

Offered: 1/24/86
Referred: Rules

Original sponsor: Rules Committee

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 197 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

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

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

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

11 CHAPTER 17. RECORDING IN PUBLIC RECORDS.

12 Sec. 40.17.010. PLACE OF RECORDING AND ACCESS TO RECORDS. (a)
13 The Department of Natural Resources shall provide at each public
14 office designated by the department

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

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

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

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

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

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

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

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

21 (b) A certified copy of a conveyance that is eligible for re-
22 cording under AS 40.17.030 and 40.17.110 and that has been recorded or
23 filed in a public recorder's office in another state or in the United
24 States Bureau of Land Management may be recorded only in the records
25 of a recording district where land affected by the conveyance is
26 located. When so recorded, it has the same effect from the time it is
27 recorded as though it were the 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
4 recording 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 re-
8 cording;

9 (4) accompanied by or include the information needed to
10 index the document under regulations of the department;

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

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

17 (b) A signature, acknowledgment, seal, or witness is required
18 for a document to be eligible for recording only when required for the
19 specific document by this chapter or by other law.

20 (c) A name, address, or other information required by this
21 section shall be contained in the document that is to be recorded, or
22 shall be recorded with the document.

23 (d) The recorder shall prescribe the style, size, form, and
24 quality that a plat, plan or survey map must satisfy for filing and
25 recording under this chapter.

26 Sec. 40.17.040. INDEXING. (a) The recorder shall maintain an
27 index system of recorded documents in the manner prescribed by regu-
28 lations adopted by the department. The system must be designed so the
29 public may find documents by names of grantors and grantees, and the

1 system may include other means for locating the documents.

2 (b) The declaration for a common interest community under
3 AS 34.08 shall be indexed in the grantee's index in the name of the
4 common interest community and the association and in the grantor's
5 index in the name of each person executing the declaration.

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

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

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

21 (b) The recorder shall maintain a daily log and index for re-
22 corded documents.

23 (c) As a document is recorded, the recorder shall indicate on or
24 attach to each document the date, hour, and minute of recording, enter
25 that information and a consecutive serial number in the daily log
26 without delay in the order in which the documents are received, and
27 note the serial number on the document.

28 (d) If a document presented for recording is reviewed and re-
29 jected for recording, the recorder shall indicate on or attach to the

1 document the date, hour, and minute of rejection and a citation of the
2 statute requiring rejection. If the document is later determined to
3 be recordable in the form in which it was earlier presented to the
4 recorder, later recording does not relate back to the time and date of
5 rejection. Recording is effective when the document is accepted for
6 recording, regardless of the cause of the rejection.

7 (e) The recorder shall promptly copy recorded documents and
8 place them in permanent records and shall note the recording informa-
9 tion at the entry of each document in the daily log.

10 (f) Promptly after recording a document, the recorder shall make
11 the index entries required in this chapter and in the regulations of
12 the department.

13 (g) After recording, the recorder shall return the document to
14 the person who presented it or a person designated by the person who
15 presented it.

16 (h) The recorder shall certify copies and provide a certified
17 copy of a recorded document to a person who tenders the proper fee.

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

22 Sec. 40.17.080. EFFECT OF RECORDING ON TITLE AND RIGHTS: CON-
23 STRUCTIVE NOTICE. (a) Subject to (c) and (d) of this section, from
24 the time a document is recorded in the records of the recording dis-
25 trict in which land affected by it is located, the recorded document
26 is constructive notice of the contents of the document to subsequent
27 purchasers and holders of a security interest in the same property or
28 a part of the property.

29 (b) A conveyance of real property in the state (other than a

1 lease for a term of less than one year) is void as against a subse-
2 quent innocent purchaser in good faith for valuable consideration of
3 the property or a part of the property whose conveyance is recorded
4 first. An unrecorded conveyance is valid as between the parties to it
5 and as against one who has actual notice of it. In this subsection,
6 "purchaser" includes a holder of a consensual interest in real prop-
7 erty that secures payment or performance of an obligation.

8 (c) The recording of an assignment of a security interest is not
9 in itself notice to the debtor. The debtor may pay the assignor
10 unless the debtor has actual notice of the assignment.

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

13 (1) when six months have elapsed after the date of record-
14 ing of the option or agreement, if the recorded option or agreement
15 contains no expiration date;

16 (2) when 30 days have elapsed after the expiration date of
17 the option or agreement, if the recorded option or agreement contains
18 an expiration date.

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

20 (a) A conveyance that is acknowledged, proven, or certified under
21 AS 34.15.150 - 34.15.250 is admissible as evidence of the conveyance
22 without further proof.

23 (b) An acknowledged and recorded signed document relating to
24 title to real property creates presumptions with respect to title that

25 (1) the document is genuine and was executed as the volun-
26 tary act of the person purporting to execute it;

27 (2) the person executing the document and the person on
28 whose behalf it is executed are the persons they are purported to be
29 and the person executing it was neither incompetent nor a minor at any

1 relevant time;

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

4 (4) any necessary consideration was given;

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

8 (6) a person purporting to act as an agent, attorney in
9 fact under a recorded power of attorney or authority, officer of an
10 organization, or in a fiduciary or official capacity, held the posi-
11 tion the person purported to hold, acted within the scope of the
12 person's authority, and in the case of an organization, the authoriza-
13 tion satisfied all requirements of law; and in the case of an agent,
14 acted for a principal who was neither incompetent nor a minor at any
15 relevant time and who had not revoked the agency;

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

21 (8) the recitals and other statements of fact in a convey-
22 ance are true if the matter stated is relevant to the purpose of the
23 document;

24 (9) the persons named in, signing, or acknowledging the
25 document and persons named in, signing, or acknowledging another
26 related document in a chain of title are identical, if the persons
27 appear in those documents under identical names, or under variants of
28 the names, including inclusion, exclusion, or use of

29 (A) commonly recognized abbreviations, contractions,

1 initials, or colloquial or other equivalents;
2 (B) first or middle names or initials;
3 (C) simple transpositions that produce substantially
4 similar pronunciations;
5 (D) articles or prepositions in names or titles;
6 (E) descriptions of entities as corporations, com-
7 panies, or abbreviations or contractions of either; or
8 (F) name suffixes, such as "Senior" or "Junior",
9 unless other information appears of record indicating that they
10 are different persons; and
11 (10) all other requirements for the execution, delivery and
12 validity of the document have been satisfied.
13 (c) The presumptions stated in (b) of this section arise even if
14 the document purports only to release a claim or convey an interest of
15 the person executing it or of the person on whose behalf it is exe-
16 cuted.
17 (d) Facts stated in a recorded certificate of a public official
18 in affidavit form or under the seal of the official's office and
19 derived from information or documents obtained or kept by the official
20 as part of official duties are presumed to be true.
21 (e) If presumptions created by this section are inconsistent,
22 the presumption applies that is founded upon weightier consideration
23 of policy and logic. If these considerations are of equal weight,
24 neither presumption applies.
25 Sec. 40.17.100. RECORDING A RECONVEYANCE. When the parties to a
26 recorded conveyance absolute in its terms intend it to serve only as
27 security for repayment of a debt, the conveyance is absolute as to all
28 persons who rely upon it in good faith and for value before a recon-
29 veyance is recorded.

1 Sec. 40.17.110. DOCUMENTS ELIGIBLE FOR RECORDING. (a) A signed
2 document listed in (b) of this section or included under (c) of this
3 section that meets the requisites for recording under AS 40.17.030 may
4 be recorded. The effect on title and rights of recording documents is
5 determined under AS 40.17.080.

6 (b) The recorder may record only

7 (1) a conveyance acknowledged or proven under AS 34.15.-
8 150 - 34.15.250 or a certified copy of the conveyance if recording the
9 copy is permitted by AS 40.17.020;

10 (2) an acknowledged or proven power of attorney or other
11 instrument granting or revoking a power to act as agent or attorney
12 for another person;

13 (3) a contract for the sale or purchase of real property,
14 when acknowledged or proven by all parties to the contract;

15 (4) an option for the purchase of real property when it is
16 acknowledged by the person granting the option;

17 (5) a certificate of a public official or an affidavit of
18 any person that may affect the title to or any interest in real prop-
19 erty in the state that is described in the certificate or affidavit,
20 stating facts relating to age, sex, birth, death, capacity, relation-
21 ship, family history, heirship, names, identity of parties, marital
22 status, possession or adverse possession, adverse use, residence,
23 service in the armed forces, conflicts and ambiguities in description
24 of land in recorded instruments, and the happening of any condition or
25 event that may terminate an estate or interest; a certificate or
26 affidavit recorded under this section must contain the recording
27 information of a recorded document referred to in it;

28 (6) an instrument by which a real property security agree-
29 ment is subordinated or waived as to priority;

- 1 (7) a document creating a condition, covenant, restriction,
2 or reservation relating to rights in real property;
- 3 (8) an assignment of all or part of a security interest in
4 real property;
- 5 (9) a release of lien or security interest in real prop-
6 erty;
- 7 (10) an exact or fully conformed copy of a document that is
8 otherwise recordable as a document under this section, when the person
9 offering the document attaches to it an affidavit that
- 10 (A) the exact or fully conformed copy was received by
11 the person in the course of the transaction;
- 12 (B) the original is not in the person's possession;
13 and
- 14 (C) the instrument offered for recordation is an exact
15 or fully conformed copy;
- 16 (11) a conveyance from the United States of an interest in
17 real property in the state;
- 18 (12) a certified copy of a petition in bankruptcy;
- 19 (13) a notice of an action previously filed and pending in a
20 court of the state or the United States affecting title to real prop-
21 erty in the state, if the notice contains the case number assigned by
22 the court and a description of the property affected in the recording
23 district;
- 24 (14) notice of an action for divorce, separate maintenance,
25 annulment or dissolution of marriage previously filed and pending in a
26 court of any state or the United States affecting title to real prop-
27 erty in this state, if the notice contains the case number assigned by
28 the court;
- 29 (15) notice of a pending judicial proceeding to compel

1 recording or indexing, if the notice contains the case number assigned
2 by the court;

3 (16) a certified copy of a judgment decree or order of a
4 court of a state in an action for divorce, separate maintenance,
5 annulment or dissolution of marriage requiring the execution of a
6 conveyance of real property in this state;

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

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

11 (19) a notice limiting future advances under a recorded
12 security agreement;

13 (20) a certified copy of a judgment or decree of a court of
14 the state or of a court of record of the United States or a certified
15 copy of a satisfaction of judgment or decree;

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

18 (22) a condemnation order;

19 (23) a declaration of taking;

20 (24) a copy of the record of the meeting of a cemetery
21 association;

22 (25) a cooperative contract;

23 (26) a list of persons whose cooperative contracts have been
24 terminated;

25 (27) a letter of conservatorship;

26 (28) an employee's lien for failure to make payments to a
27 benefit fund;

28 (29) an employment security contributions lien;

29 (30) a verified workers' compensation lien;

- 1 (31) a mining claim, location, or lease;
2 (32) a grubstake contract;
3 (33) a mining assessment work affidavit;
4 (34) a notice to contribute or forfeit an interest in a
5 mining claim;
6 (35) a subdivision plat;
7 (36) a signed and sworn-to certificate of limited partner-
8 ship and a signed and sworn-to amendment to a certificate of limited
9 partnership;
10 (37) a declaration or amendments to a declaration under
11 AS 34.07 or AS 34.08, an instrument by which property may be removed
12 from the provisions of AS 34.07 or AS 34.08, and an instrument affect-
13 ing property controlled by AS 34.07 or AS 34.08; a declaration under
14 AS 34.08 may not be recorded unless it satisfies the requirements of
15 AS 34.08.090(b);
16 (38) a survey map and floor plan for a building under
17 AS 34.07, or a plat or plan for a common interest community under
18 AS 34.08;
19 (39) a substitution of trustee under a deed of trust, or
20 other person having a power of sale under a real property security
21 agreement, when executed and acknowledged by all the beneficiaries;
22 (40) notice and affidavits required in default and sale
23 under a deed of trust;
24 (41) a notice of right to mechanics' or materialmen's lien;
25 (42) an attested or notarized copy of a notice of nonrespon-
26 sibility for construction, alteration, or repair;
27 (43) an acknowledgment of right to mechanics' or material-
28 men's lien;
29 (44) a verified claim of lien under AS 34.35;

1 (45) a verified notice of completion of a building or im-
2 provement;
3 (46) a bond guaranteeing payment of the sum recovered on a
4 mechanics' or materialmen's lien;
5 (47) a notice extending a mechanics' or materialmen's lien;
6 (48) a state tax lien;
7 (49) a federal tax lien;
8 (50) an instrument transferring a water appropriation or a
9 certified copy of it;
10 (51) a financing statement covering goods that are or are to
11 become fixtures to real property described in the financing statement;
12 if the debtor does not have an interest of record in the real prop-
13 erty, the financing statement must show the name of the record owner
14 of the real property;
15 (52) an assignment of rents;
16 (53) a memorandum of lease as defined in AS 40.17.120(b);
17 (54) a state highway right-of-way map;
18 (55) an armed forces report of separation;
19 (56) a document amending or correcting a recorded document
20 listed in this section if the amending or correcting document is exe-
21 cuted by the same parties who executed the original document; and
22 (57) a master form that can be incorporated by reference in
23 documents later recorded.
24 (c) A document specifically permitted or required to be recorded
25 by another law of the state or made recordable by regulation of the
26 department may be recorded.
27 Sec. 40.17.120. RECORDING MEMORANDUM OF LEASE. (a) Recording a
28 memorandum of lease substantially complying with (b) of this section
29 has the same effect as recording the lease.

1 (b) A memorandum of lease is a document signed by the lessor and
2 lessee and containing a reference to an unrecorded lease, sublease, or
3 agreement to lease or sublease, and supplying at least the following
4 information:

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

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

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

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

24 Sec. 40.17.900. DEFINITIONS. In this chapter

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

29 (2) "certified copy" means a copy of a document certified

1 as correct by the custodian or other person authorized to make the
2 certification;

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

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

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

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

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

20 (8) "recorder" means the commissioner of the department or
21 the commissioner's designee;

22 (9) "recording district" means a part of the state des-
23 ignated a recording district under AS 44.37.025; and

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

27 * Sec. 2. AS 19.10.260 is amended to read:

28 Sec. 19.10.260. REPLACEMENT OF PERMANENT MARKERS AND FILING OF
29 RIGHT-OF-WAY MAP AFTER CONSTRUCTION. The department shall:

1 (1) replace all permanent markers on private or municipal
2 property that were destroyed or lost during highway construction to
3 permit persons to determine accurately new boundary lines resulting
4 from the construction;

5 (2) file and record in the local recording district, after
6 completion of highway construction, an accurate right-of-way map that
7 will contain sufficient engineering and survey information designating
8 where the resulting boundary lines are located on private or municipal
9 property along the highway.

10 * Sec. 3. AS 29.40.090(b) is amended to read:

11 (b) The platting authority shall waive the preparation, sub-
12 mission for approval, filing, and recording of a plat on satisfactory
13 evidence that the subdivision meets the requirements of (a) of this
14 section and each lot created by the subdivision is five acres or
15 larger.

16 * Sec. 4. AS 29.40.110(b) is amended to read:

17 (b) The platting authority shall state in writing its reasons
18 for disapproval of a plat. If the platting authority approves a plat,
19 the plat shall be acknowledged, [AND] filed, and recorded in accor-
20 dance with AS 40.15.010 - 40.15.020.

21 * Sec. 5. AS 29.40.150 is amended to read:

22 Sec. 29.40.150. RECORDING. If the alteration or replat is
23 approved, the revised plat shall be acknowledged, [AND] filed, and
24 recorded in accordance with AS 40.15.010 - 40.15.020.

25 * Sec. 6. AS 29.40.180 is amended to read:

26 Sec. 29.40.180. VIOLATIONS. The [IT IS UNLAWFUL FOR THE] owner
27 of land located in a subdivision may not [TO] transfer, sell, offer to
28 sell, or enter into a contract to sell land in a subdivision before a
29 plat of the subdivision has been prepared, approved, [AND] filed, and

1 recorded in accordance with this chapter. A [IT IS UNLAWFUL FOR A]
2 person may not [TO] file or record a plat or other document depicting
3 subdivided land in a public recorder's office unless the plat or
4 document has been approved by the platting authority. For the viola-
5 tion of a provision of this chapter, a subdivision regulation adopted
6 under this chapter, or a term, condition, or limitation imposed by a
7 platting authority in the exercise of its powers under this chapter, a
8 municipality may by ordinance prescribe a penalty not to exceed a fine
9 of \$1,000 and imprisonment for 90 days.

10 * Sec. 7. AS 34.07.020(14) is amended to read:

11 (14) a reference to the file number and recording informa-
12 tion for [OF] the floor plans of the building affected that [WHICH]
13 are required to be filed and recorded simultaneously with the declara-
14 tion under AS 34.07.030.

15 * Sec. 8. AS 34.07.030 is amended to read:

16 Sec. 34.07.030. FILING AND RECORDING OF SURVEY MAP AND FLOOR
17 PLANS WITH VERIFIED STATEMENT. There shall be filed and recorded
18 simultaneously with the recording of the declaration in the recording
19 district in which the property is located

20 (1) a survey map of the surface of the land submitted under
21 [TO] the provisions of this chapter showing the location of the build-
22 ing on it;

23 (2) a set of the floor plans of the building showing the
24 layout, apartment numbers and dimensions of the apartments in suffi-
25 cient detail to identify and locate each apartment with certainty,
26 stating the name of the building or that it has no name, and bearing
27 the verified statement of a registered architect or registered profes-
28 sional engineer certifying that it is an accurate copy of portions of
29 the plans of the building as filed with and approved by the

1 governmental entity having jurisdiction over the approval or issuance
2 of permits for the construction of the building, or a statement that
3 no approval or permit is required.

4 * Sec. 9. AS 34.07.040(a) is amended to read:

5 (a) If the floor plans do not include a verified statement by a
6 registered architect or registered professional engineer that the
7 plans fully and accurately depict the layout, apartment numbers, and
8 dimensions of the apartments as built, there shall be recorded before
9 the first conveyance of an apartment an amendment to the declaration
10 to which shall be attached a verified statement of a registered archi-
11 tect certifying that the plans previously filed and recorded or being
12 filed and recorded simultaneously with the amendment fully and accu-
13 rately depict the layout, apartment number and dimensions of the
14 apartments as built.

15 * Sec. 10. AS 34.07.050 is amended to read:

16 Sec. 34.07.050. FORM OF FLOOR PLANS. The recording office shall
17 prescribe the style, size, form, and quality of floor plans filed and
18 recorded under AS 34.07.030.

19 * Sec. 11. AS 34.08.090 is amended to read:

20 Sec. 34.08.090. CREATION OF COMMON INTEREST COMMUNITIES. (a) A
21 common interest community may be created under this chapter only by
22 recording a declaration executed in the same manner as a deed and, in
23 a cooperative, by conveying the real estate subject to the declaration
24 to the association. The declaration must be recorded, and a plat or
25 plan that is part of the declaration filed and recorded, in each
26 recording district in which a portion of the common interest community
27 is located and must be indexed in the grantee's index in the name of
28 the common interest community and the association and in the grantor's
29 index in the name of each person executing the declaration.

1 (b) In a condominium, a declaration or an amendment to a declara-
2 ration that adds a unit may not be recorded, and a plat or plan that
3 is part of the declaration may not be filed or recorded, unless the
4 structural components and mechanical systems of each building contain-
5 ing or comprising a unit of the condominium are completed substantial-
6 ly in accordance with the plans, as evidenced by a certificate of
7 completion recorded with the declaration or amendment to the declara-
8 tion and executed by

9 (1) an independent registered engineer, architect, or land
10 surveyor;

11 (2) an appraiser with the designation of Senior Residen-
12 tial Appraiser, Senior Real Property Appraiser or Senior Real Estate
13 Analyst of the Society of Real Estate Appraisers;

14 (3) a Residential Member or Member, Appraisal Institute,
15 of the American Institute of Real Estate Appraisers; or

16 (4) an individual with a designation established by regu-
17 lation of the Alaska Housing Finance Corporation for fee appraisers
18 who certify the completion of construction.

19 * Sec. 12. AS 34.08.140(b) is amended to read:

20 (b) After the declaration for a leasehold condominium or lease-
21 hold planned community is recorded, and a plat or plan that is part of
22 the declaration is filed and recorded, neither the lessor nor the
23 successor in interest of the lessor may terminate the leasehold inter-
24 est of a unit owner who makes timely payment of a unit owner's share
25 of the rent and otherwise complies with the covenants that, if violat-
26 ed, would entitle the lessor to terminate the lease. The leasehold
27 interest of a unit owner in a condominium or planned community is not
28 affected by the failure of any other person to pay rent or fulfill a
29 covenant.

1 * Sec. 13. AS 34.08.140(d) is amended to read:

2 (d) If the expiration or termination of a lease decreases the
3 number of units in a common interest community, the allocated inter-
4 ests must be reallocated under AS 34.08.740(a) as if the units had
5 been taken by eminent domain. The reallocation must be confirmed by
6 an amendment to the declaration prepared, executed, and recorded by
7 the association of unit owners; a plat or plan that accompanies the
8 amendment must be filed and recorded with the amendment.

9 * Sec. 14. AS 34.08.160(b) is amended to read:

10 (b) Except as the declaration otherwise provides, a limited
11 common element may be reallocated by an amendment to the declaration
12 executed by the unit owners between or among whose units the realloca-
13 tion is made. The persons executing the amendment shall provide a
14 copy of the amendment to the association, which shall record the
15 amendment and file and record a plat or plan that accompanies the
16 amendment [IT]. The amendment must be recorded, and an accompanying
17 plat or plan filed and recorded, in the names of the parties and the
18 common interest community.

19 * Sec. 15. AS 34.08.170(b) is amended to read:

20 (b) Each plat must show:

21 (1) the name and a survey or general schematic map of the
22 entire common interest community;

23 (2) the location and dimensions of the real estate not
24 subject to development rights or subject only to the development right
25 to withdraw, and the location and dimensions of each existing improve-
26 ment within the real estate;

27 (3) a legally sufficient description of the real estate
28 subject to development rights, labeled to identify the rights applic-
29 able to each parcel;

1 (4) the extent of each encroachment by or upon a portion
2 of the common interest community;

3 (5) to the extent feasible, a legally sufficient descrip-
4 tion of each easement serving or burdening a portion of the common
5 interest community;

6 (6) the location and dimensions of any vertical unit
7 boundaries not shown or projected on plans filed and recorded under
8 (d) of this section and the identifying number of the unit; .

9 (7) the location with reference to an established datum of
10 any horizontal unit boundaries not shown or projected on plans filed
11 and recorded under (d) of this section and the identifying number of
12 the unit;

13 (8) a legally sufficient description of any real estate in
14 which the unit owners will own only an estate for years, labeled as
15 "leasehold real estate";

16 (9) the distance between noncontiguous parcels of real
17 estate comprising the common interest community;

18 (10) the location and dimensions of limited common ele-
19 ments, including porches, decks, balconies and patios, other than
20 parking spaces and the other limited common elements described in
21 AS 34.08.100(2) and (4);

22 (11) in the case of real estate not subject to development
23 rights, all other matters customarily shown on land surveys.

24 * Sec. 16. AS 34.08.170(f) is amended to read:

25 (f) Upon the exercise of a [ANY] development right, the declar-
26 ant shall either file and record new plats and plans necessary to
27 conform to the requirements of (a), (b), and (d) of this section, or
28 file and record new certifications of plats and plans previously filed
29 and recorded if the plats and plans otherwise conform to the

1 requirements of (a), (b), and (d) of this section.

2 * Sec. 17. AS 34.08.170(h) is amended to read:

3 (h) The state recorder shall prescribe the style, size, form,
4 and quality of plats and plans filed and recorded under this chapter.

5 * Sec. 18. AS 34.08.180(a) is amended to read:

6 (a) To exercise a development right reserved under AS 34.08.-
7 130(a)(8), a declarant shall prepare, execute, and record an amendment
8 to the declaration, file and record a plat or plan that accompanies
9 the amendment, and, in a condominium or planned community, comply with
10 AS 34.08.170. The declarant is the unit owner of the units created
11 under the amendment. The amendment to the declaration must assign an
12 identifying number to each new unit created, and, except in the case
13 of subdivision or conversion of units described in (b) of this sec-
14 tion, reallocate the allocated interests among all units. The amend-
15 ment must describe any common elements and any limited common elements
16 created under the amendment and, in the case of limited common ele-
17 ments, designate the unit to which each is allocated to the extent
18 required by AS 34.08.160.

19 * Sec. 19. AS 34.08.200(b) is amended to read:

20 (b) The association

21 (1) in a condominium or planned community shall prepare,
22 file, and record plats or plans necessary to show the altered bound-
23 aries between adjoining units, and their dimensions and identifying
24 numbers; and

25 (2) in a cooperative shall prepare and record amendments
26 to the declaration, and file and record a plat or plan [INCLUDING ANY
27 PLANS,] necessary to show or describe the altered boundaries between
28 adjoining units [,] and their dimensions and identifying numbers.

29 * Sec. 20. AS 34.08.210(a) is amended to read:

1 (a) If the declaration expressly permits it, a unit may be
2 subdivided into two or more units. Upon application of a unit owner
3 to subdivide a unit, the association shall, subject to the provisions
4 of the declaration and other provisions of law, prepare, execute, and
5 record an amendment to the declaration subdividing the unit, including
6 in a condominium or planned community filing and recording a plat or
7 plan that accompanies the amendment [THE PLATS AND PLANS, SUBDIVIDING
8 THE UNIT].

9 * Sec. 21. AS 34.08.250(c) is amended to read:

10 (c) Each amendment to the declaration must be recorded, and a
11 plat or plan that accompanies the amendment filed and recorded, in
12 each recording district in which a portion of the common interest
13 community is located and the amendment is effective only upon record-
14 ing. An amendment, except an amendment under AS 34.08.200(a), must be
15 indexed in the name of the common interest community and the associa-
16 tion and in the name of the parties executing the amendment.

17 * Sec. 22. AS 34.08.320(a) is amended to read:

18 (a) Except as provided in (b) of this section and subject to the
19 provisions of the declaration, the association may:

20 (1) adopt and amend bylaws and rules and regulations;

21 (2) adopt and amend budgets for revenues, expenditures,
22 and reserves and collect assessments for common expenses from unit
23 owners;

24 (3) hire and discharge managing agents and other employ-
25 ees, agents, and independent contractors;

26 (4) institute, defend, or intervene in litigation or
27 administrative proceedings or seek injunctive relief for violations of
28 its declaration, bylaws or rules in its own name on behalf of itself
29 or two or more unit owners on matters affecting the common interest

1 community;

2 (5) make contracts and incur liabilities;

3 (6) regulate the use, maintenance, repair, replacement,
4 and modification of common elements;

5 (7) cause additional improvements to be made as a part of
6 the common elements;

7 (8) acquire, hold, encumber, and convey in its own name
8 any right, title, or interest to real estate or personal property,
9 except that

10 (A) common elements in a condominium or planned
11 community may be conveyed or subjected to a security interest
12 only under AS 34.08.430; and

13 (B) part of a cooperative may be conveyed or all or
14 part of a cooperative may be subjected to a security interest
15 only under AS 34.08.430;

16 (9) grant easements, leases, licenses, and concessions
17 through or over the common elements;

18 (10) impose and receive a payment, fee, or charge for the
19 use, rental, or operation of the common elements, other than limited
20 common elements described in AS 34.08.100(2) and (4), and for services
21 provided to unit owners;

22 (11) impose a reasonable charge for late payment of assess-
23 ments and, after notice and an opportunity to be heard, levy a reason-
24 able fine for a violation of the declaration, bylaws, rules, and
25 regulations of the association;

26 (12) impose a reasonable charge for the preparation and
27 recording of an amendment to the declaration, the filing and recording
28 of a plat or plan that accompanies an amendment, resale certificate
29 required by AS 34.08.590, or a statement of unpaid assessments;

1 (13) provide for the indemnification of its officers and
2 executive board and maintain directors' and officers' liability insur-
3 ance;

4 (14) assign its right to future income, including the right
5 to receive common expense assessments, but only to the extent the
6 declaration expressly permits the assignment;

7 (15) exercise any other powers conferred by the declaration
8 or bylaws;

9 (16) exercise any other power that may be exercised in the
10 state by a legal entity of the same type as the association; and

11 (17) exercise any other power necessary and proper for the
12 governance and operation of the association.

13 * Sec. 23. AS 34.08.440(h) is amended to read:

14 (h) A portion of the common interest community for which insur-
15 ance is required under this section that is damaged or destroyed must
16 be repaired or replaced promptly by the association unless (1) the
17 common interest community is terminated and AS 34.08.260 applies, (2)
18 repairs or replacement would be illegal under a state statute or
19 municipal ordinance governing health or safety, or (3) 80 percent of
20 the unit owners, including each owner of a unit or assigned limited
21 common element that will not be rebuilt, vote not to rebuild. The
22 cost of repair or replacement in excess of insurance proceeds and
23 reserves is a common expense. If the entire common interest community
24 is not repaired or replaced, (1) the insurance proceeds attributable
25 to the damaged common elements must be used to restore the damaged
26 area to a condition compatible with the remainder of the common inter-
27 est community, and (2) except to the extent that other persons will be
28 distributees, (A) the insurance proceeds attributable to a unit and
29 limited common elements that is not rebuilt must be distributed to the

1 owner of the unit and the owner of the unit to which the limited
2 common elements were allocated, or to lien holders, as their interests
3 may appear, and (B) the remainder of the proceeds must be distributed
4 to each unit owner or lien holder, as their interests may appear, as
5 follows: (i) in a condominium, in proportion to the common element
6 interest of all the units and (ii) in a cooperative or planned commun-
7 ity, in proportion to the common expense liabilities of all the units.
8 If the unit owners vote not to rebuild a unit, the allocated interests
9 of the unit are reallocated upon the vote as if the unit had been
10 condemned under AS 34.08.740(a), and the association promptly shall
11 prepare, execute [EXECUTED], and record an amendment to the declara-
12 tion reflecting the reallocations, and file and record a plat or plan
13 that accompanies the amendment.

14 * Sec. 24. AS 34.08.700 is amended to read:

15 Sec. 34.08.700. SUBSTANTIAL COMPLETION OF UNITS. In the sale of
16 a unit for which delivery of a public offering statement is required,
17 a contract of sale may be executed, but an interest in the unit may
18 not be conveyed until the declaration is recorded, a plat or plan that
19 accompanies the declaration is filed and recorded, and the unit is
20 substantially completed as evidenced by issuance of a certificate of
21 occupancy authorized by law or by a recorded certificate of substan-
22 tial completion executed by

23 (1) an independent registered engineer, architect, or land
24 surveyor;

25 (2) an appraiser with the designation of senior residen-
26 tial appraiser, senior property appraiser or senior real estate ana-
27 lyst of the Society of Real Estate Appraisers;

28 (3) a residential member or member, appraisal institute,
29 of the American Institute of Real Estate Appraisers; or

1 (4) an individual with a designation established by regu-
2 lation of the Alaska Housing Finance Corporation for fee appraisers
3 who certify the completion of construction.

4 * Sec. 25. AS 34.08.740(a) is amended to read:

5 (a) If a unit is acquired by eminent domain or part of a unit is
6 acquired by eminent domain leaving the unit owner with a remnant that
7 may not practically or lawfully be used for any purpose permitted by
8 the declaration, the award must include compensation to the unit owner
9 for that unit and its allocated interests, whether or not any common
10 elements are acquired. Upon acquisition, unless the decree otherwise
11 provides, the allocated interests of the unit are automatically real-
12 located to the remaining units in proportion to the respective allo-
13 cated interests of those units before the taking, and the association
14 shall promptly prepare, execute, and record an amendment to the decla-
15 ration reflecting the reallocations, and file and record a plat or
16 plan that accompanies the amendment. A remnant of a unit remaining
17 after part of a unit is taken under this subsection is a common ele-
18 ment from that time.

19 * Sec. 26. AS 34.08.990(30) is amended to read:

20 (30) "special declarant rights" means the right reserved
21 for the benefit of a declarant to

22 (A) complete improvements indicated on plats and
23 plans filed and recorded with the declaration or, in a coopera-
24 tive, to complete improvements described in the public offering
25 statement under [PURSUANT TO] AS 34.08.530(a)(2);

26 (B) exercise a development right;

27 (C) maintain sales offices, management offices, signs
28 advertising the common interest community, and models;

29 (D) use easements through the common elements for the

1 purpose of making improvements within the common interest commun-
2 ity or within real estate that may be added to the common inter-
3 est community;

4 (E) make the common interest community subject to a
5 master association;

6 (F) merge or consolidate a common interest community
7 with another common interest community of the same form of owner-
8 ship; or

9 (G) appoint or remove an officer of the association
10 or a master association or an executive board member during a
11 period of declarant control;

12 * Sec. 27. AS 34.15 is amended by adding a new section to read:

13 Sec. 34.15.015. USE OF RECORDED MASTER FORM. If reference is
14 made in a document to a recorded master form, a copy of the form, or
15 so much of it as is incorporated by reference, must be provided to
16 each party to the transaction by the party that furnished the docu-
17 ment.

18 * Sec. 28. AS 38.04.045(b) is amended to read:

19 (b) Before the conveyance of surface rights to state land, an
20 official cadastral survey shall be accomplished, unless a comparable,
21 acceptable survey exists that has been conducted by the federal Bureau
22 of Land Management. The rectangular survey section corner positions
23 shall be monumented and shown on a cadastral survey plat approved by
24 the state. However, for those areas where the state may wish to
25 convey surface estate outside of an official cadastral survey grid,
26 the director may waive monumentation of all individual section corner
27 positions and substitute an official control survey with control
28 points being monumented and shown on control survey plats approved by
29 the state. No portion of land to be conveyed may be located more than

1 two miles from such a survey control monument except that the commis-
2 sioner may waive this requirement on a determination that topographic
3 features, diffuse settlement, or the public interest do not justify
4 the requirement. The lots and tracts in state subdivisions shall be
5 monumented and the cadastral survey and plats for the subdivision
6 shall be approved by the state. Where land is located within a muni-
7 cipality with planning, platting, and zoning powers, plats for state
8 subdivisions shall comply with local ordinances and regulations in the
9 same manner and to the same extent as plats for subdivisions by other
10 landowners. State subdivisions shall be filed and recorded in the
11 district recorder's office. The requirements of this section do not
12 apply to land made available through a cabin permit system, material
13 sales, or short-term leases; however, for short-term leases the lessee
14 must comply with local subdivision ordinances unless waived by the
15 municipality under procedures specified by ordinance.

16 * Sec. 29. AS 40.15.010 is amended to read:

17 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS.
18 Before the lots or tracts of any subdivision or dedication may be sold
19 or offered for sale, the subdivision or dedication shall be submitted
20 for approval to the authority having jurisdiction, as prescribed in
21 this chapter. The regular approval of the authority shall be shown on
22 it or attached to it and the subdivision or dedication shall be filed
23 and recorded [FOR RECORD] in the office of the recorder. The recorder
24 may [SHALL] not accept a subdivision or dedication for filing and
25 recording unless it shows this approval. If no platting authority
26 exists as provided in AS 40.15.070 - 40.15.130, lands may be sold
27 without approval.

28 * Sec. 30. AS 40.15.020 is amended to read:

29 Sec. 40.15.020. PLATS TO BE ACKNOWLEDGED AND CONTAIN CERTIFICATE

1 THAT TAXES AND ASSESSMENTS ARE PAID. Every plat shall be acknowledged
2 before an officer authorized to take acknowledgment of deeds. A cer-
3 tificate of acknowledgment shall be endorsed on or annexed to the plat
4 and recorded with it. A person filing and recording a plat, map, sub-
5 division, or replat of property, or vacating the whole or any portion
6 of an existing plat, map, subdivision, or replat shall [, AT THE TIME
7 OF FILING IT FOR RECORD OR FILING THE PETITION TO VACATE,] file and
8 record with it a certificate from the tax-collecting official or
9 officials of the area in which the land is located that all taxes
10 levied against the property at that date are paid.

11 * Sec. 31. AS 40.15.030 is amended to read:

12 Sec. 40.15.030. DEDICATION OF STREETS, ALLEYS AND THOROUGHFARES.
13 When an area is subdivided and a plat of the subdivision is approved,
14 filed, and recorded, all streets, alleys, thoroughfares, parks and
15 other public areas shown on the plat are considered to be [DEEMED TO
16 HAVE BEEN] dedicated to public use.

17 * Sec. 32. AS 40.15.040 is amended to read:

18 Sec. 40.15.040. CERTIFIED COPY OF PLAT AS [IS] EVIDENCE. A copy
19 of a plat certified by the recorder of the recording district in which
20 it is filed or recorded as a true and complete copy of the original
21 filed or recorded in the recording office for the district [ON FILE IN
22 HIS OFFICE] is admissible in evidence in all courts in the state with
23 the same effect as the original.

24 * Sec. 33. AS 40.15.050 is amended to read:

25 Sec. 40.15.050. [RECORDED] PLATS LEGALIZED. All plats filed or
26 recorded with the recorder [RECORDED] before March 30, 1953, whether
27 executed and acknowledged in accordance with this chapter or not, are
28 validated and all streets, alleys or public thoroughfares shown on
29 these plats are considered to be [AS HAVING BEEN] dedicated to public

1 use. [THIS SECTION DOES NOT PROHIBIT THE ABANDONMENT OF A PLAT RE-
2 CORDED BEFORE MARCH 30, 1953, IF A SUBSEQUENT PLAT IS FILED INDICATING
3 ABANDONMENT.] The last plat of the area of record on March 30, 1953,
4 is the official plat of the area as of that date, and the streets,
5 alleys, or thoroughfares shown on it are considered [DEEMED] to be
6 [THE STREETS, ALLEYS OR THOROUGHFARES] dedicated to public use. The
7 streets, alleys or thoroughfares shown on an earlier plat of the same
8 area or any part of it which is in conflict with those shown on the
9 official plat are considered to be [IS DEEMED TO HAVE BEEN] abandoned
10 and vacated.

11 * Sec. 34. AS 40.15.060 is amended to read:

12 Sec. 40.15.060. MISSING PLATS. When [WHERE] a filed or recorded
13 plat is missing and no present record is available except by reference
14 to the missing plat, a counterpart copy, approved by the platting
15 authority, may be filed and recorded as of the original date of the
16 missing plat and after filing and recording [RECORDATION] has the same
17 legal effect and notice as the original missing plat.

18 * Sec. 35. AS 40.15.070 is amended to read:

19 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be
20 subdivided or dedicated is situated within a first or second class
21 borough, the proposed subdivision or dedication shall be submitted to
22 the borough planning commission for approval. If the land is situated
23 within a city in the unorganized borough or the third class borough,
24 the proposed subdivision or dedication shall be submitted to the city
25 planning commission for approval. The borough planning commission is
26 the platting authority for the first or second class borough, the city
27 planning commission is the platting authority for the city, and the
28 Department of Natural Resources [DIVISION OF LANDS] is the platting
29 authority in the remaining areas of the state and third class borough

1 for the change or vacation of existing plats or a portion of such
2 plats, as provided in AS 40.15.075. If the borough or the city does
3 not have a planning commission, the borough assembly or the city
4 governing body, respectively, is the platting authority and the pro-
5 posed subdivision or dedication shall be submitted to it. ▲ [NO]
6 subdivision may not be filed and recorded [FOR RECORD] until it is
7 approved by the platting authority.

8 * Sec. 36. AS 40.15.075 is amended to read:

9 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
10 CLASS BOROUGH. The Department of Natural Resources [DIVISION OF
11 LANDS] is the platting authority in the area outside organized bor-
12 oughs and outside cities in the unorganized borough and in the third
13 class borough for only the purposes of hearing and acting on petitions
14 for the change or vacation of plats and shall execute this function
15 substantially in conformity with the provisions of AS 29.40.130 -
16 29.40.160. Costs of publication and mailing authorized in AS 29.33.-
17 130 shall be paid to the Department of Natural Resources [DIVISION] by
18 the petitioner. The Department of Natural Resources shall adopt
19 reasonable regulations governing the exercise of the authority confer-
20 red by this section [UPON THE DIVISION OF LANDS].

21 * Sec. 37. AS 40 is amended by adding a new chapter to read:

22 CHAPTER 19. RECORDING FEDERAL LIENS.

23 Sec. 40.19.010. APPLICABILITY. The provisions of this chapter
24 apply to federal tax liens and to other federal liens notice of which
25 under an Act of Congress or a regulation adopted under the authority
26 of an Act of Congress is required or permitted to be filed or recorded
27 in the same manner as a notice of federal tax lien.

28 Sec. 40.19.020. PLACE OF RECORDING. (a) Notices of lien,
29 certificates, and other notices affecting a federal tax lien or other

1 federal lien shall be recorded under this chapter.

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

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

12 (d) For purposes of (c) of this section the residence of a cor-
13 poration or partnership is the place in which the principal executive
14 office of the business is located.

15 Sec. 40.19.030. EXECUTION OF NOTICES AND CERTIFICATES. Certi-
16 fication of notices of lien, certificates, or other notices affecting
17 federal liens by the United States Secretary of the Treasury or by the
18 designee of the United States Secretary of the Treasury, or by an
19 official or entity of the United States responsible for filing, re-
20 cording, or certifying, of notice of any other lien, entitles the
21 notices or certificates to be recorded and further attestation, certi-
22 fication, or acknowledgement is not necessary.

23 Sec. 40.19.040. DUTIES OF RECORDER. (a) If a notice of federal
24 lien, a rerecording of notice of federal lien, or a notice of revoca-
25 tion of a certificate described in (b) of this section is presented to
26 the recorder under AS 40.17, the recorder shall endorse on the notice
27 an identification and the date and time of recording and enter it
28 first in the daily log of recorded documents and then in an alphabet-
29 ical index showing the name of the person named in the notice, the

1 date and time of recording, the title of the official or entity certi-
2 fying the lien, and the total amount appearing on the notice of lien.

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

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

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

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

22 * Sec. 38. AS 43.10.042 is repealed and reenacted to read:

23 Sec. 43.10.042. RECORDING LIEN AND CERTIFICATE OF DISCHARGE.

24 (a) A lien imposed under this title is not valid as against a mort-
25 gagee or other lien holder, pledgee, purchaser, or judgment creditor
26 until notice of it is recorded in the records of the recording dis-
27 trict where the property subject to the lien is situated. However,
28 regardless of the date the liens are recorded, a lien arising out of a
29 tax due under AS 43.56 and AS 43.75, including the penalties and

1 interest on the tax, is a lien prior, paramount, and superior to all
2 other liens, mortgages, hypothecations, conveyances, and assignments,
3 upon all the real and personal property of the person liable for the
4 tax, and upon all the real and personal property used with the permis-
5 sion of the owner to carry on the business which is subject to the
6 tax.

7 (b) AS 40.19.040 applies to a notice of state tax lien and
8 documents relating to a state tax lien as well as to a notice of
9 federal lien and documents relating to a federal lien.

10 * Sec. 39. AS 44.37.025 is amended to read:

11 Sec. 44.37.025. RECORDING. (a) The Department of Natural Re-
12 sources shall adopt regulations [,] establishing, modifying, or dis-
13 continuing recording districts or precincts and prescribing the re-
14 cords to be maintained and the instruments to be recorded, consistent
15 with AS 40.17.

16 (b) The department shall [ENGAGE AND COMPENSATE RECORDERS AND
17 DEPUTY RECORDERS,] prescribe and account for recording fees [,] and do
18 all other things necessary to maintain the recording system estab-
19 lished under the laws of this state.

20 (c) The department, with the concurrence of the administrative
21 director of courts, may appoint judicial employees to perform services
22 in connection with recording, providing access to, and copying [RE-
23 CORD] documents in locations where the department has no employees
24 available to perform those functions [SERVE AS RECORDERS].

25 (d) The department shall file with the commissioner of commerce
26 and economic development a copy of each conveyance recorded that
27 contains a statement that property is conveyed to a nonresident alien
28 or for the benefit of a nonresident alien.

29 * Sec. 40. In the following statutes the revisor of statutes is

1 directed to delete the requirement or permission that a document be filed
2 or filed for record and to substitute a corresponding requirement or
3 permission that the document be recorded: AS 09.40.050; AS 09.55.370;
4 AS 10.15.230, 10.15.235, 10.15.260; AS 10.30.020; AS 13.26.265; AS 23.10.-
5 047; AS 23.20.200, 23.20.250(a); AS 23.30.165; AS 27.10.020, 27.10.050,
6 27.10.060, 27.10.070, 27.10.160, 27.10.170, 27.10.190, 27.10.210(b), 27.-
7 10.230; AS 32.10.010, 32.10.240; AS 34.07.020, 34.07.040, 34.07.050,
8 34.07.070; AS 34.20.090; AS 34.35.065, 34.35.160, 34.35.185, 34.35.240,
9 34.35.250, 34.35.305, 34.35.330, 34.35.405, 34.35.440; AS 38.05.195,
10 38.05.200, 38.05.205, 38.05.210, 38.05.220, 38.05.230, 38.05.245,
11 38.05.250, 38.05.265, 38.05.275; AS 38.20.100; AS 45.09.402(f); and AS 46.-
12 15.160.

13 * Sec. 41. The following laws are repealed: AS 34.15.260 - 34.15.350;
14 AS 34.20.020; and AS 43.10.090 - 43.10.150.

15 * Sec. 42. This Act takes effect January 1, 1987.