

HB

87

DATE: 2/25/91

FURTHER: Judiciary

DATE TURNED INTO OFFICE: _____

C&RA Committee considered HOUSE BILL NO. 87 am

"An Act requiring the street address of real property to be included in certain notices of sale and notices of default used to execute or foreclose on real property interests."

and recommended:

- replace with _____ CS _____
 - or adopt _____ CS _____
 - attached amendment(s)
 - _____ letter of intent adopted
- same title
 - new title
 - technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____
Court System 2/19/91

Governor's bill w/fiscal note

SIGNING DO PASS:

Cecilia Stupelwicz
[Signature]
[Signature]
[Signature]

OTHER RECOMMENDATIONS:

Mark Do Pass

Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 87

Revision Date: _____ Department Affected: Community & Regional Affairs

Title: "An Act..street address of real property..notices of sale.." BRU: _____

Sponsor: House Judiciary Committee Component: _____

Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708

Division: Administrative Services Date: 2/12/91

Approved by Commissioner: _____

Agency: Community & Regional Affairs Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill No. HB 87

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act requiring the street address of BRU: Trial Courts
real property to be included in certain notices of sale... Components: _____
 Sponsor: Judiciary
 Requestor: Judiciary COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

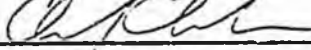
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Division: Alaska Court System Date: 02/04/91

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 02/04/91
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

..o. 1

Bill Version: HB 87

(H) Publish Date: 2/19/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act requiring the street address of BRU: Trial Courts
real property to be included in certain notices of sale... Components: _____
 Sponsor: Judiciary
 Requestor: Judiciary COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *C.S.C.* Phone: 264-8228
 Division: Alaska Court System Date: 02/04/91

Approved by: Arthur H. Snowden, II, Administrative Director *Stephanie Cole, for*
 Agency: Alaska Court System Date: 02/04/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska State Legislature



House of Representatives
House Judiciary Committee
Chairman Dave Donley

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

M E M O R A N D U M

TO: Senator Steve Frank, Chair
Senate Community and Regional Affairs Committee

FROM: Representative Dave Donley, Chair **D**
House Judiciary Committee

RE: Request for hearing on HB 87, "requiring the street address to be included in certain notices of sale and notices of default used to execute or foreclose on real property interests."

DATE: March 1, 1991

I would greatly appreciate it if you would schedule HB 87 for a hearing at the earliest possible opportunity. This bill would require a street address, if there is one, to be included in the legal description of real property in notices of sale upon execution and notices of default.

This is a simple bill in the public interest and supported by the Department of Community and Regional Affairs.

Thank you for your attention to this request.

DD/hk

Alaska State Legislature



House of Representatives House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

HB 87

SPONSOR STATEMENT

Present state law requires that notices of sale of real property on execution and notices of default used to execute or foreclose on real property describe the property. The description used is the legal description with which you are all familiar.

Unless a person is a party at interest in a particular sale or default, an ordinary citizen would never know the actual physical location of the real property from its legal description.

In the interest of providing meaningful notice to the general public, the House Judiciary Committee felt that, whenever possible, the legal description of real property should include the property's street address, if any.

I ask your support for this technical, but meaningful, change in our real property laws.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

- P.O. BOX B
JUNEAU, ALASKA 99811-2100
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 563-1073

February 12, 1991

POSITION PAPER

RE: House Bill No. 87

SPONSOR: House Judiciary Committee

Program Effects of Bill

This bill would have no major effect on the Department of Community and Regional Affairs.

Comments

The Department of Community and Regional Affairs (DCRA) supports the amended language described in Section 1 and Section 2 of this legislation.

Notice of sale on execution [AS 09.35.140 (1)] deals only with execution on personal property after a judgment has been obtained through the judicial foreclosure process. The Department has the right to pursue this type of collection; however, to date, we have chosen not to execute on personal property. The area in which the property is located usually does not provide storage for personal property.

AS 09.35.140 (2). This section is strictly adhered to by the attorneys representing DCRA through our seller/servicers.

AS 09.34.20.070 (b). The Department adheres to this section whenever possible. DCRA deals strictly with rural areas of the state, and not all properties have a street address. Frequently the address will appear "NHN" and street name, or even just a legal description. A street address is included whenever possible.

Ed. Blatchford

Edgar Blatchford, Commissioner

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 30, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2-13-91

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 87

HOUSE BILL NO. 87

FORECLOSURE/EXECUTION NOTICE REQUIREMENTS

"An Act requiring the street address of real property to be included in certain notices of sale and notices of default used to execute or foreclose on real property interests."

RECOMMENDATIONS:

be replaced with _____ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Inter.

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Ak. Court System

zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
Bettye Davis				
John C. Samples				
Lybil Phillips				
Harold M. ...				
Cheri Davis				
Jay M.				

Jay M.
 Chairman's Signature

(7)

Date Referred: February 19, 1991

FURTHER REFERRALS:

Date of Committee Action: 2-20-91

The JUDICIARY Committee considered:

HB 87

HOUSE BILL NO. 87

FORECLOSURE/EXECUTION NOTICE REQUIREMENTS

"An Act requiring the street address of real property to be included in certain notices of sale and notices of default used to execute or foreclose on real property interests."

RECOMMENDATIONS:

be replaced with _____ [] the same title

[] have attached amendments(s) [] a new title

do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal impact _____

[] fiscal note(s) _____

[] zero fiscal note _____

zero fiscal note(s) AK. Court System 2-19-91

~~SIGNING DO PASS:~~

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>Dave Douley</i>				
<i>H. Ellis</i>				
<i>Mark Stanley</i>				
<i>Larry Martin</i>				

Dave Douley
Chairman's Signature