



LAWS OF ALASKA

1966

Source:

CSHB 24

Chapter No.:

12

AN ACT

Relating to the conveyance of property.

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

* Section 1. AS 34.15.150 is amended to read:

Sec. 34.15.150. EXECUTION OF CONVEYANCES. (a) A conveyance executed in the state of land or an interest in land in the state shall be acknowledged before a judge, clerk of the superior court, notary public, postmaster, or commissioner in the state or proved in accordance with secs. 210 or 220 of this chapter. The officer taking an acknowledgment shall endorse on it a certificate of the acknowledgment of the conveyance and the date of making the acknowledgment.

(b) A conveyance executed before 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.

* Sec. 2. AS 34.15.160 is amended to read:

Sec. 34.15.160. CONVEYANCES EXECUTED OUTSIDE THE STATE.

If a conveyance is executed in a state, territory, or district of the United States, the conveyance may be executed according to the laws of that state, territory, or district, and the execution of the conveyance may be acknowledged before a judge of a court of record, justice of the peace, notary public, or other officer authorized by the laws of that state, territory, or district to take the acknowledgment of conveyances or before a commissioner appointed for that purpose.

* Sec. 3. AS 34.15.170 is amended to read:

Sec. 34.15.170. CERTIFICATE OF ACKNOWLEDGMENT. (a) In a case provided for in sec. 160 of this chapter, the conveyance shall have attached to it a certificate of the clerk or other certifying officer of a court of record of the county or district where the acknowledgment is taken, under the seal of his office, that

(1) the person whose name is subscribed to the certificate of acknowledgment is, at the date of the certificate, the officer he is represented to be in the certificate;

(2) he believes the signature of the person subscribed to the certificate is genuine;

(3) the conveyance is executed and acknowledged according to the laws of the state, territory, or district.

(b) The provisions of (a) of this section do not apply where the acknowledgment is taken before

(1) a commissioner appointed for that purpose;

(2) a notary public certified under his notarial seal; or

(3) the clerk of a court of record certified under

the seal of the court.

- * Sec. 4. AS 34.15.180 is amended to read:

Sec. 34.15.180. EXECUTION AND ACKNOWLEDGMENT OF CONVEYANCE IN FOREIGN COUNTRY. If a conveyance is executed in a foreign country it may be executed according to the laws of that country and the execution of it acknowledged as provided in AS 40.10.010 - 40.10.050.

- * Sec. 5. AS 34.15.210(a) is amended to read:

(a) Proof of the execution of a conveyance may be made before an officer authorized to take acknowledgment of conveyances, and shall be made by a subscribing witness, who shall state his own place of residence and that he knows the person described in and executing the conveyance.

- * Sec. 6. AS 34.15.220 is amended to read:

Sec. 34.15.220. PROOF OF CONVEYANCE BY HANDWRITING. When a grantor is dead, out of the state, or refuses to acknowledge his conveyance, and all the subscribing witnesses to the conveyance are also dead or reside out of the state, the conveyance may be proved before the superior court, by proving the handwriting of the grantor and of a subscribing witness to it.

- * Sec. 7. AS 34.15.230 is amended to read:

Sec. 34.15.230. SUBPOENA OF WITNESS. An officer authorized to take an acknowledgment or proof of conveyance may issue a subpoena requiring a witness to a conveyance to appear and testify before the officer regarding the execution, upon the application of a grantee, or of a person claiming under him, verified by the oath of the applicant, setting out that

(1) the grantor is dead, out of the state, or

refuses to acknowledge his conveyance;

(2) a witness to the conveyance refuses to appear and testify regarding the execution of the conveyance; and

(3) the conveyance cannot be proved without the evidence of the witness.

* Sec. 8. AS 34.15.340(a) is amended to read:

(a) The following instruments may be recorded in the office of the recorder of the recording district in which the land is located in the same manner and with the same effect as a conveyance of land acknowledged, proved, or certified:

(1) a conveyance from the United States of an estate or interest in land in the state;

(2) notice of a pending action affecting title to real estate;

(3) a judgment of a court in the state requiring the execution of a conveyance of real estate in the state;

(4) an approved list of land granted to the state or to a corporation in the state;

(5) a conveyance executed by an officer of the state by authority of law in the state;

(6) an exactly conformed copy of a lease of contract or option to purchase real property when the party certifies under oath that the exactly conformed copy was received by him in the course of the transaction, that the original is not in his possession and that the instrument offered for recordation is an exact duplicate.

* Sec. 9. AS 34.15.350 is amended to read:

Sec. 34.15.350. DEFINITION. In secs. 260 - 350 of this chapter "conveyance" includes every instrument in writing by

which an estate or interest in real property, including royalty and other interests in minerals, is created, alienated, mortgaged or encumbered, or by which the title to real property is affected, except a will.