

HB

907

DEPARTMENT OF NATURAL RESOURCES

TO: House Resources Committee

DATE: 4/27/78

FILE NO.

TELEPHONE NO.

FROM: Alice L. Iliff *ALI*
Research Analyst

SUBJECT: HB 907: Repeal of AS 34.10
(Land Registration Act)

This vestige of territorial law requires that for any land situated outside a borough or city where local land ownership records are kept, its owner must file a "statement of real property ownership". The statute may have had a legitimate purpose as a temporary transitional device accompanying the installation of a recording system in territorial days, as it encouraged the introduction of land ownership information into the public record. Today, its reason for being is much more speculative.

To induce compliance with the filing requirement of the statute, it provides for modest financial penalties in the event of a failure to file. Once assessed, a penalty becomes a lien against the property. The lien is subject to foreclosure under the statute, but if (as is usually the case) the landowner fails to respond to the lien foreclosure action by answering the petition, the land owner may "redeem" the property during the first year following its "foreclosure". After the expiration of this one-year redemption period, the procedure departs from the usual foreclosure model. Instead of selling the property to satisfy the lien and turning the overage in proceeds back to the owner, the State simply keeps the property. The land may be "repurchased" by its owner, but that right of repurchase is extinguished if the land is disposed of into private ownership by the State or is held by the State for and devoted to a "public purpose" and improvements are constructed upon it. Since the existence of these rights of repurchase makes management of the land as public domain difficult and expensive (administrative costs exceeding \$30,000 per year for approximately 140 parcels with negligible return), the State can only derive a benefit from this forfeited land by disposing of it into private ownership by sale. The parcels usually have changed hands since foreclosure, resulting in time consuming administrative problems for both the State and the innocent victims.

There is no longer any public purpose served by this statute. From the beginning, the only legitimate purpose of the law was to compel landowners to identify their land holdings and place them on the record. But where recordable transactions (conveyances, mortgages, and the like) take place, the advantages of recording alone induce the new owner or mortgagee to record. Another purpose commonly attributed to the law, that of providing a record of land ownership in the unorganized borough to satisfy various public and private information needs, is illusory. The recording system itself satisfies this purpose - incompletely, albeit, but just as effectively as the superfluous statement file requirement does.

Assume that there were some legitimate public policy served by a law requiring land owners to file statements of real property ownership. It is clear that the penalty and lien foreclosure devices in the statute have not been effective in securing compliance with that filing requirement.

Filing a statement (or, more to the underlying objective, getting private land holdings on the record) can be encouraged by a "carrot", by a "stick", or by a combination of the two. The "carrot" in this case is the recording law itself - the landowner whose interest is recorded enjoys an important priority over he who does not record. This legal protection is a "carrot" sufficient to induce all who are aware of the recording law to use it, irrespective of the existence of any penalties for nonuse of the system.

The "stick" to induce filing is a penalty fee backed up by the lien foreclosure mechanism. This has apparently not been effective. People file because they want the benefits of the recording system; people fail to file because they are unaware of the existence of the system and the benefits which would inure to them from using it. A penalty mechanism will only encourage compliance by those who are already aware of the system but would not otherwise use it - a negligible class of persons.

A principal problem with the foreclosure action as a compliance mechanism is that it is only inflicted upon those landowners whose land holdings have been discovered due to the recordation of a conveyance. The recording of the conveyance itself, with or without an accompanying ownership statement, fulfills the legislative goal of getting land onto the public records. In these cases, the need for a statement is superfluous and the idea of penalizing the person for failing to file one borders on the absurd. In other words, when scrutinized against the actual operation of the statute, the reasoning underlying the foreclosure mechanism is seen to be circular: (1) the objective of the law is to get land holdings on the record; (2) the foreclosure process exists to encourage compliance with the law in order to satisfy that objective; (3) the only lands which are subjected to foreclosure are those whose existence comes to the attention of the Division of Lands when they are recorded; (4) at that point, the lands have entered into the recording system and the legislative objective has been met.

In summary,

1. There is no valid public purpose served by the land registration statute. To the extent that there is any need to have a public record of land holdings in the unorganized borough, that need is fully met by the existing recording system, supplemented by the land status records of State and Federal governments.

2. The filing requirement of the land registration law imposes an undesirable paperwork burden and expense upon private landowners. This burden should not exist without some countervailing public policy.

3. Administration of the law costs the State \$30,000 to \$50,000 every year in employee time that could be better utilized for other efforts. Trying to administer AS 34.10 in light of Native lands conveyances, homesites, and any other upcoming programs of land disposal will be impossible due to lack of staff and monies, as well as inequities of this law that have been perpetrated for years to the disadvantage of the public. There is consensus among all agencies involved that the statute is unnecessary.

4. Because of the existence in perpetuity of rights of repurchase on foreclosed lands, the State cannot effectively manage these properties as public land. It can only derive benefit from them by disposing of them back into private ownership at the expense of innocent holders of repurchase rights.

5. Taking a person's land away for failure to file a superfluous piece of paper is bad public policy. It is even worse when the person failed to file simply because the person was ignorant of the filing requirement.

For all of these reasons, the statute should be repealed.



HB 907

March 24, 1978

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska tution, and in accordance with AS 23.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill repealing the Land Registration Law, AS 34.10.

The Land Registration Law is a vestige of territorial days which requires that private owners of land outside cities and boroughs file statements of real property ownership. Modest penalties are imposed for failure to file. These penalties become liens against property which may be foreclosed, resulting in forfeiture of the land to the state. After foreclosure, the land may be redeemed for a period of one year, but it is also subject to a continuous "right of repurchase" by the former owner and his assigns. This right to repurchase is extinguished only by disposal of the land or construction of a public building upon it. These repurchase rights inhibit effective management of land gained by foreclosure and have been the subject of abuse by industrious opportunists who, although they have never had any relationship with either the foreclosed land or its owners, obtain some colorable interest in the land and attempt to reap a windfall by repurchasing it.

The requirement of filing statements of real property ownership is somewhat obscure and often ignored by landowners. It does not enhance the existing recording system and government records which, according to the Division of Lands, fully meet any need for public record of land holding outside of municipalities. Penalizing an individual for failure to file a superfluous document is, in my view, bad public policy, especially when the individual probably does not know of the requirement to file.

Administration of the Land Registration Law costs the state \$30,000 - \$50,000 per year with negligible return. Costs could easily triple with the huge amounts of land soon to be placed in private ownership, including native selections and state and municipal land disposals. It seems senseless to continue the burden of this law on taxpayers, land owners, and state agencies.

State agencies and staff involved concur in the desirability of repealing this law and incurring the substantial time and money savings which would result.

This bill would repeal the entire Land Registration Law (AS 34.10), except for one provision (AS 34.10.170) which states that land obtained by foreclosure under the chapter may be administered and disposed of in the same manner as other state land. The bill also includes a provision which continues, for three years after enactment, current rights to repurchase land lost by foreclosure; then, after published notice, those rights of formerly indefinite duration are terminated, thus clearing the state's title to that land.

The Land Registration Law is outdated, nearly universally unpopular, costly and burdensome to administer, often unfair, and yields little, if any, benefit to the state. Therefore, I urge its repeal by passage of this bill.

Sincerely,



Jay S. Hammond
Governor

07.450
rtment
th the
ments,
s, and
in the
walls,
, and
paces;
rge of
s, hot
and
ducts
use;
in the
to its
by the
ement
on of
f this
rofits
er the
ty is
me to
be the
other
stance
use of
y the
nmon
erved

for use of certain apartment or apartments to the exclusion of the other apartments;

(12) "majority" or "majority of apartment owners" means the apartment owners with 51 per cent or more of the votes in accordance with the percentages assigned in the recorded declaration, to the apartments for voting purposes;

(13) "property" means the land, the building, all its improvements and structures, all owned in fee simple absolute or qualified or by way of a periodic estate, or in any other manner in which real property may be owned in the state, and all easements, rights, and appurtenances belonging to it, none of which shall be considered as a security or security interest, and all articles of personalty intended for use in connection with it, which have been or are intended to be submitted to this chapter. (§ 1 ch 44 SLA 1963)

Sec. 34.07.460. Short title. This chapter may be cited as the Horizontal Property Regimes Act. (§ 1 ch 44 SLA 1963)

Chapter 10. Land Registration Law.

Article

1. Administration (§§ 34.10.010 — 34.10.030)
2. Registration (§§ 34.10.040 — 34.10.060)
3. Enforcement (§§ 34.10.070 — 34.10.170)
4. Redemption (§§ 34.10.180 — 34.10.240)

Article 1. Administration.

Section

10. Administration
20. Collection of penalties

Section

30. Funds for administration

Sec. 34.10.010. Administration. (a) The Department of Natural Resources shall administer this chapter. The department shall make rules and regulations considered necessary to carry out this chapter.

(b) The department has custody of all land registration records assembled under this chapter, and of those records in the Department of Revenue pertaining to or arising from the levying of a general property tax. The department shall have access to other public records which relate to its duties under this chapter. (§ 3 ch 134 SLA 1953; am § 1 ch 135 SLA 1955)

Am. Jur. and C.J.S. references. — 1 Am. Jur., Acknowledgments, § 1 et seq.; 16 Am. Jur., Deeds, § 1 et seq.; 26 Am. Jur., Husband and Wife, §§ 34 to 224, 274 to 325;

36 Am. Jur., Mortgages, § 1 et seq.; 42 Am. Jur., Property, § 1 et seq.; 45 Am. Jur., Records and Recording Laws, § 1 et seq. 91 C.J.S. Vendor and Purchaser § 1.

Sec. 34.10.020. Collection of penalties. (a) The Department of Natural Resources shall collect all penalties due under this chapter and transmit them to the Department of Revenue for deposit into the general fund.

(b) The department may appoint the recorder of each recording district as its agent for purposes of collecting penalties from the persons

who are subject to the penalty payment and who personally file a statement in the office of the department. When the appointments are made, the recorder shall collect the penalty, if possible, issue receipts for the payment in duplicate, attach the duplicate receipt to the original filing statement, and, transmit to the department at the time of transmitting the monthly ownership statements 90 per cent of the penalty collected. The recorder shall retain 10 per cent of the penalty collected as his commission.

(c) For the purpose of this chapter an error in the description, area or acreage of property does not invalidate the assessment of the penalty against the property if the description is sufficiently accurate to identify the property. (§ 6 ch 134 SLA 1953; am § 4 ch 135 SLA 1955)

Sec. 34.10.030. Funds for administration. Funds for administration of this chapter are those provided in the appropriation for the department. (§ 10 ch 135 SLA 1955)

Article 2. Registration.

Section
40. Filing statement
50. Penalty and lien for failure to file statement

Section
60. Duties of recorder

Sec. 34.10.040. Filing statement. (a) The owner of real property in the state but outside an incorporated city, public utility district, school district or other political subdivision where record of ownership of real property is kept shall file in the office of the recorder of the recording district in which the property is located, before January 1, 1956, a sworn statement in duplicate giving his name, his post office address, an accurate legal description of the tract of land, its area or acreage, the date acquired, and other information necessary for the purposes of this chapter.

(b) The provisions of (a) of this section do not apply to

(1) an owner who acquired title to his property before July 1, 1949, and has complied with the registration provisions of § 22-2-1, ACLA 1949;

(2) an owner who has complied with this chapter before March 28, 1955; or

(3) property to which the United States or the state holds title.

(c) Upon transfer of title to real property after December 31 1955, within the localities described in (a) of this section where filing is required, a similar statement must be filed by the owner of the newly acquired tract before January 1 of the year after the transfer occurs.

(d) An owner of real property who has filed the statement required by this section need not file another statement under this chapter. (§ 4 ch 134 SLA 1953; am § 2 ch 135 SLA 1955)

Revisor's note. — Section 22-2-1 ACLA 1949 was repealed by § 2 ch 134 SLA 1953 but was referred to in (b) (1) of the above section which was § 4 ch 134 SLA 1953.

Am. Ju
Am. Jur.
1 et seq.

Sec. 3

(a) Upo
the own
Decemb
file eac
become
failure
of this c

(b) If
publish
attache
and a p
compile
SLA 19

Sec.

recorde
special
The rec
togethe
shall n
enter
inform
to the
preced
collect

(b) V
transac
§ 40 o
require
special
135 SL

Section
70. Pro
75. Rel
80. Rec
90. Aff
100. Bu
110. Pov

Sec.
shall f
distric
parcels

Am. Jur. and C.J.S. references. — 45 91 C.J.S. Vendor and Purchaser § 1 et
 Am. Jur., Records and Recording Laws, § seq.
 1 et seq.

Sec. 34.10.050. Penalty and lien for failure to file statement.

(a) Upon failure to file the statement required in § 40 of this chapter, the owner is subject to a penalty of \$5. For property acquired after December 31, 1955, the owner is subject to a penalty of \$10 for failure to file each required statement. A penalty for failure to file a statement becomes a lien upon the property on January 1 of the year after the failure to file. The lien is subject to collection as provided in §§ 70 — 170 of this chapter.

(b) If a penalty is not paid before the date the delinquent list is published in accordance with § 70 of this chapter, a penalty of \$5 attaches to each tract listed in the delinquent list of September 1, 1956, and a penalty of \$10 attaches to each tract listed in the delinquent list compiled after September 1, 1956. (§ 4 ch 134 SLA 1953; am § 2 ch 135 SLA 1955)

Sec. 34.10.060. Duties of recorder. (a) When a statement is filed, the recorder shall file a duplicate copy or prepare and enter a copy in a special registration law book to be provided by him for that purpose. The recorder shall enter the name of the owner in an alphabetical index together with the date and hour of filing the statement. The recorder shall number the original filing statements in consecutive order, and enter on the statements the date received and customary filing information, and shall, before the eleventh day of each month, transmit to the department all original statements filed with him for the preceding calendar month together with 90 per cent of the receipts collected for penalty payments as provided for in § 20 of this chapter.

(b) When a recorder receives a document for recording evidencing a transaction of real property for which a filing statement is required by § 40 of this chapter, he shall notify the new owner of the filing requirements, and if not so filed, he shall notify the department on a special form provided for the purpose. (§ 5 ch 134 SLA 1953; am § 3 ch 135 SLA 1955)

Article 3. Enforcement.

Section	Section
70. Procedure for foreclosing lien	120. Procedure for foreclosure sale
75. Release of prior liens	130. Deed directed by judgment
80. Redemption	140. Right to possession
90. Affidavits in foreclosure action	150. Conveyance in lieu of foreclosure
100. Burden of proof	160. Answer.
110. Powers and duties of the court	170. State administration of lands

Sec. 34.10.070. Procedure for foreclosing lien. (a) The department shall file in the office of the clerk of the superior court in the judicial district in which the property subject to the lien is located a list of all parcels of property subject to the lien, and upon which penalties are

unpaid for a period of at least one year after they are due and payable.

(b) The lien on the parcels contained in the list shall be foreclosed by appropriate proceedings by the department in the name of the state in the manner provided in §§ 70 — 170 of this chapter. The parcels affected by the lien shall be numbered serially. The department shall (1) post a certified copy of the list in its office; (2) mail to the last known owner at his last known address a registered letter advising him of the lien; (3) either post a notice of the lien upon the real property involved, or post notice of the lien in the nearest post office, whichever the department determines is best calculated to provide actual notice to the owner of the land; and (4) publish the list once each week for four consecutive weeks in a newspaper of general circulation in the judicial district in which the property is situated. The action shall be entitled "In the matter of foreclosure of liens under the Land Registration Law of 1953, as amended."

(c) The filing of the list, the mailing of notice to the lienee, and the posting of the notice on the land involved or in the nearest post office constitute and have the same effect as the filing of a separate complaint and service of summons to foreclose a lien. (§ 7 ch 134 SLA 1953; am § 5 ch 135 SLA 1955; am § 3 ch 179 SLA 1959)

Sec. 34.10.075. Release of prior liens. A lien or lien right on property which accrued under this chapter before March 28, 1955, is released, and no action to enforce the lien may be sustained. (§ 8 ch 135 SLA 1955)

Sec. 34.10.080. Redemption. (a) A person who has a right, title or interest in or lien upon a parcel described in the list of delinquent penalties may redeem the parcel by paying to the Department of Revenue the amount shown in the list of delinquent penalties within 60 days from the date of the filing of the list in the office of the clerk of the court, or may serve a verified answer upon the attorney general, setting out in detail the nature, character and amount of his interest and a defense or objection to the foreclosure of the lien.

(b) The caption of the answer shall contain a reference to the serial number of each parcel concerned. The answer must be served on the attorney general or filed in the office of the clerk of the judicial district within 20 days after the last day for redemption.

(c) If a person fails to redeem or answer, the person is in default and is barred from all his right, title and interest in the parcel described in the list of delinquent penalties, and a judgment of foreclosure may be taken as provided in this chapter. Upon redemption the person redeeming is entitled to a certificate from the Department of Revenue describing the property in the same manner as it is described in the list of delinquent penalties. Upon the filing of the certificate with the clerk of the court, the clerk shall note the word "redeemed" and the date of filing opposite the description of the parcel on the list. The notice operates to cancel the notice of pendency of action with respect to the

parcel. (§ 22-2-1953)

Sec. 34.10. publication, in connection with the clerk of the property subject documents recorded constitute a public record. (ACLA 1949: a)

Sec. 34.10. plaintiff to present the assessment lands set out lawful charges alleging an error in answer the information. (b) This chapter and them are information. (§ 22-2-12 AC)

Sec. 34.10. determine and parties to the the defendant. (b) In a public distribution. (c) The court included in the (1) direct claim, lien of (2) award filed and the § 1 ch 106 SL

Sec. 34.10. the court shall (b) Public three successive. The notice shall post office notice. (c) The description the description other description. 106 SLA 194

parcel. (§ 22-2-9 ACLA 1949; am § 1 ch 106 SLA 1949; am § 9 ch 134 SLA 1953)

Sec. 34.10.090. Affidavits in foreclosure action. Affidavits of filing, publication, posting, mailing or other acts required by this chapter in connection with an action to foreclose liens shall be filed in the office of the clerk of the superior court in the judicial district in which the property subject to the lien is situated and shall, together with all other documents required by this chapter to be filed in the office of the clerk, constitute a part of the judgment roll in a foreclosure action. (§ 22-2-10 ACLA 1949; am § 1 ch 106 SLA 1949; am § 9 ch 134 SLA 1953)

Sec. 34.10.100. Burden of proof. (a) It is not necessary for the plaintiff to plead or prove the various steps, procedures and notices for the assessment of the penalties or other lawful charges against the lands set out in the list of delinquent penalties. The penalties or other lawful charges and the lien for them are presumed valid. A defendant alleging an irregularity in the lien must particularly specify in his answer the irregularity and must affirmatively establish the defense.

(b) This chapter applies to all defendants even though one or more of them are infants, incompetents, absentees or nonresidents of the state. (§ 22-2-12 ACLA 1949; am § 1 ch 106 SLA 1949; am § 9 ch 134 SLA 1953)

Sec. 34.10.110. Powers and duties of the court. (a) The court may determine and enforce the priorities, rights, claims and demands of the parties to the action as they exist according to law, including those of the defendants as between themselves.

(b) In a proper case the court may direct a sale of the lands and the distribution or other disposition of the proceeds of the sale.

(c) The court shall make a final judgment, in relation to a parcel included in the list of delinquent penalties,

(1) directing the sale of the parcel when an answer is filed by a party, and the court determines that the party has a right, title, interest, claim, lien or equity of redemption in the parcel;

(2) awarding to the state the possession of a parcel when no answer is filed and the parcel is not redeemed. (§§ 22-2-13, 22-2-14 ACLA 1949; am § 1 ch 106 SLA 1949; am § 9 ch 134 SLA 1953)

Sec. 34.10.120. Procedure for foreclosure sale. (a) A sale directed by the court shall be a public auction by the Department of Revenue.

(b) Public notice of the auction shall be given once a week for at least three successive weeks in a newspaper published in the judicial district. The notice shall be posted in a conspicuous place at the United States post office nearest the land to be sold.

(c) The description in the notice of the parcel offered for sale shall be the description contained in the list of delinquent penalties, with the other descriptions the court directs. (§ 22-2-13 ACLA 1949; am § 1 ch 106 SLA 1949; am § 9 ch 134 SLA 1953)

Sec. 34.10.130. Deed directed by judgment. (a) A judgment directing a conveyance under this chapter shall contain a direction to the Department of Revenue to prepare, execute and have recorded a deed conveying full and complete title to the parcel

(1) to the grantee in a foreclosure sale;

(2) to the state when the state is awarded possession of an unredeemed parcel.

(b) Upon the execution of the deed the grantee or state is seized of an estate in fee in the land, and all persons (including infants, incompetents, absentees and nonresidents) who may have had a right, title, interest, claim, lien or equity of redemption in the land are barred from the right, title, interest, claim, lien or equity of redemption. (§§ 22-2-13, 22-2-14 ACLA 1949; am § 1 ch 106 SLA 1949; am § 9 ch 134 SLA 1953)

Sec. 34.10.140. Right to possession. A party who acquires title to premises under this chapter is entitled to possession as if the person had obtained a judgment in an action for forcible entry and detainer of the property. (§ 22-2-15 ACLA 1949; am § 1 ch 106 SLA 1949; am § 9 ch 134 SLA 1953)

Sec. 34.10.150. Conveyance in lieu of foreclosure. Instead of prosecuting an action to foreclose a lien on a parcel, the state may accept a conveyance of the interest of a person having a right, title, interest, claim, lien or equity of redemption in the parcel. (§ 22-2-17 ACLA 1949; am § 1 ch 106 SLA 1949; am § 9 ch 134 SLA 1953)

Sec. 34.10.160. Answer. (a) If a verified answer is served upon the attorney general within the period specified in § 80 of this chapter, the court shall immediately hear and determine the issues raised by the complaint and answer in the same manner and under the same rules as it hears and determines other actions, except as provided otherwise in this chapter.

(b) Upon trial, proof that the statement required by § 40 of this chapter was filed when due or that the penalty was paid, together with interest due, constitutes a complete defense.

(c) When an answer is filed as provided in this section, the defendant has an absolute right to the reversal of the action as to a parcel of land in which he has an interest, upon written demand filed with or made a part of his answer. (§ 8 ch 134 SLA 1953)

Sec. 34.10.170. State administration of lands. The Department of Natural Resources may sell, lease or administer all real property to which the state obtains title under this chapter in the same manner as it is authorized to sell, lease or administer other state land. Proceeds derived from the sales, leases or administration shall be remitted to the Department of Revenue and deposited into the general fund of the state. (§ 10 ch 134 SLA 1953; am § 6 ch 135 SLA 1955)

Section

180. Right of redem
190. Procedure for
200. Redemption b
210. Redemption a

Sec. 34.10.18
lature to enact
redemption in t
interest in prop

Sec. 34.10.19
and 110 — 13
foreclosure by
interest in it b
costs due on the
(1) before the
the property to
state, or
(2) within on
SLA 1957; am §

Sec. 34.10.20
property before
execute a certifi
certificate shall
penalties, intere

Sec. 34.10.21
of property aft
expiration of
Natural Resour
quitclaim deed
am § 2 ch 179 S

Sec. 34.10.22
record owner a
assigns may, at
state, repurcha
state to the for
applicable to th
at the rate of
judgment and c
with other char

(b) No right o
of the redempt
held by the stat

Article 4. Redemption.

Section	Section
180. Right of redemption	220. Repurchase by record owner or assigns
190. Procedure for redemption	230. Definitions
200. Redemption before judgment	240. Short title
210. Redemption after order of court	

Sec. 34.10.180. Right of redemption. It is the intent of the legislature to enact into the "Land Registration Law of 1953" a true right of redemption in the owner and in a lienholder or other person having an interest in property affected by that law. (§ 1 ch 17 SLA 1957)

Sec. 34.10.190. Procedure for redemption. Property subject to §§ 80 and 110 — 130 of this chapter may be redeemed before or after foreclosure by the owner of the property, or by a person having an interest in it by paying to the department all penalties, interest and costs due on the property

(1) before the entry of an order by the court awarding possession of the property to the state and directing the deeding of the property to the state, or

(2) within one year after the entry by the court of the order (§ 2 ch 17 SLA 1957; am § 1 ch 179 SLA 1959)

Sec. 34.10.200. Redemption before judgment. Upon redemption of property before the entry of an order by the court, the department shall execute a certificate of redemption to the owner of the property. The certificate shall identify the property redeemed and shall state that all penalties, interest and costs are paid. (§ 3 ch 17 SLA 1957)

Sec. 34.10.210. Redemption after order of court. Upon redemption of property after the entry of an order by the court but before the expiration of the one-year redemption period, the Department of Natural Resources shall, on behalf of the state, execute and deliver a quitclaim deed to the former owner of the property. (§ 4 ch 17 SLA 1957; am § 2 ch 179 SLA 1959)

Sec. 34.10.220. Repurchase by record owner or assigns. (a) The record owner at the time of the entry of the order of foreclosure or his assigns may, at any time before sale of the foreclosed property by the state, repurchase the property and the property shall be resold by the state to the former record owner, or his assigns, for the full amount applicable to the property under the judgment and decree, with interest at the rate of eight per cent a year from the date of entry of the judgment and decree of foreclosure to the date of repurchase, together with other charges imposed on the property.

(b) No right of repurchase attaches to property, after the termination of the redemption period, which has been sold by the state or which is held by the state for and devoted to a public purpose authorized by law

with the public purpose. (§ 5 ch 17 SLA 1957; added by § 4 ch 179 SLA 1959)

Sec. 34.10.230. Definitions. In this chapter (1) "department" means the Department of Natural Resources;

(2) "real property" includes patented land and other land in which the owner has a fee simple title. (§ 7 ch 135 SLA 1955)

Sec. 34.10.240. Short title. This chapter may be cited as the Land Registration Law. (§ 1 ch 134 SLA 1953)

Chapter 15. Conveyances.

Article

- 1. Form and Effect (§§ 34.15.010 — 34.15.140)
- 2. Acknowledgment and Proof (§§ 34.15.150 — 34.15.250)
- 3. Recording (§§ 34.15.260 — 34.15.350)

Article 1. Form and Effect.

Section

- 10. Manner of executing conveyances
- 20. Conveyance by nonresident married woman
- 30. Form of warranty deed
- 40. Form of quitclaim deed
- 50. Effect of quitclaim
- 60. Passage of fee
- 70. Passage of grantor's entire estate

Section

- 80. Covenants not implied
- 90. Covenant not implied in mortgage
- 100. Conveyance of lands held adversely
- 110. Conveyances construed as creating tenancy in common
- 120. Remedy of tenant in common
- 130. Joint tenancy abolished
- 140. Tenancy by the entirety

Sec. 34.15.010. Manner of executing conveyances. (a) A conveyance of land, or of an estate or interest in land, may be made by deed, signed and sealed by the person from whom the estate or interest is intended to pass, who is of lawful age, or by his lawful agent or attorney, and acknowledged or proved, and recorded as directed in this chapter, without any other act or ceremony whatever.

(b) In a deed or conveyance of the family home or homestead by a married man or a married woman, the husband and wife shall join in the deed or conveyance.

(c) The requirement that a spouse of a married person join in a deed or conveyance of the family home or homestead does not create a proprietary right, title or interest in the spouse not otherwise vested in the spouse.

(d) Failure of the spouse to join in the deed or conveyance does not affect the validity of the deed or conveyance, unless the spouse appears on the title. The deed or conveyance is sufficient in law to convey the legal title to the premises described in it from the grantor to the grantee when the deed or conveyance is otherwise sufficient, and (1) no suit is filed in a court of record in the judicial district in which the land is located within one year from the date of recording of the deed or conveyance by the spouse who failed to join in the deed or conveyance to have the deed or conveyance set aside, altered, changed, or reformed, or (2) the spouse whose interest in the property is affected does not file,

within one year where the provisions of 22-3-1 ACLA

This section applies to land without consideration. H 23, 337 P.2d 33 Oregon statute.

Construction of a deed construed according to construction, apparent on its face such evidence as of law to explain Gunther, 3 Alaska

And reformation of equity will reform effect contracts to their original standing any of the instrument v. Von Gunther,

Conveyance parties without and recorded. — signed by the person step in the conveyance although it acknowledged, instrument, convey, when not to the grantee constituted as between grantor the legal title. Alaska 194 (1904).

As between a conveyance is governed by ridge v. Williams

As to validity of two witnesses, validity of unrecorded 34.15.290. — Ed

Or may be true — A document conveying land unrecorded, is not under this section although it is valid Whitehead v. Federal Supp. 966 (D. A.

But action may be brought defectively executed statute requires to be under seal or recorded, the covenant, on these formalities though the less Rolando v. Zesch

A homestead