

Introduced: 3/3/69
Referred: Local Govern-
ment

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 217

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disclosure of the full
7 consideration on real estate conveyances; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 34 is amended by adding a new chapter to read:

11 CHAPTER 17. CONSIDERATION FOR CONVEYANCES.

12 Sec. 34.17.010. DISCLOSURE OF CONSIDERATION. No instrument
13 evidencing a sale of real property shall be accepted for recording
14 in this state unless the instrument contains the recital required by
15 sec. 20, or is accompanied by the affidavit required by sec. 30.

16 Sec. 34.17.020. RECITAL ON INSTRUMENT. An instrument conveying
17 real property shall disclose on its face the mailing address of the
18 purchaser and the selling price in dollars paid for such transfer.
19 If the selling price consists of or includes other property, real or
20 personal, it shall be so stated. If the selling price includes any
21 lien, mortgage, contract, indebtedness or other encumbrance agreed
22 to be paid by the purchaser, the unpaid balance shall be shown. The
23 disclosure may be made by either the seller or purchaser or their
24 authorized agent and shall be acknowledged in the manner provided
25 in sec. 30.

26 Sec. 34.17.030. AFFIDAVIT IN LIEU OF RECITAL. (a) In lieu
27 of the recital required by sec. 20 of this chapter, the seller or
28 purchaser or his authorized agent shall submit to the recorder
29 within the recording district in which the property is located, at

1 the time the instrument is tendered for recording, an affidavit
2 containing

- 3 (1) the name and address of the seller;
- 4 (2) the name and address of the purchaser;
- 5 (3) an adequate description of the real property or estate
6 or interest thereof involved;
- 7 (4) the date of the sale;
- 8 (5) the selling price in dollars.

9 If the selling price consists of or includes other property, real or
10 personal, it shall be so stated. If the selling price includes any
11 lien, mortgage, contract, indebtedness or other encumbrance agreed
12 to be paid by the purchaser, the unpaid balance shall be shown.

13 (b) The affidavit shall be signed and the signature acknowledged
14 by a notary public or a person authorized by law to take oaths.

15 (c) The design of the form shall be prescribed by the Local
16 Affairs Agency and approved by the administrative director of the
17 Alaska court system.

18 (d) The Local Affairs Agency shall provide each recorder in the
19 state with an adequate supply of the affidavit forms.

20 Sec. 34.17.040. EXEMPTIONS. The disclosure of consideration
21 required by this chapter shall not apply to a conveyance

22 (1) to or between the United States, the State of Alaska
23 or to any of the instrumentalities, agencies or political subdivisions
24 thereof;

25 (2) solely to provide or release security for a debt or
26 obligation;

27 (3) which confirms or corrects a deed previously recorded;

28 (4) between husband and wife or parent and child with
29 nominal actual consideration;

1 (5) on sale to a borough or city for delinquent taxes or
2 assessments;

3 (6) which is a transfer by will, device, or inheritance;

4 (7) of partition;

5 (8) pursuant to mergers of corporation; or

6 (9) by a subsidiary corporation to its parent corporation
7 for no consideration, nominal consideration, or in sole consideration
8 of the cancellation or surrender of the subsidiary's stock.

9 Sec. 34.17.050. COPIES FORWARDED TO LOCAL AFFAIRS AGENCY. On or
10 before the 15th day of each month, the recorder shall transmit to the
11 Local Affairs Agency one copy of each instrument containing the recital
12 and two copies of each affidavit received during the preceding month
13 pursuant to the provisions of this chapter. The Local Affairs Agency
14 may transmit copies of the affidavit to each organized borough and
15 city in which the property is located.

16 Sec. 34.17.060. CONFIDENTIALITY. (a) The information contained
17 in an affidavit filed under this chapter is confidential and shall not
18 be released except when required in official investigation or pro-
19 ceedings in court. Except as otherwise provided, it is unlawful for
20 an officer or employee of the state or borough or city to divulge or
21 make known the particulars set out or disclosed in the affidavit.

22 (b) The grantor or grantee of a conveyance or the person sub-
23 mitting the affidavit may upon written request to the recorder obtain
24 a copy of the affidavit upon payment of a fee set by the administrative
25 director of the Alaska court system.

26 (c) The recorder may permit a proper officer of the United
27 States or the state to inspect the affidavits and upon payment of the
28 established fee to obtain copies when needed for official use.

29 (d) The Local Affairs Agency or borough or cities may publish

1 or make available to the public reasonable statistics or other
2 information, including sales ratio studies derived in whole or in
3 part from the information contained in the affidavit.

4 (e) An offense against the provisions of this section is a
5 misdemeanor, and is punishable by a fine of not more than \$500 or
6 by imprisonment for not more than one year.

7 Sec. 34.17.070. PENALTIES. A person who willfully falsifies
8 the statements presented in the recital or affidavit required by this
9 chapter shall be guilty of a misdemeanor, and upon conviction, shall
10 be fined not more than \$500 nor imprisoned for more than one year.

11 Sec. 34.17.080. DEFINITIONS. In this chapter

12 (1) "instrument" means each written document by which an
13 estate or interest in real property is created, eliminated, mortgaged
14 or encumbered, or by which the title of real property is affected,
15 except a will (AS 34.15.350);

16 (2) "selling price" means the consideration, in money or
17 any other thing of value, paid, delivered or contracted to be paid
18 or delivered, in return for the transfer of real property. "Selling
19 price" includes the amount of any lien, mortgage, contract, indebted-
20 ness or other encumbrance existing against the property and agreed
21 to be paid by the purchaser; "selling price" does not include the
22 amount of any outstanding lien or encumbrance for taxes, special
23 benefits or improvements in favor of the United States, this state,
24 or a borough, city or other municipal or public corporation;

25 (3) "real property" includes any estate or interest in
26 real property and any contract right thereto.

27 * Sec. 2. AS 34.15.260(a) is amended to read:

28 (a) A conveyance that is acknowledged, proved, or certified in
29 the manner prescribed in secs. 150 - 250 of this chapter (1) may be

1 read in evidence without further proof of the conveyance, (2) may be
2 recorded in the recording district in which the land is located,
3 provided the conveyance contains the recital required by AS 34.17.020
4 or is accompanied by the affidavit required by AS 34.17.030, and (3)
5 from the time it is filed with the recorder for record, it is con-
6 structive notice of the contents of the conveyance to subsequent
7 purchasers and mortgagees of the same property or any part of it.

8 * Sec. 3. This Act takes effect on the day after its passage and
9 approval or on the day it becomes law without approval.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29