING. When a grantor is dead, out of the state, or re-  
27 fuses to acknowledge his conveyance [DEED], and all the  
28 subscribing witnesses to the conveyance [DEED] are also dead  
29 or reside out of the state, the conveyance [DEED] may be

1 proved before the superior court, by proving the handwriting  
2 of the grantor and of 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 conveyance [PATENT] from the United States  
9 of an estate or interest in [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) a conveyance, not otherwise entitled by this  
19 chapter to be recorded, which is acknowledged or proved in  
20 the manner provided in this chapter by the person to whom an  
21 estate or interest in land is conveyed;

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

28 \* Sec. 7. AS 34.15.350 is amended to read:

29 Sec. 34.15.350. DEFINITION. In [SECS. 260 - 350 OF]

1           this chapter "conveyance" includes every instrument in  
2           writing by which an estate or interest in real property, in-  
3           cluding a royalty interest in minerals, is created, alienated,  
4           mortgaged, or encumbered, or by which the title to real  
5           property is affected, except a will.

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