

CHAPTER 2.

AN ACT

[S. B. 1]

To provide for making unknown heirs of deceased persons, or other persons or parties who are unknown, defendants in any suit or action relating to real property.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. **Unknown heirs—Joinder in real property suits.** When the heirs of any deceased person are proper parties defendant to any suit or action relating to real property in this Territory, and when the name and residences of such heirs are unknown, such heirs may be proceeded against under the name and title of "the unknown heirs" of the deceased.

Unknown heirs may be joined in suits.

Section 2. **Summons served by publication.** Upon presenting an affidavit to the court or judge, showing to his satisfaction that the heirs of such deceased person are proper parties to the suit or action, and that their names and residences cannot with the use of reasonable diligence be ascertained, such court or judge may grant an order that service of the summons in such suit or action may be made on such "unknown heirs" by publication thereof in the same manner as in actions against non-resident defendants.

Summons how served.

Section 3. **Caption of complaint—Naming of defendants—Service of summons.** In any suit or action brought to determine any adverse claim, estate, lien or interest in real property, or to quiet title to real property, the plaintiff may include as a defendant in such suit or action, and insert in the title thereof, in addition to the names of such persons or parties as appear of record to have, and other persons or parties who are known to have, some title, claim, estate, lien

Naming of defendants—service of summons.

or interest in the lands in controversy, the following, viz.: "Also all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the complaint herein." And service of summons may be had upon all such unknown persons or parties defendant by publication as provided by law in cases of non-resident defendants.

Effect of service of summons on unknown heirs by publication.

Section 4. Unknown heirs and parties served by publication—Rights—Conclusiveness of judgment. All such unknown heirs of deceased persons, and all such unknown persons or parties, so served by publication, as in the preceding section of this act by provided, shall have the same rights as are provided by law in case of all other defendants upon whom service is made by publication, and the suit or action shall proceed against such unknown heirs, or unknown persons or parties, in the same manner as against defendants who are named, upon whom service is made by publication, and with like effect; and any such unknown heirs or unknown persons or parties who have or claim any interest, right, estate or lien in the said real property in controversy, at the time of the commencement of the suit or action, duly served as aforesaid, shall be bound and concluded by the judgment or decree in such suit or action, as effectually as if the suit or action was brought against such defendant by his or her name and constructive service of summons obtained.

Approved January 26, 1939.