

Introduced: 1/14/81
Referred: State Affairs and
Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (For the Code Rev-
sion Commission)

1 IN THE SENATE

2 SENATE BILL NO. 78

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to recording and recordable documents,
7 and providing for an effective date."

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

9 * Section 1. AS 40 is amended by adding a new chapter to read:

10 CHAPTER 17. RECORDING IN PUBLIC RECORDS.

11 Sec. 40.17.010. PLACE OF RECORDING AND ACCESS TO RECORDS. (a)

12 The Department of Natural Resources shall provide at each public office
13 designated by the department

14 (1) the documents and indices or alternative document re-
15 trieval system of the recording district or districts served by that
16 public office;

17 (2) a machine, device or system with which to retrieve
18 stored documents;

19 (3) a means for making copies of recorded documents and a
20 person authorized by the recorder to certify the copies;

21 (4) when available money and technology permit, a machine,
22 device, or system capable of rapidly transmitting a document eligible
23 for recording to a recorder at one place of recording in the state, and
24 a person to operate the machine, device, or system; if the department
25 determines that it is not feasible to provide a machine, device, or
26 system in an office serving a recording district, it shall provide for
27 transmitting documents from the office by other expeditious means.

28 (b) The department shall provide the staff and equipment to re-
29 ceive and record documents and to store them permanently.

1 (c) When rapid recording and retrieval and secure storage of
2 documents can be provided for all recording districts with only one
3 place of recording in the state, the recorder shall record only at one
4 place designated by the department.

5 (d) The recorder shall provide reasonable public access during
6 business hours to recorded documents, indices and facilities provided
7 for in this section.

8 Sec. 40.17.020. RECORDING CONVEYANCES. (a) A conveyance which is
9 eligible for recording as a class A document under AS 40.17.030 and
10 40.17.110 may be recorded only as a class A document, and only in the
11 records of the recording district in which land affected by the convey-
12 ance is located. If land affected by the conveyance is located in more
13 than one recording district, an original conveyance may be recorded in
14 the records of any district in which part of the land is located and an
15 original or a certified copy may be recorded in the records of each
16 other district in which part of the land is located. A certified copy
17 so recorded has the same effect from the time it is recorded as though
18 it were the original conveyance.

19 (b) A certified copy of a conveyance which is eligible for record-
20 ing as a class A document under AS 40.17.030 and 40.17.110 and which has
21 been recorded or filed in a public recorder's office in another state,
22 in the state division of forest, land and water management, or in the
23 United States Bureau of Land Management may be recorded only as a
24 class A document, and only in the records of a recording district where
25 land affected by the conveyance is located. When so recorded, it has
26 the same effect from the time it is recorded as though it were the
27 original conveyance.

28 Sec. 40.17.030. FORMAL REQUISITES FOR RECORDING. (a) To be
29 eligible for recording, a document must be

1 (1) legible or capable of being converted into legible form
2 by a machine or device used in the recording office;

3 (2) capable of being copied by the method used in the record-
4 ing office;

5 (3) accompanied by the proper fee for recording and include
6 or be accompanied by information, stamps, certificates, taxes, or fees
7 that under other laws are necessary to qualify the document for record-
8 ing;

9 (4) accompanied by or include the information needed to index
10 a class A document under regulations of the department, or the names
11 needed to index a class B document under AS 40.17.040(c);

12 (5) accompanied by the name and address of the person to whom
13 the document is to be returned after recording; and

14 (6) accompanied by the mailing addresses of all persons named
15 in the document who grant or acquire an interest under the document if
16 it is a conveyance; this paragraph does not apply to a release of a
17 security interest.

18 (b) A class B document may not be recorded unless, in addition to
19 the name required in (a)(5) of this section, it contains the name of the
20 person in whose behalf the document is recorded. This name must be
21 marked on the document so it will appear on it in its recorded form.

22 (c) A signature, acknowledgment, seal, or witness is not required
23 for a document to be eligible for recording except when required for
24 specific documents by this chapter or by other law.

25 Sec. 40.17.040. INDEXING. (a) A document must be indexed based
26 on its classification under AS 40.17.110.

27 (b) For class A recorded documents, the recorder shall maintain an
28 index system in the manner prescribed by regulations adopted by the
29 department. The system must be designed so the public may find class A

1 documents by names of grantors and grantees, and the system may include
2 other means for locating the documents.

3 (c) For class B documents, the recorder may make no index entries
4 except the name or names chosen for indexing by the person who presents
5 the document for recording, the date of recording, and the serial number
6 or identifying code of the document.

7 Sec. 40.17.050. INCORPORATION OF MASTER FORM. A recorded master
8 form, or a numbered paragraph of it, may be incorporated by reference in
9 a recorded document by referring to the form by its recording informa-
10 tion and the number of the paragraph to be incorporated. The reference
11 has the same effect as if the master form or the numbered paragraph were
12 reproduced in full in the record at the place where the reference to the
13 form or paragraph is made.

14 Sec. 40.17.060. DOCUMENTS EXECUTED UNDER FORMER LAW. If a docu-
15 ment included under AS 40.17.110(b) or (c) was executed in accordance
16 with the law in effect at the time the document was executed, the docu-
17 ment remains recordable as a class A document regardless of later amend-
18 ments to the law changing the manner in which that document is to be
19 executed.

20 Sec. 40.17.070. DUTIES OF RECORDER. (a) The recorder shall
21 promptly record all documents presented which are recordable in ac-
22 cordance with AS 40.17.020, 40.17.030 and 40.17.110.

23 (b) The recorder shall indicate on or attach to each document as
24 it is recorded the date, hour, and minute of recording, enter that
25 information in a daily log, and note an identifying code on the docu-
26 ment.

27 (c) The recorder shall maintain a daily log in which the consecu-
28 tive serial number and the date, hour, and minute of recording of each
29 recordable document shall be entered without delay in the order in which

1 the documents are received. The recorder shall mark each document to
2 show in which class it is recorded. If a document presented for record-
3 ing as a class A document is reviewed and rejected for recording as a
4 class A document, the recorder shall indicate on or attach to the docu-
5 ment the date, hour, and minute of rejection and a citation of the
6 statute requiring rejection. If the document is later determined to be
7 recordable as a class A document in the form in which it was earlier
8 presented to the recorder, later recording does not relate back to the
9 time and date of rejection. Recording is effective when the document is
10 accepted for recording, regardless of the cause of the rejection.

11 (d) The recorder shall promptly copy recorded documents and place
12 them in permanent records and shall note the recording information at
13 the entry of each document in the daily log.

14 (e) Promptly after recording a document, the recorder shall make
15 the index entries required in this chapter and in the regulations of the
16 department.

17 (f) After recording, the recorder shall return the document to the
18 person who presented it or a person designated by him.

19 (g) The recorder shall certify copies and provide a certified copy
20 of a recorded document to a person who tenders the proper fee.

21 (h) The recorder need not record part of a document if the part is
22 identified and preceded by the words "From Previously Recorded Master
23 Form--Do Not Record" and the recorded part contains a reference to the
24 master form's recording information.

25 Sec. 40.17.080. EFFECT OF RECORDING ON TITLE AND RIGHTS: CON-
26 STRUCTIVE NOTICE. (a) Subject to (c) and (d) of this section, from the
27 time a class A document is recorded in the records of the recording
28 district in which land affected by it is located, the recorded document
29 is constructive notice of the contents of the document to subsequent

1 purchasers and holders of a security interest in the same property or a
2 part of the property. Recording of a class B document does not provide
3 constructive notice for any purpose. The class of a document is deter-
4 mined under AS 40.17.110.

5 (b) A conveyance of real property in the state (other than a lease
6 for a term of less than one year) is void as against a subsequent inno-
7 cent purchaser in good faith for valuable consideration of the property
8 or a part of the property whose conveyance is first recorded as a
9 class A document. An unrecorded conveyance is valid as between the
10 parties to it and as against one who has actual notice of it. In this
11 subsection, "purchaser" includes a holder of a consensual interest in
12 real property which secures payment or performance of an obligation.

13 (c) The recording of an assignment of a security interest is not
14 in itself notice to the debtor. The debtor may pay the assignor unless
15 he has actual notice of the assignment.

16 (d) A recorded option or agreement to enter into a contract in the
17 future ceases to be constructive notice for any purpose

18 (1) when six months have elapsed after the date of recording
19 of the option or agreement, if the recorded option or agreement contains
20 no expiration date;

21 (2) when 30 days have elapsed after the expiration date of
22 the option or agreement, if the recorded option or agreement contains an
23 expiration date.

24 Sec. 40.17.090. CONVEYANCES AND RECORDED DOCUMENTS AS EVIDENCE.

25 (a) A conveyance that is signed and recorded as a class A document is
26 admissible as evidence of the conveyance without further proof.

27 (b) A recorded signed class A document relating to title to real
28 property creates presumptions with respect to title that

29 (1) the document is genuine and was executed as the voluntary

1 act of the person purporting to execute it;

2 (2) the person executing the document and the person on whose
3 behalf it is executed are the persons they are purported to be and the
4 person executing it was neither incompetent nor a minor at any relevant
5 time;

6 (3) delivery of the document occurred notwithstanding a lapse
7 of time between dates on the document and the date of recording;

8 (4) any necessary consideration was given;

9 (5) the grantee, transferee, or beneficiary of an interest
10 created or claimed by the document acted in good faith at all relevant
11 times up to and including the time of the recording;

12 (6) a person purporting to act as an agent, attorney in fact
13 under a recorded power of attorney or authority, officer of an organiza-
14 tion, or in a fiduciary or official capacity, held the position he
15 purported to hold, acted within the scope of his authority, and in the
16 case of an organization, the authorization satisfied all requirements of
17 law; and in the case of an agent, acted for a principal who was neither
18 incompetent nor a minor at any relevant time and who had not revoked the
19 agency;

20 (7) if the document purports to be executed in accordance
21 with or to be a final determination in a judicial or administrative
22 proceeding, or to be executed under a power of eminent domain, the
23 court, official body, or condemnor acted within its jurisdiction and all
24 steps required for the execution of the title document were taken;

25 (8) the recitals and other statements of fact in a conveyance
26 are true if the matter stated is relevant to the purpose of the docu-
27 ment;

28 (9) the persons named in, signing, or acknowledging the
29 document and persons named in, signing, or acknowledging another related

1 document in a chain of title are identical, if the persons appear in
2 those documents under identical names, or under variants of the names,
3 including inclusion, exclusion, or use of

4 (A) commonly recognized abbreviations, contractions,
5 initials, or colloquial or other equivalents;

6 (B) first or middle names or initials;

7 (C) simple transpositions that produce substantially
8 similar pronunciations;

9 (D) articles or prepositions in names or titles;

10 (E) descriptions of entities as corporations, companies,
11 or abbreviations or contractions of either; or

12 (F) name suffixes, such as "Senior" or "Junior", unless
13 other information appears of record indicating that they are dif-
14 ferent persons; and

15 (10) all other requirements for the execution, delivery and
16 validity of the document have been satisfied.

17 (c) The presumptions stated in (b) of this section arise even if
18 the document purports only to release a claim or convey an interest of
19 the person executing it or of the person on whose behalf it is executed.

20 (d) Facts stated in a recorded certificate of a public official in
21 affidavit form or under the seal of his office and derived from informa-
22 tion or documents obtained or kept by him as part of his official duties
23 are presumed to be true.

24 (e) If presumptions created by this section are inconsistent, the
25 presumption applies that is founded upon weightier consideration of
26 policy and logic. If these considerations are of equal weight, neither
27 presumption applies.

28 Sec. 40.17.100. RECORDING A RECONVEYANCE. When the parties to a
29 recorded conveyance absolute in its terms intend it to serve only as

1 security for repayment of a debt, the conveyance is absolute as to all
2 persons who rely upon it in good faith and for value before a reconvey-
3 ance is recorded.

4 Sec. 40.17.110. CLASSES OF DOCUMENTS ELIGIBLE FOR RECORDING. (a)
5 A signed document listed in (b) of this section or included under (c) of
6 this section that meets the requisites for recording under AS 40.17.030
7 may be recorded as a class A document. The recorder may not record as a
8 class B document a document which would be a class A document except for
9 a technical defect in the document. A document that meets the requi-
10 sites for recording under AS 40.17.030 and which is not a conveyance or
11 a defective class A document, is a class B document the recording of
12 which is permitted for the safekeeping of a record copy of the document.
13 The effect on title and rights of recording class A and class B docu-
14 ments is set out in AS 40.17.080.

15 (b) The recorder may record as a class A document only

16 (1) a conveyance or a certified copy of a conveyance if
17 recording the copy is permitted by AS 40.17.020;

18 (2) a power of attorney or other instrument granting or
19 revoking a power to act as agent or attorney for another person;

20 (3) a contract for the sale or purchase of real property,
21 when signed by all parties to the contract;

22 (4) an option for the purchase of real property when it is
23 signed by the person granting the option;

24 (5) a certificate of a public official or an affidavit of any
25 person which may affect the title to or any interest in real property in
26 the state that is described in the certificate or affidavit, stating
27 facts relating to age, sex, birth, death, capacity, relationship, family
28 history, heirship, names, identity of parties, marital status, posses-
29 sion or adverse possession, adverse use, residence, service in the armed

1 forces, conflicts and ambiguities in description of land in recorded
2 instruments, and the happening of any condition or event which may
3 terminate an estate or interest; a certificate or affidavit recorded
4 under this section must contain the recording information of a recorded
5 document referred to in it;

6 (6) an instrument by which a real property security agreement
7 is subordinated or waived as to priority;

8 (7) a document creating a condition, covenant, restriction,
9 or reservation relating to rights in real property;

10 (8) an assignment of all or part of a security interest in
11 real property;

12 (9) a release of lien or security interest in real property;

13 (10) a conformed copy of a document that is otherwise record-
14 able as a class A document under this section, when the person offering
15 the document attaches to it an affidavit that

16 (A) the conformed copy was received by him in the course
17 of the transaction;

18 (B) the original is not in his possession; and

19 (C) the instrument offered for recordation is a con-
20 formed copy;

21 (11) a conveyance from the United States of an interest in
22 real property in the state;

23 (12) a certified copy of a petition in bankruptcy;

24 (13) a notice of an action previously filed and pending in a
25 court of the state or the United States affecting title to real property
26 in the state, if the notice contains the case number assigned by the
27 court and a description of the property affected in the recording dis-
28 trict;

29 (14) notice of an action for divorce, separate maintenance,

1 annulment or dissolution of marriage previously filed and pending in a
2 court of any state or the United States affecting title to real property
3 in this state, if the notice contains the case number assigned by the
4 court;

5 (15) notice of a pending judicial proceeding to compel record-
6 ing or indexing, if the notice contains the case number assigned by the
7 court;

8 (16) a judgment decree or order of a court of a state in an
9 action for divorce, separate maintenance, annulment or dissolution of
10 marriage requiring the execution of a conveyance of real property in
11 this state;

12 (17) a list of real property granted by a governmental entity
13 to the state, a municipality or a corporation;

14 (18) a conveyance executed by an officer of the state by
15 authority of law in the state;

16 (19) a notice limiting future advances under a recorded secur-
17 ity agreement;

18 (20) a certified copy of a judgment or decree of a court of
19 the state or of a court of record of the United States or a certified
20 copy of a satisfaction of judgment or decree;

21 (21) a certificate of attachment or an order or proceeding of
22 record discharging attachment;

23 (22) a condemnation order;

24 (23) a declaration of taking;

25 (24) a copy of the record of the meeting of a cemetery associa-
26 tion;

27 (25) a cooperative contract;

28 (26) a list of persons whose cooperative contracts have been
29 terminated;

- 1 (27) a letter of conservatorship;
2 (28) an employee's lien for failure to make payments to a
3 benefit fund;
4 (29) an employment security contributions lien;
5 (30) a verified workmen's compensation lien;
6 (31) a mining claim, location or lease;
7 (32) a grubstake contract;
8 (33) a mining assessment work affidavit;
9 (34) a notice to contribute or forfeit an interest in a mining
10 claim;
11 (35) a subdivision plat;
12 (36) a signed and sworn-to certificate of limited partnership
13 and a signed and sworn-to amendment to a certificate of limited partner-
14 ship;
15 (37) a condominium declaration, amendments to it, an instru-
16 ment by which property may be removed from the provisions of AS 34.07
17 and an instrument affecting the property or apartment controlled by
18 AS 34.07;
19 (38) a substitution of trustee under a deed of trust, or other
20 person having a power of sale under a real property security agreement,
21 when executed and acknowledged by all the beneficiaries;
22 (39) notice and affidavits required in default and sale under
23 a deed of trust;
24 (40) a notice of right to mechanics' or materialmen's lien;
25 (41) an attested or notarized copy of a notice of nonresponsi-
26 bility for construction, alteration, or repair;
27 (42) an acknowledgment of right to mechanics' or materialmen's
28 lien;
29 (43) a verified claim of any of the liens provided by AS 34.-

1 35;

2 (44) a verified notice of completion of a building or improve-
3 ment;

4 (45) a bond guaranteeing payment of the sum recovered on a
5 mechanics' or materialmen's lien;

6 (46) a notice extending a mechanics' or materialmen's lien;

7 (47) a state tax lien;

8 (48) a federal tax lien;

9 (49) an instrument transferring a water appropriation or a
10 certified copy of it;

11 (50) a financing statement covering goods which are or are to
12 become fixtures to real property described in the financing statement;
13 if the debtor does not have an interest of record in the real property,
14 the financing statement must show the name of the record owner of the
15 real property;

16 (51) an assignment of rents;

17 (52) a memorandum of lease as defined in AS 40.17.120(b);

18 (53) a document amending or correcting a recorded document
19 listed in this section if the amending or correcting document is exe-
20 cuted by the same parties who executed the original document; and

21 (54) a master form that can be incorporated by reference in
22 documents later recorded.

23 (c) A document specifically permitted or required to be recorded
24 by another law of the state or made recordable as a class A document by
25 regulation of the department may be recorded as a class A document.

26 Sec. 40.17.120. RECORDING MEMORANDUM OF LEASE. (a) Recording a
27 memorandum of lease substantially complying with (b) of this section has
28 the same effect as recording the lease.

29 (b) A memorandum of lease is a document signed by the lessor and

1 lessee and containing a reference to an unrecorded lease, sublease, or
2 agreement to lease or sublease, and supplying at least the following
3 information:

- 4 (1) the names of the parties;
5 (2) any addresses of the parties set out in the lease;
6 (3) the date of the lease;
7 (4) a description of the real property leased or subleased;
8 (5) the commencement and termination dates of the lease if
9 fixed and, if not fixed, the method by which the dates are to be fixed;
10 and

11 (6) a statement of the conditions upon which a party may
12 exercise a right to extend or renew the lease or to exercise a right to
13 purchase or refuse to purchase the real property or part of it.

14 Sec. 40.17.130. ACTIONS AGAINST RECORDER AND STATE. (a) If the
15 recorder fails to record and index a document properly he may be com-
16 pelled to record and index the document properly by an action filed in
17 the superior court.

18 (b) The state is liable to a person injured by the failure of the
19 recorder to perform his duties under this chapter. Neither the recorder
20 nor a state employee performing duties of the recorder is individually
21 liable for a good faith error or omission made in the course of his
22 employment.

23 Sec. 40.17.140. DEFINITIONS. In this chapter

24 (1) "acceptance" means the determination by the recorder that
25 a document is recordable under this chapter accompanied by marking an
26 identifying code on the document and entering the document in a daily
27 log;

28 (2) "conveyance" means a transfer of an interest in real
29 property other than by will or operation of law;

1 (3) "certified copy" means a copy of a document certified as
2 correct by the custodian or other person authorized to make the certifi-
3 cation;

4 (4) "department" means the Department of Natural Resources;

5 (5) "document" means a writing, plat, or map, and includes
6 information in a form (such as electronic, mechanical, or magnetic
7 storage; microfilm; or electronic data transmission signals) which can
8 be converted into legible writing, plat, or map form by a machine or
9 device;

10 (6) "place of recording" means a place designated by the
11 department where documents recordable under this chapter are recorded;

12 (7) "record" means the acceptance of a document by the re-
13 corder which he has determined is recordable under this chapter and
14 which is presented for recording in the place of recording designated
15 for the recording district where affected property is located whether or
16 not the place of recording is in that district, and whether or not under
17 applicable law the recorder is directed to record the document;

18 (8) "recorder" means the commissioner of the department or
19 his designee;

20 (9) "recording district" means a part of the state designated
21 a recording district under AS 44.37.025; and

22 (10) "recording information" means information (book and page,
23 document number, electronic retrieval code, or other specific informa-
24 tion) needed to find a document in the public records.

25 * Sec. 2. AS 40 is amended by adding a new chapter to read:

26 CHAPTER 19. RECORDING FEDERAL LIENS.

27 Sec. 40.19.010. SCOPE. The provisions of AS 40.19.010 - 40.19.040
28 apply only to federal tax liens and to other federal liens notice of
29 which under an Act of Congress or a regulation adopted under the author-

1 ity of an Act of Congress is required or permitted to be filed or re-
2 corded in the same manner as a notice of federal tax lien.

3 Sec. 40.19.020. PLACE OF RECORDING. (a) Notices of lien, certi-
4 ficates, and other notices affecting a federal tax lien or other federal
5 lien must be recorded in accordance with AS 40.19.010 - 40.19.040.

6 (b) Notices of lien upon real property for obligations payable to
7 the United States and certificates and notices affecting the lien shall
8 be recorded in the records of the recording district in which the real
9 property subject to the lien is situated.

10 (c) Notices of federal lien upon personal property, whether tan-
11 gible or intangible, for obligations payable to the United States and
12 certificates and notices affecting the lien shall be recorded in the
13 records of the recording district where the person against whose interest
14 the lien applies resides at the time of recording of the notice of lien.

15 (d) For purposes of (c) of this section the residence of a corpora-
16 tion or partnership is the place in which the principal executive office
17 of the business is located.

18 Sec. 40.19.030. EXECUTION OF NOTICES AND CERTIFICATES. Certifica-
19 tion of notices of lien, certificates, or other notices affecting federal
20 liens by the United States Secretary of the Treasury or his designee, or
21 by an official or entity of the United States responsible for filing,
22 recording, or certifying, of notice of any other lien, entitles the
23 notices or certificates to be recorded and no other attestation, certi-
24 fication, or acknowledgement is necessary.

25 Sec. 40.19.040. DUTIES OF RECORDER. (a) If a notice of federal
26 lien, a rerecording of notice of federal lien, or a notice of revocation
27 of a certificate described in (b) of this section is presented to the
28 recorder under AS 40.17, the recorder shall endorse on the notice his
29 identification and the date and time of recording and enter it in an

1 alphabetical index showing the name of the person named in the notice,
2 the date and time of recording, the title of the official or entity
3 certifying the lien, and the total amount appearing on the notice of
4 lien.

5 (b) If a rerecorded notice of federal lien referred to in (a) of
6 this section or a certificate of release, nonattachment, discharge, or
7 subordination of lien or a revocation of any of these certificates is
8 presented to the recorder for recording, the recorder shall record it as
9 he would a document listed in (a) of this section and enter the re-
10 recorded notice or the certificate or revocation with the date of re-
11 cording in the alphabetical index together with a reference to the
12 recording information for the original notice or certificate to which it
13 relates.

14 (c) A lien on file with records of a recording district on the
15 effective date of this section is considered to have been recorded at
16 the date and time it was filed.

17 (d) In this section "rerecording" includes recording of a lien
18 previously filed.

19 Sec. 40.19.050. UNIFORMITY OF APPLICATION AND CONSTRUCTION. To
20 the extent the provisions of AS 40.19.010 - 40.19.040 follow the Uniform
21 Federal Lien Registration Act (1978) they shall be applied and construed
22 to effectuate their general purpose to make uniform the law with respect
23 to the subject of AS 40.19.010 - 40.19.040 among the states enacting it.

24 * Sec. 3. AS 34.15.010(a) is amended to read:

25 (a) A conveyance of land, or of an estate or interest in land, may
26 be made by deed, signed [AND SEALED] by the person from whom the estate
27 or interest is intended to pass, who is of lawful age, or by his lawful
28 agent or attorney, [AND ACKNOWLEDGED OR PROVED,] and may be recorded
29 under AS 40.17 [AS DIRECTED IN THIS CHAPTER,] without any other act or

1 ceremony [WHATEVER].

2 * Sec. 4. AS 34.15 is amended by adding a new section to read:

3 Sec. 34.15.015. USE OF RECORDED MASTER FORM. If reference is
4 made in a document to a recorded master form, a copy of the form, or so
5 much of it as is incorporated by reference, must be provided to each
6 party to the transaction by the party that furnished the document.

7 * Sec. 5. AS 34.15.150 is amended to read:

8 Sec. 34.15.150. EXECUTION OF CONVEYANCES. (a) Regardless of when
9 executed, a [A] conveyance [EXECUTED IN THE STATE] of land or an inter-
10 est in land in the state need not [SHALL] be acknowledged before an of-
11 ficial in order to transfer the interest or to entitle the conveyance
12 to be recorded in real property records [A JUDGE, CLERK OF THE SUPERIOR
13 COURT, NOTARY PUBLIC, POSTMASTER, OR COMMISSIONER IN THE STATE OR
14 PROVED IN ACCORDANCE WITH AS 34.15.210 OR 35.15.220. THE OFFICER
15 TAKING AN ACKNOWLEDGEMENT SHALL ENDORSE ON IT A CERTIFICATE OF THE
16 ACKNOWLEDGMENT OF THE CONVEYANCE AND THE DATE OF MAKING THE ACKNOWLEDG-
17 MENT].

18 (b) A conveyance executed before the effective date of this sec-
19 tion, that would have been valid except for the lack of either witnesses
20 to signing of the document or acknowledgment of signing of the document,
21 [MARCH 12, 1953, IN DUE FORM BUT WITHOUT TWO WITNESSES] is validated,
22 shall be received in evidence in all courts of the state, and is evi-
23 dence of the title to the land or interest in land against the grantor,
24 his heirs and assigns.

25 (c) This section does not divest rights which vested in an inno-
26 cent purchaser in good faith for valuable consideration before the effec-
27 tive date of the section.

28 * Sec. 6. AS 44.37.025 is amended to read:

29 Sec. 44.37.025. RECORDING. (a) The Department of Natural Resour-

1 ces shall adopt regulations [,] establishing, modifying, or discontinu-
2 ing recording districts or precincts and prescribing the records to be
3 maintained and the instruments to be recorded, consistent with AS 40.17.

4 (b) The department shall [ENGAGE AND COMPENSATE RECORDERS AND
5 DEPUTY RECORDERS,] prescribe and account for recording fees [,] and do
6 all other things necessary to maintain the recording system established
7 under the laws of this state.

8 (c) The department, with the concurrence of the administrative
9 director of courts, may appoint judicial employees to perform services
10 in connection with recording, providing access to, and copying [RECORD]
11 documents in locations where the department has no employees available
12 to perform those functions [SERVE AS RECORDERS].

13 * Sec. 7. In the following statutes the revisor of statutes is directed
14 to delete the requirement or permission that a document be filed or filed
15 for record and to substitute a corresponding requirement or permission that
16 the document be recorded: AS 09.40.050; AS 09.55.370; AS 10.15.230, 10.15.-
17 235, 10.15.260; AS 10.30.020; AS 13.26.265; AS 23.10.047; AS 23.20.200;
18 AS 23.30.165; AS 27.10.020, 27.10.050, 27.10.060, 27.10.070, 27.10.160,
19 27.10.190; AS 27.15.010; AS 32.10.010, 32.10.240; AS 34.07.020, 34.07.030,
20 34.07.040, 34.07.050, 34.07.070; AS 34.20.080; AS 34.35.065, 34.35.160,
21 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405, 34.35.440;
22 AS 38.05.195, 38.05.200, 38.05.205, 38.05.210, 38.05.220, 38.05.245; AS
23 40.15.010, 40.15.020, 40.15.040, 40.15.050, 40.15.070; and AS 46.15.160.

24 * Sec. 8. The following laws are repealed: AS 34.15.210 - 34.15.350;
25 AS 43.10.090 - 43.10.150.

26 * Sec. 9. This Act takes effect January 1, 1982.
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