

ALASKA LEGISLATURE COMMITTEE FILED HOUSE DOZ 10072

1670 SJ : SB 78 (file 2)

- **Reduce Direct and Overhead Costs**

- Productive work time is saved by eliminating trips to and from the drawing room or central files and the time spent waiting for print productions
- Overhead costs are reduced by eliminating print requests and the time spent logging and filling each request
- Overhead costs are reduced by minimizing or eliminating support personnel necessary during scheduled or unscheduled overtime periods.
- Savings are realized in consumption of less print paper and aperture card duplication

- **Accurately Track Drawing Status and Maintain Configuration Control**

- The system automatically provides the operator with the current status of every drawing whether it is stored on-line or off-line
- Current revision always indicated
- Next scheduled update provided
- ECN's or ECO's outstanding or in process are available

3.0 DRAWING CONTROL AND DISTRIBUTION SYSTEM

The Drawing Control and Distribution System (DCDS) provides immediate access to every drawing image in its data base. This feature results in a significant reduction of the time spent by professionals retrieving drawings. The DCDS also results in space savings by eliminating remote files and storage areas and reducing staff requirements for document handling.

The user views the DCDS through a CRT terminal which combines a video display screen and keyboard, through which all transactions take place. If the user knows the number or title for a particular drawing, he can access it directly. If not, he enters a request for a discipline of drawings at the terminal's keyboard. The computer then displays an index of all drawings falling into the specified discipline.

The software is designed to work with the user, whether he is familiar with computer operations or not. The English-language, formatted "menus" are designed to prompt and assist in an interactive search with the user to identify the drawing he wants.

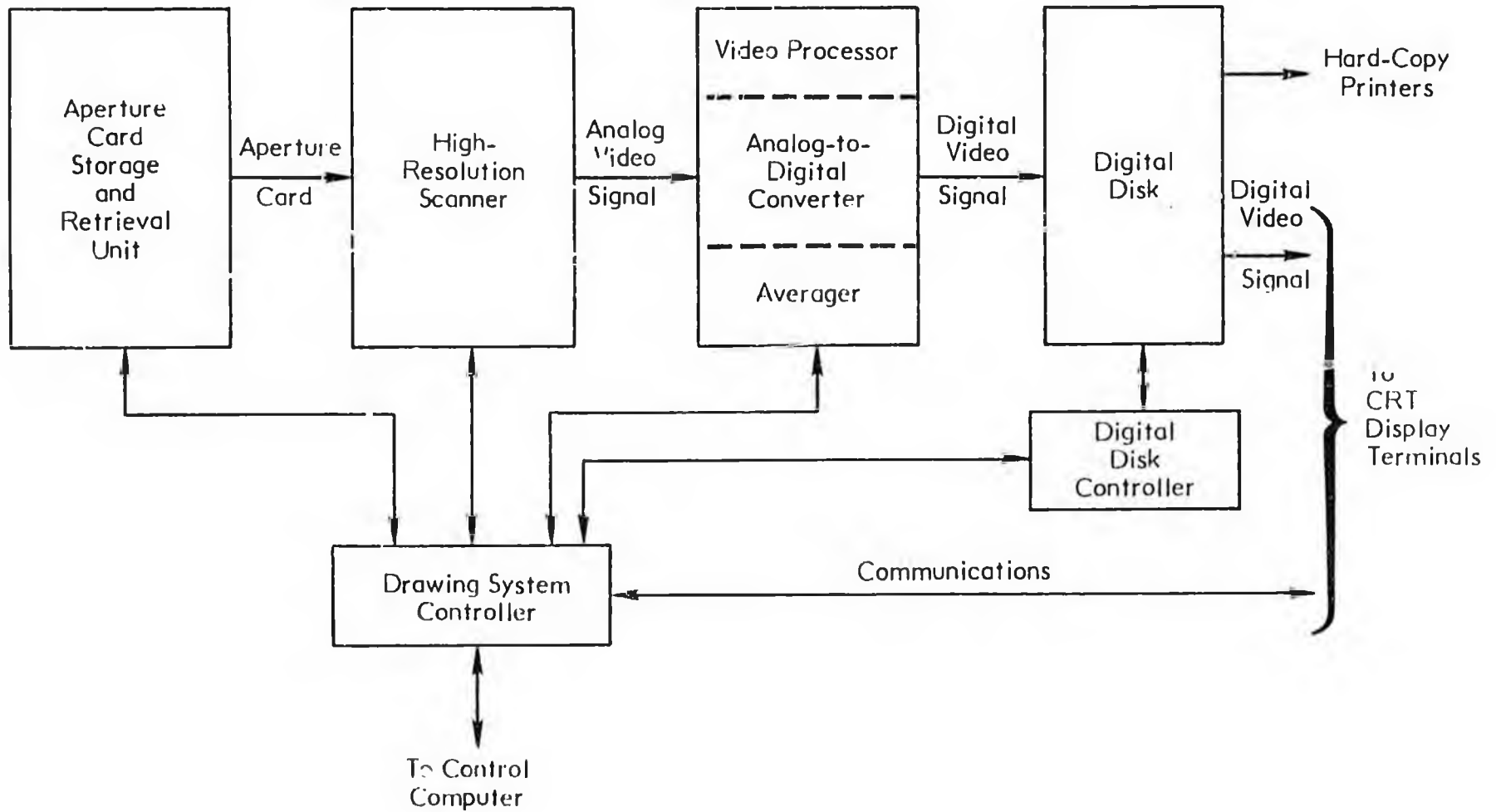
A block diagram of the DCDS is shown in Figure 3-1. The heart of the DCDS is a solid-state, high-resolution camera that scans the aperture cards. Once a request is made the computer identifies the location of the requested drawing and through the Drawing System Controller commands the storage and retrieval module to access the desired aperture card and place it in position for scanning.

After the drawing is scanned the video signal is sent to the video processor which will compensate for variations in film contrast and enhance the image obtained from poor quality aperture cards. The analog video signal is then routed to an analog-to-digital converter that generates video images suitable for storage on a conventional digital disk medium.

Figure 3-1

Functional Block Diagram
Drawing Control and Distribution System

3-2



The averager allows the user at a terminal to view the transmitted image at two different magnifications. One magnification reduces the dimensions of the drawing as required to permit the entire drawing to be displayed on the video terminal. A second magnification, or high resolution, permits the display of a portion of the drawing with no reduction in actual drawing dimensions. This magnification or blow-up, which maps data points 1:1 to display points, is accomplished by positioning a joystick at the region of interest on the entire image display, and entering appropriate commands at the terminal.

The digital disk (300 MB) that is provided stores the digital signal that represents the image of the scanned aperture card. This allows up to 60 drawings to be simultaneously "on line" with access to any portion of these drawings within seconds. New drawings can be retrieved, scanned, stored, and displayed within 20-45 seconds of an initial request.

The display terminals provided with the DCDS use a 20" diagonal viewing screen. This large terminal markedly increases the ability to view drawings.

Reproduction of drawings from the central file at remote sites is accomplished by directing the digital bit stream produced by the DCDS to a printer plotter. This device is capable of accepting information from the digital disk and quickly producing a reproduction. Timing for the reproduction will vary based on the size of the drawing requested.

The following sections describe various DCDS components. These can be combined with the client's existing computer system or TCI can provide a control computer for interface with the drawing system.

3.1 High-Resolution Video Display Terminal

General

The high-resolution Video Display Terminal (VDT) consists of two functional modules: the high resolution monitor and the video frame buffer. The high-resolution monitor is a CRT display that is packaged in an attractive housing mounted on an adjustable tilt base for user viewing convenience. The video frame buffer includes the solid state memory, the memory control, the video sync generator, and the coaxial cable driver, which allows operation remote from the DSC.

CRT Display

The CRT display consists of a high-resolution 20" monitor and keyboard packaged together in an attractive cabinet. Through the use of this unit the operator can call for specific drawings stored within the system, call for and view enlarged sections, and order hard-copy printouts at local or remote locations. The VDT display can be located up to 500 feet from the solid state frame buffer.

Video Frame Buffer

The video frame buffer stores the video information currently being used to refresh the high-resolution display. The frame buffer holds one complete frame of video consisting of 1,152 x 1,728 x 1 array of picture elements. The frame buffer is a high-speed dual-port memory with one port dedicated to refreshing the CRT display and the other port dedicated to the video transfer bus.

3.2 Drawing System Controller

The Drawing System Controller (DSC) consists of the controller processor, a video crosspoint switch, a compatible communications protocol converter, and racks and cabinets for housing the above components and interface/controllers for various peripheral video devices. The control processor receives high-level commands from the index computer and translates them into low-level commands for each of the video devices. The DSC is responsible for all of the real-time aspects of the video system, including monitoring the status of each of the video devices, scheduling of the video devices, and handling transactions between devices.

The VSC contains the following subsystems:

1. Control processor
2. Communications link to/from the index computer for commands and status information
3. Communications link to/from each video device for commands and status information
4. Real-time clock for schedule
5. Multi-input, multi-output digital video crosspoint switch for transferring video between video devices
6. Mainframe interface
7. Cabinet, racks, power, and interconnection capability for interfaces to peripheral video devices

3.3 Aperture Card Storage and Retrieval Unit

The Aperture Card Storage Unit (ACU) is designed using the ACCESS System M as a base. The unit is modified to provide an automatic "hands off" drawing retrieval system. The ACU receives a command through the DSC from the control computer based on an inquiry from a local or remote terminal. The file is searched automatically and the correct card is retrieved and automatically positioned for scanning. After the drawing has been scanned the

card is automatically placed in the ACU buffer where it is available for request.

When a new or revised drawing is created, the appropriate film copy is mounted on a blank aperture card. A retrieval code is then assigned by the control computer and the card is punched and coded for storage. If the new card contains a revised drawing, the card with the previous revision is retrieved and replaced with the new card. Normal verification procedures assure that all new cards entering the system have been coded correctly and are placed in the proper cartridge for storage.

3.4 High-Resolution Scanner

After the aperture card is retrieved, a platen is closed to hold the film securely in proper viewing position with respect to the camera. The camera consists of a 1,536-element CCD linear solid state detector array mounted on a precision X-Y stage. The camera scans the film in three sweeps to compose an image of 4,608 lines (this corresponds to approximately 100 lines per inch resolution relative to an E-sized original drawing). The scanner provides approximately 10 percent overscan area in order to accommodate cards with poor registration.

The scanning operation requires 5 seconds per sweep for a total scan time of 15 seconds. When the scan is complete, the platen is opened and the aperture card is removed.

3.5 Image Processor

The image processor receives the analog video signal from the high resolution scanner and converts it to a high-resolution, full-contrast, binary image of the drawing. The image processor employs two-dimensional convolutional filtering in order to enhance the drawing image while suppressing the background. This results in high-quality images even from relatively poor quality source documents.

3.6 Averager

The averager receives the binary video signal from the video processor and computes three reductions of the image. The reductions are accomplished by producing a single output bit for representative input bits of the input image. Special processing is performed to prevent the dropping out of thin lines and also to reduce display flicker. Buffer memories are provided to allow interleaved transfers to the disk.

3.7 300-MB Disk and Controller

The image storage disk drive is a fixed media, random access, rotating memory storage device incorporating a closed loop, track following servo system. Data are recorded on the disk surfaces using modified frequency modulation. The disk controller interface to the drawing system controller performs image data format conversion to and from the disk under control of high-level index commands from the indexing computer. The disk has sufficient capacity to store 60 drawings at a time for interactive access from the drawing display terminals and for printing on the printer/plotter.

3.8 Drawing Printer

The size of the drawing printer selected will depend on the application. A full range of printers is available to accommodate A through E size drawings. Under command from the Drawing System Controller, the drawing printer will accept an image from the 300-MB image disk and print a permanent hard copy. The drawing printer operates at a fixed 14X magnification ratio from the aperture card which will produce a nearly full-sized printing of A, B, C, D, or E sized drawings depending on the size of the selected printer.

3.9 Control Computer

The control computer supplies all system memory and provides operational commands through the DSC. The DCDS can be tied into a client's mainframe computer or a control computer can be supplied by TCI. The software developed by TCI provides for complete drawing tracking and configuration control. The system maintains a complete drawing record and accurately tracks the status of all drawings. This information is designed to provide the user with immediate and up-to-date information on all levels of drawing activity. The output available includes the status of each drawing including ECN's, ECO's, changes in progress, and revision status. In addition the software is configured to automatically track system use for accounting and cost control.

Markup for proposed committee substitute
(S. Jud.) per meeting Nov. 23, 1981

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

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

1 IN THE SENATE

2 SENATE BILL NO. 78

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 ^{* Sec. 14.}
10 ~~Section 13~~ 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 office
14 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 appropriations are available for the purpose,}
~~when available money and technology permit,~~ a machine,
23 device, or system capable of rapidly transmitting a document eligible
24 for recording to a recorder at one place of recording in the state, and
25 a person to operate the machine, device, or system; if the department
26 determines that it is not feasible to provide a machine, device, or
27 system in an office serving a recording district, it shall provide for
28 transmitting documents from the office by other expeditious means.

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

Insert
Sections
1-13
⊗
for Appendix B
to memo to
Kevin Brown
May 4, 1981

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The names, information and addresses required in (a)(4) and (a)(6) and (b) of this section must either be in the document or recorded with the document.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (a) A conveyance that is ^{acknowledged, proven or certified in the manner provided in} ~~signed and recorded as a class A document~~ is
26 admissible as evidence of the conveyance without further proof.

27 (b) ^{An unacknowledged and recorded} ~~A recorded signed~~ class A document relating to title to real
28 property creates presumptions with respect to title that

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

AS 34.15.150.
34.15.25

1 act of the person purporting to execute it;

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

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

8 (4) any necessary consideration was given;

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

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

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

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

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

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

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

6 (B) first or middle names or initials;

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

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

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

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

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

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

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

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

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

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

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

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

- 16 *acknowledged or proven as required by AS 34.15.150 - 34.15.250*
(1) a conveyance ^{acknowledged or proven as required by AS 34.15.150 - 34.15.250} or a certified copy of a conveyance if
17 recording the copy is permitted by AS 40.17.020; *then*
- 18 *an acknowledged or proven*
(2) ^{an acknowledged or proven} power of attorney for other instrument granting or
19 revoking a power to act as agent or attorney for another person;
- 20 *stet. acknowledged or proven*
(3) ^{stet. acknowledged or proven} a contract for the sale or purchase of real property,
21 when ^{acknowledged or proven} signed by all parties to the contract;
- 22 (4) an option for the purchase of real property when it is
23 ^{acknowledged} signed by the person granting the option;
- 24 (5) a certificate of public official or an affidavit of any
25 person which may affect the title to or a / interest in real property in
26 the state that is described in the certificate or affidavit, stating
27 facts relating to age, sex, birth, death, capacity, relationship, family
28 history, heirship, names, identity of parties, marital status, posses-
29 sion or adverse possession, adverse use, residence, service in the armed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (22) a condemnation order;

24 (23) a declaration of taking;

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

27 (25) a cooperative contract;

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

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

1 35;

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

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

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

7 (47) a state tax lien;

8 (48) a federal tax lien;

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

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

16 (51) an assignment of rents;

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

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

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

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

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

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

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

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

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

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

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

23 Sec. 40.17.140. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

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

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

25 * Sec. ¹⁵ 40 is amended by adding a new chapter to read:
26 _{1 2}

27 CHAPTER 19. RECORDING FEDERAL LIENS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~(a) A conveyance of land, or of an estate or interest in land, may~~
26 ~~be made by deed, signed [AND SEALED] by the person from whom the estate~~
27 ~~or interest is intended to pass, who is of lawful age, or by his lawful~~
28 ~~agent or attorney, [AND ACKNOWLEDGED OR PROVED,] and may be recorded~~
29 ~~under AS 40:17 [AS DIRECTED IN THIS CHAPTER,] without any other act or~~

ceremony [WHATEVER].

* Sec. 164. AS 34.15 is amended by adding a new section to read:

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

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

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

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

(c) This section does not divest rights which vested in an innocent purchaser in good faith for valuable consideration before the effective date of the section.

* Sec. 176. AS 44.37.025 is amended to read:

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

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

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

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

13 * Sec. ~~187~~¹⁸⁷. In the following statutes the revisor of statutes is directed
14 to delete the requirement or permission that a document be filed or filed
15 for record and to substitute a corresponding requirement or permission that
16 the document be recorded: AS 09.40.050; AS 09.55.370; AS 10.15.230, 10.15.-
17 235, 10.15.260; AS 10.30.020; AS 13.26.265; AS 23.10.047; AS 23.20.200;
18 AS 23.30.165; AS 27.10.020, 27.10.050, 27.10.060, 27.10.070, 27.10.160,
19 27.10.190; AS 27.15.010; AS 32.10.010, 32.10.240; AS 34.07.020, ~~34.07.030~~,
20 34.07.040, 34.07.050, 34.07.070; AS 34.20.080; AS 34.35.065, 34.35.160,
21 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405, 34.35.440;
22 AS 38.05.195, 38.05.200, 38.05.205, 38.05.210, 38.05.220, 38.05.245; ~~AS~~
23 ~~40.15.010~~, ~~40.15.020~~, ~~40.15.040~~, ~~40.15.050~~, ~~40.15.070~~; and AS 46.15.160.

24 * Sec. ~~170~~¹⁷⁰. The following laws are repealed: AS 34.15.~~210~~²⁶⁰ - 34.15.350;
25 AS 43.10.090 - 43.10.150.

26 * Sec. ~~188~~¹⁸⁸. This Act takes effect January 1, 1982.
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Section 5. SOURCE: AS 34.15.150.

COMMENT: This section and Section 3 have the same general purpose to remove the requirement of an acknowledgment in the execution and recording of a conveyance. This is also the philosophy of the Uniform Simplification of Land Transfers Act. The comment of the Commissioners on Uniform State Laws concerning that Act includes: "Whatever the office of notary public once was, other methods, in particular civil liability for slander of title and possible criminal sanctions now appear to provide more effective and less burdensome methods of discouraging fraudulent behavior."

This section also would validate conveyances previously executed but not acknowledged.

Attachment re ①

earlier or later date.

COMMENT ON A DIFFERENCE OF OPINION WITH
TITLE COMPANIES OVER WHETHER TO REQUIRE AN
ACKNOWLEDGMENT ON CONVEYANCES

There is a difference of opinion between title companies and the commission over that part of the recording bill which removes from existing law a requirement that a conveyance of real property be acknowledged. The title companies' position is that an acknowledgment should be required because

- (1) the requirement makes it more difficult to procure a signature by fraud or coercion, especially where a person is sick, old, under the influence of alcohol, or mentally incompetent, and
- (2) the requirement reduces the risk of forgery.

The commission's position is that

- (1) an acknowledgment is no longer reliable proof that a document was executed by the person named in it because notaries frequently take acknowledgments without knowing, or getting proof of identity of, the person acknowledging;
- (2) the public should not be encouraged to believe that a document is reliable simply because it bears the signature and seal of a notary public;
- (3) the requirement adds a needless complexity to conveyancing that is the cause for errors and invalidation of documents otherwise in proper form, and

(4) there is a trend toward doing away with acknowledgment in commercial transactions which frequently are of greater magnitude and importance than real property transactions.

The provisions deleting the acknowledgment requirement from existing law are not central to the purpose of the draft bill on recording. Because the commission realizes there is a legitimate difference of opinion on the question, it has drafted the following form of amendments to the bill which would retain, rather than do away with, the acknowledgment requirement. The drafting is made available should a committee believe the changes are warranted, although the commission's recommends against it.

BILL ANALYSIS

Bill Number : SB 78

Sponsor: Rules Committee
(for the Code Revision Commission)

Assigned to: Division of Technical
Services

Summary

1. Program effects of bill: The Division of Technical Services thinks that the bill simplifies some present recording requirements and incorporates some new concepts that make recording laws simpler for the public. However, this Division thinks that the overall impact will require a higher degree of judgement call on the part of the recording office that necessitates more employees and a higher class of employees in order to make the judgement calls required by this bill. Technically, we think that both filing and recording should remain two conditions within the recorder's office. Technically, this Division believes filing of subdivision plats and surveys plats should remain as filed documents. (This should not be recorded and subject to fraud.)

2. Comments: With no acknowledgement required on recording documents and affidavits attached to copies this Division thinks the potential for fraud is increased over today's present system. Some form of acknowledgement ① and only original signature documents should be recorded as Class A documents. This is in line with court cases and present court administrative rules that were developed for the recording office in years past. ② Recording plats would place a land title document that belongs (in our estimation) to the general public back in the hands of private individuals and should remain in the hands of the public by being filed and not recorded. We believe filing also is applicable to state and ③ federal tax liens. The language in the bill seems to purport that the recording offices would be required to perform searches of information rather than making information available to the public and other users as is presently the practice. We believe the bill should emphasize ④ information availability only in order to decrease the liability to the state; rather than have the recording offices make the judgement calls on types of documents to be recorded and to which category (Class A or B) they are to be recorded in. The bill should be written to reflect that ⑤ the individual filing the document should state the class or type it is to be recorded under and the recording office simply make a review that it does in fact meet the requirements under 47.17.030 and is a category described in 40.17.110.

3. Proposed amendments: On page 2, Section 40.17.020(b) delete "in the state division of Forest, Land and Water Management"; the Department of Natural Resources presently follows the requirements of any private citizen for recording or filing of plats. Page 3, Section 40.17.030(a)(4) delete the words "accompanied by". Section 40.17.030(a)(5) delete the entire statement. Page 3, Section 40.17.030(c) delete the entire statement. (We believe some form of acknowledgement should be attached to a document.) Page 6, Section 40.17.090(a) delete the entire statement. Page 10,

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- ② Section 40.17.110(b)(9), (10) delete in its entirety. Page 12, Section 40.17.110(b)(35) delete in its entirety, (this we believe should be a document that is filed in the recording office). Page 13, Section
- ③ ④ 40.17.110(b)(47), (48) delete in its entirety. Page 13, Section
- ⑨ 40.17.110(b)(50) delete in its entirety, (this is covered under the Uniform Commercial Code filings and should not be a recording document under the recording office in this bill). Page 15, Chapter 19, Recording
- ⑤ ④ → Federal Liens. Delete in its entirety. Page 17, Section 3 amending AS
- ① 34.15.010(a), delete in its entirety. Page 18, Section 5 amending AS
- ① 34.15.150, delete in its entirety. Page 19, Section 6 amending AS
- ⑩ 44.37.025(c) delete in its entirety, (the Division of Technical Services presently is constrained utilizing judicial employees of the court system to perform services for recording). The Division of Technical Services is presently attempting to establish recording positions in the court served areas to resolve problems utilizing court employees who are not under the direct division control and to give full support to the recording functions in these offices.

4. Fiscal Impact

Fiscal Note Attached

5. Other Departments Effected: N/A

6. Related Legislation: The Department of Natural Resources has submitted a FY 82 CIP budget request to upgrade the Departments land information and distribution system. A review of this proposed SB 78 legislation and relationship to the submitted FY 82 CIP will be forthcoming within two weeks.

Prepared by: Joseph C. Burch

Director Approval _____

Commissioner's Approval _____

Marked with DNR
proposed changes from
its "Bill Analysis."
IN THE SENATE

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

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

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SENATE BILL NO. 73

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

CHAPTER 17. RECORDING IN PUBLIC RECORDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) capable of being copied by the method used in the recording office;

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

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

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

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

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

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

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

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

(6)
(Sec 12.12)

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Document Stamps Fee
Accounting by

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 act of the person purporting to execute it;

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

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

8 (4) any necessary consideration was given;

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

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

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

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

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

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

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

6 (B) first or middle names or initials;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (22) a condemnation order;

24 (23) a declaration of taking;

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

27 (25) a cooperative contract;

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

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

1 35;

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

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

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

7 (3) + (4) [(47) a state tax lien;

8 (48) a federal tax lien;]

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

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

16 (51) an assignment of rents;

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

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

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

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

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

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

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

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

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

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

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

23 Sec. 40.17.140. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

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

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

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

26 CHAPTER 19. RECORDING FEDERAL LIENS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ceremony [WHATEVER].

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

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

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

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

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

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

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

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

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

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

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

13 * Sec. 7. In the following statutes the revisor of statutes is directed
14 to delete the requirement or permission that a document be filed or filed
15 for record and to substitute a corresponding requirement or permission that
16 the document be recorded: AS 09.40.050; AS 09.55.370; AS 10.15.230, 10.15.-
17 235, 10.15.260; AS 10.30.020; AS 13.26.265; AS 23.10.047; AS 23.20.200;
18 AS 23.30.165; AS 27.10.020, 27.10.050, 27.10.060, 27.10.070, 27.10.160,
19 27.10.190; AS 27.15.010; AS 32.10.010, 32.10.240; AS 34.07.020, 34.07.030,
20 34.07.040, 34.07.050, 34.07.070; AS 34.20.080; AS 34.35.065, 34.35.160,
21 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405, 34.35.440;
22 AS 38.05.195, 38.05.200, 38.05.205, 38.05. 10, 38.05.270. 38.05.245; AS
23 40.15.010, 40.15.020, 40.15.040, 40.15.050, 40.15.070; and AS 46.15.160.

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

26 * Sec. 9. This Act takes effect January 1, 1982.
27
28
29

A L A S K A C O D E
R E V I S I O N C O M M I S S I O N

SUPPLEMENT TO COMMISSION
TRANSMITTAL STATEMENT AND DRAFT ON
REVISING ALASKA'S LAW ON
RECORDING AND RECORDED DOCUMENTS

January 2, 1981

ALASKA CODE REVISION COMMISSION
SUPPLEMENT TO TRANSMITTAL STATEMENT AND DRAFT ON
RECORDING AND RECORDED DOCUMENTS

GENERAL FEATURES OF THE BILL

The attached bill prepared by the Code Revision Commission is primarily one on recording and the public recording system, repealing and replacing AS 34.15.260 - 34.15.350.

The main purposes of the bill are (1) to gather together and clarify the jumble of Alaska law on recording and (2) to provide a structure for future centralized recording. That structure, with other provisions in the bill, would make it possible to use existing and future advanced technology for transmitting, indexing, storing, retrieving and searching title documents. There is continually improving technology available for computer assisted search of documents in which the image of the document is called up from central storage and viewed at a remote terminal. With safeguards in the bill, and with flexibility for either rapid or gradual extension of the high technology system into recording districts, there need be no lessening of access to recording and retrieval in any recording district during development of the improved system.

An innovative part of the bill is a provision for recording two general classes of documents. Section 40.17.110 defines the

two classes. Class A includes documents relating to title to real property and includes all other documents required or permitted to be recorded by other statute or by regulation of the department of natural resources. Recording of a class A document would provide constructive notice of the document to all persons, and therefore would protect the rights of the person whose document is recorded. The second class of document, class B, would be recordable for safekeeping but with no constructive notice afforded by the recording. Any document that is not included in class A and that can be processed by the recording equipment falls into class B.

While the bill deals with all recorded documents in general, it also deals specifically with conveyances of real property and federal liens. Existing Alaska law on federal liens is the obsolete Uniform Federal Tax Lien Registration Act, AS 43.10.090 - 43.10.150, adopted in Alaska in 1933. That Act would be repealed and replaced by proposed AS 40.19.010 - 40.19.030. The new sections follow the current Uniform Federal Lien Registration Act (1978) with changes and deletions to fit Alaska's statewide recording system.

A bill on recording entails some rudimentary decisions on the form of documents that will be recordable. The bill provides (1) that acknowledgment (or other form of proof) be dropped as a

prerequisite to recordability of a conveyance and (2) that the statutes setting out form requirements for conveyances be amended to eliminate the requirement that an acknowledgment appear as part of the document. The changes concerning the form and proof of conveyances are near the end of the bill as amendments to AS 34.15.015 and 34.15.150 and repeal of AS 34.15.160 - 34.15.250. AS 34.15.260 - 34.15.350 are repealed since they are existing recording law superceded by this bill. Removal of acknowledgment as a prerequisite to recording is in new Section 40.17.030(c), and the effect of the change is carried through in other sections.

SECTION ANALYSIS

Title company representatives who reviewed the bill have proposed that the bill be changed so as to retain acknowledgments as a required part of the conveyance form. At the end of this document there is comment on the difference of opinion between the commission and representatives of title companies over whether to continue to require an acknowledgment on conveyances. A form of possible amendments to the bill is supplied in that comment, should a committee choose not to follow the commission's recommendation to do away with the requirement but to follow the title company recommendation that it be retained.

Following are source notes and brief comments on the sections, where appropriate. In Section 1, the Uniform Simplification of Land Transfers Act is the basis for several of the sections and is referred to as the USLTA in these notes. Since the bulk

of the bill is in Section 1, the Alaska Statutes numbers are used here for reference within that section rather than the bill section number.

SECTION 1

AS 40.17.010. SOURCE: The section is original drafting.

COMMENT: This section permits continuation of present practices for as long as necessary but contemplates future recording in a central place by electronic transmission of documents from offices for the various recording districts, and requires that records be available for search in those offices. The section should be read with AS 44.37.025 which gives the department of natural resources broad authority over establishing, modifying or discontinuing recording districts.

AS 40.17.020. SOURCE: AS 34.15.260 with major changes and additions. Part of existing AS 34.15.260 also appears in Sections 40.17.080 and 40.17.090 in this bill.

COMMENT: (a) is traditional recording law except for reference to "class A" documents. "Class A" is the class of traditional recorded (constructive notice) documents listed and defined in Sec. 110, as opposed to "class B" which is all other documents.

(b) provides that certified copies of documents "recorded" in the BLM and the state division of forest, land and water management are entitled to recordation as class A documents. It is sometimes

necessary to go to these records to complete a chain of title.

Recording is defined in the general definitions Sec. 140.

AS 40.17.030. SOURCE: (a)(1) is from USLTA § 2-301(a)(1); (a)(2) is from USLTA § 2-301(a)(2); (a)(3) is from USLTA § 2-301(a)(3); (a)(4) and (a)(5) are original drafting; (a)(6) is AS 34.15.345 paraphrased; (b) is original drafting; and (c) is from USLTA § 2-301(b).

COMMENT: The requirements of this section are applicable to all documents offered for recording. Present law does not explicitly allow the recorder to refuse an illegible document. The section fits the definition of "document" which may even be in the form of electronic signals so long as the form is compatible with equipment in the recording office.

(a)(4) contains only a minimal reference to the requirement of indexing information. In this bill indexing of class A documents is left to regulations of the department, and indexing of class B documents is limited by Sec. 040(b). (a)(5) is to discourage the unauthorized presentation of a document for recording and to provide a record of how each document came to the recording office. At present, a document is mailed back after it is recorded; at some future time it can be simply handed back. (a)(6) is information needed by municipalities to keep up real property tax rolls, and provides assistance in locating parties to transactions.

In (b) the special reference to class B documents is because under proposed Sec. 040(c) class B indexing is specifically limited, and the name called for by (b) could be lost unless marked on the document.

(c), when read with Sec. 110(a) of this section of the bill, and with Sections 3 and 5 at the end of the bill (which amend existing law on the form of conveyance), shows the philosophy of the bill that all documents will be recordable and that acknowledgment before a notary public is no longer a meaningful way to prove the validity of a document.

AS 40.17.040. SOURCE: The section is original drafting.

COMMENT: In the bill, indexing of class A documents has been left to regulation of the department responsible for the recording system. Indexing a document to a specific tract is highly desirable. But parts of the state are not sufficiently accustomed to the existing formalities of recording to make it practical to require sophisticated tract indexing information in all recording districts. Regulation is the more flexible approach and seems the desirable one for the present. Unofficial tract indices are kept at present and would be continued in any event.

The indexing of class B documents is specifically limited to emphasize that class B is for personal safekeeping of documents not part of the chain of title to real property. It is intended that a title search should never involve searching the class B index.

AS 40.17.050. SOURCE: The section is from USLTA § 2-309.

COMMENT: The purpose of allowing the recording of master forms is to reduce the volume of documents recorded. A final sentence of USLTA § 2-309(a) provides: "This section does not affect contractual relations of parties to a title transaction." The sentence is omitted as superfluous.

Indexing of a master form is not covered here since indexing is to be generally covered by regulation.

AS 40.17.060. SOURCE: AS 34.15.270, paraphrased.

COMMENT: The section of Alaska Statutes this section would replace applies only to "conveyances" and provides that a conveyance legal when executed remains recordable and retains "the same force as evidence". The redraft is broader since it applies to all class A documents. The reference to "same force as evidence" is not included since it is considered to be unnecessary. The "force" of recorded documents as evidence is covered in Sec. 090 and in the Alaska Rules of Evidence.

AS 40.17.070. SOURCE: (a) is from USLTA § 6-203; (b) is from USLTA § 6-204(a); (c) is from USLTA § 6-204(b), with additions; (d) is from USLTA § 6-204(c); (e) is from USLTA § 6-205(a); (f) is from USLTA § 6-205(d); (g) is from USLTA § 6-201(b); and (h) is from USLTA § 6-204(d) paraphrased.

COMMENT: The recorder's duties are spelled out in this section and do not vary materially from present duties. (b) does not refer to book and page indexing, but book and page indexing is consistent with it and can be continued so long as it is useful. Consistent with the definition of "record", this section requires acceptance (recording) of a recordable document without delay in the order in which it is received. (b) and (c) make it clear that the time of recording is the time of acceptance even when a document is erroneously rejected and later accepted. If a person is damaged by erroneous rejection of a recordable document, his remedy is to seek damage from the state under AS 40.17.130 in this bill.

AS 40.17.080. SOURCE: (a) is from AS 34.15.260(a); (b) is from AS 34.15.290; (c) is AS 34.20.010 redrafted; and (d) is from USLTA § 3-206 paraphrased.

COMMENT: Law on constructive notice is gathered in this section. Constructive notice is limited to class A documents which are defined in AS 34.18.110. Within class A, existing and traditional law is perpetuated. (d) allows a title searcher to assume that no contract or deed was executed pursuant to a recorded option or earnest money agreement after passage of a reasonable period of time.

AS 40.17.090. SOURCE: (a) is from AS 34.15.260(c)(1). (b) and (c) are from USLTA § 2-305(a) and (b), which in turn are based

upon the Model Act Concerning Evidenciary Effect of the Record. (d) is original drafting; and (e) is from USLTA § 2-305(c) and Alaska Rules of Evidence, Rules 301(c).

COMMENT: This section is generally designed to pull together provisions for the evidenciary effect of recorded documents. (a) makes a recorded conveyance admissible in evidence, whether or not it is acknowledged or verified. (b) and (c) provide in detail for several rebuttable presumptions arising from recording in class A. By Alaska Rules of Evidence 301(a), a presumption created here would not shift the burden of proof, but a person seeking to avoid the presumption would have to present some evidence to rebut it.

AS 40.17.100. SOURCE: AS 34.15.310 redrafted.

COMMENT: No change in the substance of existing law is intended but the statutory language is simplified.

AS 40.17.110. SOURCE: (a) is original drafting. (b) is a list of documents deriving from the following sources, with substantial changes in some instances. (b)(1) as indicated in the subparagraph; (b)(2) is from AS 34.15.320(a)(1) and AS 34.15.330; (b)(3) is from AS 34.15.320(a)(2); (b)(4) is original drafting; (b)(5) is from Conn. Gen. Stat. Ann. 47-1(a); (b)(6) is from AS 34.20.130; (b)(7) (b)(8) and (b)(9) are original drafting; (b)(10) is from AS 34.15.340(a)(6); (b)(11) is from AS 34.15.340(a)(1); (b)(12) is based

upon Bankruptcy Rule 602; (b)(13) is from AS 34.15.340(a)(2); (b)(14) and (b)(15) are original drafting; (b)(16) is from AS 34.15.340(a)(3); (b)(17) is from AS 34.15.340(a)(4); (b)(18) is from AS 34.15.340(a)(5); (b)(19) is from AS 6.30.560; (b)(20) is from AS 9.30.010; (b)(21) is from AS 9.40.050; (b)(22) is from AS 9.55.370; (b)(23) is from AS 19.05.090; (b)(24) is from AS 10.30.020; (b)(25) is from AS 10.15.230 - 10.15.235; (b)(26) is from AS 10.15.260; (b)(27) is from AS 13.26.265; (b)(28) is from AS 23.10.047; (b)(29) is from AS 23.20.200; (b)(30) is from AS 23.30.165; (b)(31) is from AS 27.10.020 and AS 27.15.010; (b)(32) is from AS 27.10.050 - 27.10.070, AS 38.05.185 - 38.05.220 and 38.05.245; (b)(33) is from AS 27.10.160; (b)(34) is from AS 27.10.190; (b)(35) is from AS 40.15; (b)(36) is from AS 32.10.010 and 32.10.240; (b)(37) is from AS 34.07; (b)(38) is from AS 34.20.120; (b)(39) is from AS 34.20.070 - 34.20.080; (b)(40) is from AS 34.35.064; (b)(41) is from AS 34.35.065; (b)(42) is from AS 34.35.069; (b)(43) is from AS 34.35.070, 34.35.085, 34.35.160, 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405, 34.35.440 and 34.35.450; (b)(44) is from AS 34.35.071; (b)(45) is from AS 34.35.072; (b)(46) is from AS 34.35.080; (b)(47) is from AS 43.10.035 - 43.10.030; (b)(48) is from AS 43.10.090 - 43.10.150 (and see Sec. 2 of this bill). (b)(49) is from AS 46.15.160; (b)(50) is from the UCC, Secs. 9-313(1)(b) and 9-402(5); (b)(51), (b)(52), (b)(53), (b)(54) and (c) and (d) are original drafting.

COMMENT: This section maintains control over what recorded documents will constitute constructive notice in the real property recording system (class A), but permits other writings to be recorded in a class B that will not be indexed with or clutter the real property recording system. The section pulls together as class A documents all documents made recordable throughout existing law and also includes documents made recordable in class A by departmental regulation. Class B includes any other document a person may wish to place in a public record for his own private purpose, generally for safekeeping. Effort has been made throughout the bill to confine the traditional recording function to class A, providing class B as a service that does not give constructive notice and would not be searched in a real property title search.

(b)(5) allows affidavits to be recorded. Recorded affidavits in other states have been helpful in clearing land titles and have caused no special problems. (b)(7) broadly affords the opportunity to record a document that limits property rights, including a Public Land Order. (b)(12) provides for recording a bankruptcy petition which appears still to be required by Bankruptcy Rule 602(a). (b)(13) provides for recording a traditional notice of cases pending in Alaska and United States courts that affect Alaska real property. (b)(14) provides for recording a lis pendens from outside the state in specified domestic relations cases where persons dealing with Alaska marital property should know a property settlement is pending; and (b)(16) provides for re-

ording an order or judgment from such a case. (b)(50) is a category called "fixture filing" in the 1972 uniform amendments to the UCC. (Reference: UCC sections 9-313(1)(b) and 9-402(5); Alaska Senate Bill 55, 11th Legis., Sec. 48 and 55, a bill which seeks adoption of the uniform amendments to AS 45.05.756 and 45.05.770.)

(c) is to include in class A all documents made recordable by other law or by regulation of the department.

AS 40.17.120. SOURCE: USLTA § 2-310.

COMMENT: This USLTA section is based upon the law of Pennsylvania and provides in simple terms for the recording of a memorandum of a lease. Some state laws on the subject are much more complex. A memorandum of lease avoids cluttering the records with lengthy documents of temporary significance.

AS 40.17.130. SOURCE: (a) is from USLTA § 6-210 with changes and (b) is from USLTA § 6-211 with changes.

COMMENT: This section provides for an action to compel recording, clarifies the state's liability, and states the conditions for liability of recording employees.

AS 40.17.140. SOURCE: (1) is original drafting; (2) is from USLTA § 1-201; (3) is based on Rule 902, Alaska Rules of Evidence; (4) is founded on AS 44.37.025 (part of Executive Order 47 which

became law during 1980); (5) is from USLTA § 1-201; (6) is original drafting; (7) is based upon USLTA § 1-201; (8) and (9) are original drafting; and (10) is from USLTA § 1-201.

COMMENT: The broad definition of "document" is used in the draft to permit advanced technology in recording. (7) makes acceptance for recording the event that determines when a document is recorded.

Section 2. SOURCE: AS 40.19 010 - 40.19.250 are the Uniform Federal Lien Registration Act (1978), with significant changes and deletions.

COMMENT: Several features of the Uniform Federal Lien Registration Act (1978) were found to be objectionable or unnecessary and are changed or deleted from this bill.

(1) The uniform act provides for "filing" of federal liens. This bill provides for recording them. Filing requires the recorder to retain paper liens and releases, a procedure inconsistent with the photocopying system in use for documents generally in the recorder's offices. Although 26 USC Sec. 6323 refers to "filing" of federal tax liens, IRS regional counsel considers the term to be used broadly to include recording, the procedure called for in this bill.

(2) The uniform act provides generally for filing (here the term includes recording) of both real and personal property liens with the recorder but calls for filing liens on personal property of

corporations and partnerships with the "secretary of state". This is an apparent reference to Uniform Commercial Code filing. Federal law (26 USC Sec. 6323) contains no such requirement. We are informed by recording officials of King County Washington that adopting of the provision in that state led to much confusion there. It is deleted from AS 40.19.020 - 40.19.040 in this bill, which provides a single method of recording all federal liens.

(3) The uniform act provides that the recorder, upon request, shall certify whether liens are filed against a named person. This would be a departure from the tradition that the recorder only keep the records available for search and not search them himself. The provision is deleted from AS 43.19.040 in this bill.

(4) The uniform act sets fees and provides for billing. Since statutes are a poor place for such details, and since AS 44.37.-025(b) gives broad power to the department of commerce and economic development to set fees and establish procedures, the provisions are deleted from this bill.

A repealer at the end of the bill provides for repeal of the obsolete earlier version of the Uniform Federal Tax Lien Registration Act (AS 43.10.090 - 43.10.150) which was adopted by Alaska as ch. 94, SLA 1933. Existing state law is inadequate mainly because (1) it lacks provisions for determining where personal property will be deemed to be located; (2) it requires separate tax lien indices that are unnecessary and are not being

kept; and (3) its provision for physically attaching a release to the original lien is not workable for recorded liens.

Section 3. SOURCE: AS 34.15.010.

COMMENT: This section and Section 5 delete acknowledgment or other proof as a form requirement for a conveyance and as a prerequisite to recording it.

Section 4. SOURCE: The section is original drafting.

COMMENT: Recording of a master form is provided for by AS 34.18.050 as it appears in Section 1 of this bill. This section is to outlaw a possible misuse of the recordable form.

Section 5. SOURCE: AS 34.15.150.

COMMENT: This section and Section 3 have the same general purpose to remove the requirement of an acknowledgment in the execution and recording of a conveyance. This is also the philosophy of the Uniform Simplification of Land Transfers Act. The comment of the Commissioners on Uniform State Laws concerning that Act includes: "Whatever the office of notary public once was, other methods, in particular civil liability for slander of title and possible criminal sanctions now appear to provide more effective and less burdensome methods of discouraging fraudulent behavior."

This section also would validate conveyances previously executed but not acknowledged.

Section 6. SOURCE: AS 44.37.025.

COMMENT: The changes are designed to be compatible both with the existing system and with a central place of recording.

The Revisor of Statutes might wish to change this section to Title 40 with recording statutes rather than to leave it in Title 44 with statutes on duties of state departments.

Section 7. COMMENT: There is not a clear reason for the distinction made in existing laws that provide for filing some documents and recording (copying) others. With the concept of a central place of recording where all records (copies) are to be stored, maintaining the distinction between filing and recording becomes impractical. Filing and releasing tax liens, for instance, would have to be done by mail while recording of documents could be done on a rapid basis with modern technology. In keeping with this concept, in (d) of the section the various statutes are listed in which terminology should be changed to "record" from "file" or "file for record". The sections listed in (d) are gathered together in a binder and marked up for assistance to the Revisor of Statutes.

Section 8. COMMENT: Sections included in this repealer are discussed in the general comments at the start of these notes.

Section 9. COMMENT: It is primarily preparation for recording and indexing class B documents that warrants a deferred effective date. Amendment of the bill before passage could require an

earlier or later date.

COMMENT ON A DIFFERENCE OF OPINION WITH
TITLE COMPANIES OVER WHETHER TO REQUIRE AN
ACKNOWLEDGMENT ON CONVEYANCES

There is a difference of opinion between title companies and the commission over that part of the recording bill which removes from existing law a requirement that a conveyance of real property be acknowledged. The title companies' position is that an acknowledgment should be required because

- (1) the requirement makes it more difficult to procure a signature by fraud or coercion, especially where a person is sick, old, under the influence of alcohol, or mentally incompetent, and
- (2) the requirement reduces the risk of forgery.

The commission's position is that

- (1) an acknowledgment is no longer reliable proof that a document was executed by the person named in it because notaries frequently take acknowledgments without knowing, or getting proof of identity of, the person acknowledging;
- (2) the public should not be encouraged to believe that a document is reliable simply because it bears the signature and seal of a notary public;
- (3) the requirement adds a needless complexity to conveying that is the cause for errors and invalidation of documents otherwise in proper form, and

(4) there is a trend toward doing away with acknowledgment of commercial transactions which frequently are of greater magnitude and importance than real property transactions.

The provisions deleting the acknowledgment requirement from existing law are not central to the purpose of the draft bill on recording. Because the commission realizes there is a legitimate difference of opinion on the question, it has drafted the following form of amendments to the bill which would retain, rather than do away with, the acknowledgment requirement. The drafting is made available should a committee believe the changes are warranted, although the commission's recommends against it.

A M E N D M E N T

TO: [Bill No. ____]

Page 6, line 26:

Delete "signed and recorded as a class A document" and insert "acknowledged, proven or certified in the manner provided in AS 34.15.150 - 34.15.250" in its place

Page 7, between lines 6 and 7:

Insert a new subsection (c) to read:

"(c) If an acknowledged class A document is recorded, it creates the presumptions in (b) of this section and additional presumptions with respect to title that"; and renumber the following paragraphs "(1)" - "(8)" as appropriate; and reletter the following subsections "(d)" - "(f)" as appropriate

Page 9, line 18:

Insert after (first) "conveyance", "acknowledged or proven as required by AS 34.15.150 - 34.15.250 or validated by AS 40.17.060"

Page 9, line 20:

Delete "a" and insert "an acknowledged or proven" in its place

Page 9, line 23:

Delete "signed" and insert "acknowledged or proven" in its place

Page 9, line 25:

Delete "signed" and insert "acknowledged" in its place

Page 17, line 26 - page 18, line 4:

Delete Sec. 3 in its entirety and renumber the remaining
Sections as appropriate

Page 18, lines 10 - 29:

Delete (old) Sec. 5 in its entirety and renumber the remaining
Sections as appropriate

CODE REVISION COMMISSION



ALASKA STATE LEGISLATURE

POUCH Y - STATE CAPITOL

JUNEAU, ALASKA 99811

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BILLY G. BERRIER

MEMORANDUM

TO: Kevin Bruce, Committee Aide
Senate Judiciary Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Dickerson Regan*

DATE: February 6, 1981

RE: SB 78--Recording and Recorded Documents

As I mentioned to you, the comment that accompanied the recording bill was prepared for the bill before the bill was retyped and introduced. As a result, there are changes needed in the attachment at the end of the comment dealing with a way the bill could be amended if the committee adopts the position that conveyances must be acknowledged.

A corrected form is attached to this memorandum.

Also, in the comment there is an erroneous reference on page 3, line 6. The reference should be to repeal of AS 34.15.210--34.15.250, as you will note by referring to the repealer at the end of the bill.

The commission proposed the bill as it is. It does not propose deletion from the bill of the provisions that do away with the requirement of an acknowledgment on conveyances. However, there are many things that fit together in the bill, and if the Judiciary Committee makes policy decisions to change the bill I offer (for the commission) to work with you and anyone else on carrying the policy decisions over into the form of the bill.

DR:chw

Attachment

AMENDMENT

TO: SB 78--Recording and Recorded Documents

Page 6, line 25:

Delete "signed and recorded as a class A document" and insert "acknowledged, proven or certified in the manner provided in AS 34.15.150--34.15.250" in its place.

Page 6, line 27:

Delete "A recorded signed" and substitute "An acknowledged and recorded".

Page 9, line 16:

Insert after (first) "conveyance", "acknowledged or proven as required by AS 34.15.150--34.15.250 or validated by AS 40.17.060". Delete "a" before (second) "conveyance" and insert "the" in its place.

Page 9, line 18:

Delete "a" and insert "an acknowledged or proven" in its place.

Page 9, line 21:

Delete "signed" and insert "acknowledged or proven" in its place.

Page 9, line 23:

Delete "signed" and insert "acknowledged" in its place.

Page 17, line 24 and page 18, line 1:

Delete Sec. 3 in its entirety and renumber the remaining sections as appropriate.

Page 18, lines 8 - 27:

Delete (old) Sec. 5 in its entirety and renumber the remaining sections as appropriate.

Page 19, line 24:

Delete "AS 34.15.210--34.15.350" and insert "AS 34.15.-
260--34.15.350" in its place.

BILL ANALYSIS

Bill Number : SB 78

Sponser: Rules Committee
(for the Code Revision Commission)

Assigned to: Division of Technical
Services

Summary

1. Program effects of bill: The Division of Technical Services thinks that the bill simplifies some present recording requirements and incorporates some new concepts that make recording laws simpler for the public. However, this Division thinks that the overall impact will require a higher degree of judgement call on the part of the recording office that necessitates more employees and a higher class of employees in order to make the judgement calls required by this bill. Technically, we think that both filing and recording should remain two conditions within the recorders office. Technically, this Division believes filing of subdivision plats and surveys plats should remain as filed documents. (This should not be recorded and subject to fraud.)
2. Comments: With no acknowledgement required on recording documents and affidavits attached to copies this Division thinks the potential for fraud is increased over today's present system. Some form of acknowledgement and only original signature documents should be recorded as Class A documents. This is in line with court cases and present court administrative rules that were developed for the recording office in years past. Recording plats would place a land title document that belongs (in our estimation) to the general public back in the hands of private individuals and should remain in the hands of the public by being filed and not recorded. We believe filing also is applicable to state and federal tax liens. The language in the bill seems to purport that the recording offices would be required to perform searches of information rather than making information available to the public and other users as is presently the practice. We believe the bill should emphasis information availability only in order to decrease the liability to the state; rather than have the recording offices make the judgement calls on types of documents to be recorded and to which category (Class A or B) they are to be recorded in. The bill should be written to reflect that the individual filing the document should state the class or type it is to be recorded under and the recording office simply make a review that it does in fact meet the requirements under 47.17.030 and is a category described in 40.17.110.
3. Proposed amendments: On page 2, Section 40.17.020(b) delete "in the state division of Forest, Land and Water Management"; the Department of Natural Resources presently follows the requirements of any private citizen for recording or filing of plats. Page 3, Section 40.17.030(a)(4) delete the words "accompanied by". Section 40.17.030(a)(5) delete the entire statement. Page 3, Section 40.17.030(c) delete the entire statement. (We believe some type of acknowledgement should be attached to a document.) Page 6, Section 40.17.090(a) delete the entire statement. Page 10,

Section 40.17.110(b)(9), (10) delete in its entirety. Page 12, Section 40.17.110(b)(35) delete in its entirety, (this we believe should be a document that is filed in the recording office). Page 13, Section 40.17.110(b)(47), (48) delete in its entirety. Page 13, Section 40.17.110(b)(50) delete in its entirety, (this is covered under the Uniform Commercial Code filings and should not be a recording document under the recording office in this bill). Page 15, Chapter 19. Recording Federal Liens. Delete in its entirety. Page 17, Section 3 amending AS 34.15.010(a), delete in its entirety. Page 18, Section 5 amending AS 34.15.150, delete in its entirety. Page 19, Section 6 amending AS 44.37.025(c) delete in its entirety, (the Division of Technical Services presently is constrained utilizing judicial employees of the court system to perform services for recording). The Division of Technical Services is presently attempting to establish recording positions in the court served areas to resolve problems utilizing court employees who are not under the direct division control and to give full support to the recording functions in these offices.

4. Fiscal Impact

Fiscal Note Attached

5. Other Departments Effectuated: N/A

6. Related Legislation: The Department of Natural Resources has submitted a FY 82 CIP budget request to upgrade the Departments land information and distribution system. A review of this proposed SB 78 legislation and relationship to the submitted FY 82 CIP will be forthcoming within two weeks.

Prepared by:

Joseph C. Burch

263 - 2200

Director Approval _____

Commissioner's Approval _____

CODE REVISION COMMISSION



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EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Kevin Bruce, Committee Aide
Senate Judiciary Committee
Alaska State Legislature

FROM: Dickerson Regan, Consultant *DR*
Alaska Code Revision Commission

DATE: January 29, 1981.

RE: SB 78--Recording and Recordable Documents

You asked for the names of the title company people who took an active part in the commentary on drafts of the recording bill, SB 78.

The principal names and addresses are:

John S. Williamson, Vice President and
Senior Title Counsel
Pioneer National Title Insurance
719 Second Avenue
Seattle, Washington 98104

Vern Arnold, Chief Title Officer
Chicago Title Insurance Company
1415 Fifth Avenue
Peoples National Bank Building
Seattle, Washington 98171

Glen A. Prince, Executive Vice President
Title Insurance Agency
201 N. Franklin Street
Juneau, Alaska 99801

586 - 6445

Warren S. Olson, Counsel
Transamerica Title Insurance Company
Park Place
Sixth Avenue at University Street
Seattle, Washington 98101

Robert J. Whisman, Senior Vice President
Alaska Title Guaranty Company
500 West Sixth Avenue
Anchorage, Alaska 99501

Memorandum
January 29, 1981
Page 2

Frank Soderling, Vice President and
Regional Counsel
Safeco Title Insurance Company
Box 21987
Seattle, Washington 98111

In addition, copies of all drafts were sent to the
Real Property Committee of the Alaska Bar Association*. The
individual lawyer most actively commenting was:

James D. DeWitt, Esq.
Call, Haycraft & Fenton
11919 Lathrop, No. 206
Fairbanks, Alaska 99701

DR:chw

* Francis Nosek, Jr., Chairman
Real Property Committee
Alaska Bar Association
1026 West 4th Avenue
Anchorage, Alaska 99501

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ANDREW E. HOGUE
PETER A. LEKISCH
BILL LAWRENCE
WARREN G. KELLICUT
CALVIN R. JONES
DAVE BENDELL

January 26, 1981

Mr. Kevin K. Bruce
Committee Aide, Committee on Judiciary
Alaska State Legislature
Pouch V
State Capitol
Juneau, AK 99811

Re: SB 78

Dear Mr. Bruce,

Thank you for your letter of January 22, 1981.

Mr. Lekisch is out of the state until February 9, 1981, but I am sure that he would like to talk with you about SB 78.

Please let us know when the hearings on SB 78 are to be conducted. Your consideration in this matter is greatly appreciated.

Very truly yours,
Hoge and Lekisch

Mary M. Puksta

Mary M. Puksta
Assistant to
Peter A. Lekisch

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF TECHNICAL SERVICES

LAND INFORMATION AND DISTRIBUTION
CENTER

1. Production: Computer Aided Drafting
2. Distribution: Automated Aperature Card System
3. Reproduction: District/Field Offices

February 1981

Preface

As the state receives management authority over more land, and the activity on the land has increased, the workload of the Department of Natural Resources (DNR), Division of Technical Services (DTS) has increased exponentially. The workload in 1979 doubled and has since doubled again in 1980. Land programs of the Department of Natural Resources (DNR) have increased work tremendously. For instance, with land disposals, large numbers of status map copies are supplied to other DNR staff for disposal planning, surveyors need many status maps, and members of the public interested in securing land require many status maps. The disposal survey must be platted and mapped. Classifications affected must be mapped. Finally, when the disposal action occurs, it must be duly noted on the status maps.

Unfortunately, present staff is unable to keep up with the current demands for land status changes and additions.

Therefore, the Division of Technical Services (DTS) proposes a new phased production, distribution and reproduction system. The primary goal of the new system is to provide Land Records (graphic) Information to the general public and all other users in the most efficient convenient and timely manner possible.

The new system consists of: 1) a Computer-Aided Drafting (CAD) system, at a cost of \$745,000.00, with a payback in 30 months; 2) an Automated 35mm Aperture Card production system with one time cost of \$475,000.00, both 1 and 2 would be installed in Division of Technical Services (DTS); and 3) the establishment of three reproduction/distribution centers within the DNR district offices; 4) six distribution centers within the DNR area offices and 5) seven state recorder office distribution centers; all with the capability of displaying and copying status maps and other land record information for a user at the same time as the request. The total cost for establishing all 16 land information and distribution centers including DTS production/distribution system is \$2,814,750.00. The implementation of these centers could be staged over a three year period of time.

The following is a suggested cost and schedule for implementing the new production, distribution, and reproduction system.

- Phase I. Install in 1981 at a total cost of \$1,220,000: A.) Computer Aided Drafting System with six work stations in DTS; B.) an Automated Aperture Card System in DTS; C.) a high speed printer in DTS, and an Automated Aperture Card Retrieval and Filing System in Division of Technical Services.
- Phase II. Install in 1982 at a total cost of \$994,000; A.) an Automated Aperture Card Retrieval and Filing System including a high speed printer in the Anchorage, Fairbanks and Juneau District Offices; B.) expand file capacity of the automated aperture card filing system in the Division of Technical Services production center.
- Phase III. Install in 1983 at a total cost of \$600,750 in six Department of Natural Resources, area offices and seven State Recorder's Offices; A.) a manual aperture card filing system; B.) a reader/printer for aperture card copies; and C.) an information clerk for each office.

All forecasts indicate that the maximum impact on workload will start in January 1984, this schedule provides for the Department a system that will meet the projected DTS production, distribution and reproduction requirements. The system could also be the vehicle for distributing other DNR land related information for which the requirements will certainly increase.

LAND INFORMATION / DISTRIBUTION CENTERS

