

Original Sponsor: Mr. Stevens

Offered: 3/17/65
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 34.15.150 is amended to read:

10 Sec. 34.15.150. EXECUTION OF CONVEYANCES [DEEDS]. (a)

11 A [DEED OR] conveyance executed in the state of land or an
12 interest in land in the state shall be [EXECUTED AND]
13 acknowledged before a judge, clerk of the superior court,
14 notary public, postmaster, or commissioner in the state or
15 proved in accordance with secs. 210 or 220 of this chapter.
16 The officer taking an [THE] acknowledgment shall endorse on
17 it a certificate of the acknowledgment of the [DEED OR] con-
18 veyance and the date of making the acknowledgment.

19 (b) A [DEED OR] conveyance executed before March 12,
20 1953, in due form but without two witnesses is validated,
21 shall be received in evidence in all courts of the state,
22 and is evidence of the title to the land or interest in land
23 against the grantor, his heirs and assigns.

24 * Sec. 2. AS 34.15.160 is amended to read:

25 Sec. 34.15.160. CONVEYANCES [DEEDS] EXECUTED OUTSIDE
26 THE STATE. If a conveyance [DEED] is executed in a state,
27 territory, or district of the United States, the conveyance
28 [DEED] may be executed according to the laws of that state,
29 territory, or district, and the execution of the conveyance

1 [DEED] may be acknowledged before a judge of a court of
2 record, justice of the peace, notary public, or other officer
3 authorized by the laws of that state, territory, or district
4 to take the acknowledgment of conveyances [DEEDS] or before
5 a commissioner appointed for that purpose.

6 * Sec. 3. AS 34.15.170 is amended to read:

7 Sec. 34.15.170. CERTIFICATE OF ACKNOWLEDGMENT. (a) In
8 a case provided for in sec. 160 of this chapter, the con-
9 veyance [DEED] shall have attached to it a certificate of the
10 clerk or other certifying officer of a court of record of the
11 county or district where the acknowledgment is taken, under
12 the seal of his office, that

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

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

18 (3) the conveyance [DEED] is executed and acknowl-
19 edged according to the laws of the state, territory, or
20 district.

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

23 (1) a commissioner appointed for that purpose;

24 (2) a notary public certified under his notarial
25 seal; or

26 (3) the clerk of a court of record certified under
27 the seal of the court.

28 * Sec. 4. AS 34.15.180 is amended to read:

29 Sec. 34.15.180. EXECUTION AND ACKNOWLEDGMENT OF CON-

1 VEYANCE [DEED] IN FOREIGN COUNTRY. If a conveyance [DEED]
2 is executed in a foreign country it may be executed according
3 to the laws of that country and the execution of it acknowl-
4 edged as provided in AS 40.10.010 - 40.10.050.

5 * Sec. 5. AS 34.15.210(a) is amended to read:

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

11 * Sec. 6. AS 34.15.220 is amended to read:

12 Sec. 34.15.220. PROOF OF CONVEYANCE [DEED] BY HAND-
13 WRITING. When a grantor is dead, out of the state, or refuses
14 to acknowledge his conveyance [DEED], and all the subscribing
15 witnesses to the conveyance [DEED] are also dead or reside
16 out of the state, the conveyance [DEED] may be proved before
17 the superior court, by proving the handwriting of the grantor
18 and of a subscribing witness to it.

19 * Sec. 7. AS 34.15.230 is amended to read:

20 Sec. 34.15.230. SUBPOENA OF WITNESS. An officer
21 authorized to take an acknowledgment or proof of conveyance
22 [(EXCEPT A COMMISSIONER OF DEEDS)] may issue a subpoena
23 requiring a witness to a conveyance to appear and testify
24 before the officer regarding the execution, upon the applica-
25 tion of a grantee, or of a person claiming under him, verified
26 by the oath of the applicant, setting out that

27 (1) the grantor is dead, out of the state, or
28 refuses to acknowledge his conveyance [DEED];

29 (2) a witness to the conveyance refuses to appear

1 and testify regarding the execution of the conveyance [DEED];
2 and

3 (3) the conveyance cannot be proved without the
4 evidence of the witness.

5 * Sec. 8. AS 34.15.340(a) is amended to read:

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

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

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

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

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

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

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

26 * Sec. 9. 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

1 royalty and other interests in minerals, is created, alien-
2 ated, mortgaged or encumbered, or by which the title to real
3 property is affected, except a will.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29