

Introduced: 3/23/63
Referred: Judiciary

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 185

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for service of process on
7 nonresident owners or users of real proper-
8 ty."

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

10 * Section 1. AS 09.05 is amended by adding new sections to
11 read:

12 Sec. 09.05.040. SERVICE OF PROCESS ON NONRESIDENT OWNER
13 OR USER OF REAL PROPERTY. (a) The ownership, use, or posses-
14 sion of real property in the state by a nonresident is
15 considered equivalent to an appointment of the commissioner
16 of revenue by the nonresident as his attorney. The summons
17 may be served on the commissioner in an action against the
18 nonresident growing out of the ownership, use, or possession
19 of the real property. The summons against him which is so
20 served has the same legal force as if served on him person-
21 ally in the state.

22 (b) Service of the summons is made by leaving a copy of
23 it with the commissioner of revenue or his designee. The
24 commissioner or his designee shall keep a record of each
25 process and the day and hour of service. This service is
26 sufficient service on the nonresident.

27 (c) The plaintiff and his attorney shall send a notice
28 of the service and a copy of the summons to the defendant by
29 registered mail within 10 days after the date of service.

1 (d) The plaintiff or his attorney shall make an affi-
2 davit showing that he has made service of the notice and
3 summons on the defendant by registered mail as provided in
4 (c) of this section. The affiant shall attach to the affi-
5 davit a copy of the summons and notice so served and the
6 registry receipt of the defendant. The affiant shall file
7 the affidavit and attached papers with the court having
8 jurisdiction of the cause.

9 (e) The court in which the action is pending may order
10 an extension of time necessary to give the defendant reason-
11 able opportunity to defend the action.

12 Sec. 09.05.050. SERVICE ON PERSONAL REPRESENTATIVE OF
13 DECEASED NONRESIDENT OWNING OR USING REAL PROPERTY. (a) The
14 death of a nonresident does not revoke the appointment of the
15 commissioner of revenue by the nonresident as his attorney
16 under sec. 40 of this chapter. If the nonresident dies, an
17 action growing out of the ownership, use, or possession of
18 the real property may be begun or prosecuted against his
19 executor or administrator appointed by the state, territory,
20 or district of the United States or foreign country where
21 the nonresident is domiciled when he dies. Service of sum-
22 mons shall be made on the commissioner of revenue. Notice of
23 the service and the copy of the process shall be given to
24 the nonresident's executor or administrator in like manner,
25 and with the same force as service on a living nonresident.

26 (b) An action or proceeding pending in a state court,
27 in which the court has obtained jurisdiction of a nonresident
28 under sec. 40 of this chapter, does not abate by reason of
29 the nonresident's death. The nonresident's executor or

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administrator appointed in the state, territory, or district of the United States or foreign country where the nonresident is domiciled when he dies, shall, on the application of the plaintiff, be brought in and substituted in the place of the nonresident, and the action or proceeding shall continue.