

1 IN THE HOUSE

BY MR. STEVENS

2 HOUSE BILL NO. 24

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the conveyance of
7 property."

8 BE IT 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. CONVEYANCES [DEEDS] EXECUTED OUTSIDE
11 THE STATE. If a conveyance [DEED] is executed in a state,
12 territory, or district of the United States, the conveyance
13 [DEED] may be executed according to the laws of that state,
14 territory, or district, and the execution of the conveyance
15 [DEED] may be acknowledged before a judge of a court of
16 record, justice of the peace, notary public, or other officer
17 authorized by the laws of that state, territory, or district
18 to take the acknowledgment of conveyances [DEEDS] or before
19 a commissioner 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 con-
23 veyance [DEED] shall have attached to it a certificate of the
24 clerk or other certifying officer of a court of record of the
25 county or district where the acknowledgment is taken, under
26 the seal of his office, that

27 (1) the person whose name is subscribed to the
28 certificate of acknowledgment is, at the date of the certifi-
29 cate, the officer he is represented to be in the certificate;

1 (2) he believes the signature of the person sub-
2 scribed to the certificate is genuine;

3 (3) the conveyance [DEED] is executed and
4 acknowledged according to the laws of the state, territory,
5 or district.

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

8 (1) a commissioner appointed for that purpose;

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

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

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

14 Sec. 34.15.180. EXECUTION AND ACKNOWLEDGMENT OF CON-
15 VEYANCE [DEED] IN FOREIGN COUNTRY. If a conveyance [DEED]
16 is executed in a foreign country it may be executed according
17 to the laws of that country and the execution of it acknow-
18 ledged as provided in AS 40.10.010 - 40.10.050.

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

20 (a) Proof of the execution of a conveyance may be made
21 before an officer authorized to take acknowledgment of con-
22 veyances [DEEDS], and shall be made by a subscribing witness,
23 who shall state his own place of residence and that he knows
24 the person described in and executing the conveyance.

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

26 Sec. 34.15.220. PROOF OF CONVEYANCE [DEED] BY HAND-
27 WRITING. When a grantor is dead, out of the state, or refuses
28 to acknowledge his conveyance [DEED], and all the subscribing
29 witnesses to the conveyance [DEED] are also dead or reside

1 out of the state, the conveyance [DEED] may be proved before
2 the superior court, by proving the handwriting of the grantor
3 and of a subscribing witness to it.

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

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

9 (1) a conveyance [PATENT] from the United States
10 of an estate or interest in [FOR] land in the state;

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

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

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

17 (5) a conveyance executed by an officer of the
18 state by authority of law [OF LAND] in the state;

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

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

27 Sec. 34.15.350. DEFINITION. In secs. 260 - 350 of this
28 chapter "conveyance" includes every instrument in writing by
29 which an estate or interest in real property, including

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royalty interests in minerals, is created, alienated,
mortgaged or encumbered, or by which the title to real
property is affected, except a will.