



LAWS OF ALASKA

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Chapter No.
119

AN ACT

Relating to filing, recording, and indexing of documents with or by the Department of Natural Resources; repealing certain filing requirements concerning property involving nonresident aliens; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 29, 1996

Actual Effective Date: Section 15 takes effect June 30, 1996; remainder of Act takes effect July 1, 1996

AN ACT

1 Relating to filing, recording, and indexing of documents with or by the Department of Natural
2 Resources; repealing certain filing requirements concerning property involving nonresident
3 aliens; and providing for an effective date.

4

5 * **Section 1.** AS 40.05.020 is amended to read:

6 Sec. 40.05.020. REPORTS OF INSTRUMENTS AFFECTING MINING
7 PROPERTIES. The recorder of each recording district shall prepare and forward to
8 the Department of Natural Resources, **by the 10th** [ON THE FIRST] day of each
9 month, a copy of each new mining claim, mining leasehold, [OR] prospecting site
10 location certificate, **or other document indexed by the recorder as a mining**
11 **document** [AND A REPORT OF EVERY OTHER INSTRUMENT AFFECTING
12 TITLE OR POSSESSION OF EXISTING MINING PROPERTIES] recorded during
13 the preceding **month** [30-DAY PERIOD].

14 * **Sec. 2.** AS 40.17.020 is amended to read:

15 Sec. 40.17.020. RECORDING CONVEYANCES. (a) A conveyance that is

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1 eligible for recording under AS 40.17.030 and 40.17.110 may be offered for
2 recording [RECORDED] only in [THE RECORDS OF] the recording district in which
3 land affected by the conveyance is located. If land affected by the conveyance is
4 located in more than one recording district, an original conveyance may be offered for
5 recording [RECORDED] in the recording [RECORDS OF ANY] district in which
6 part of the land is located and an original or a certified copy may be offered for
7 recording [RECORDED] in [THE RECORDS OF] each other recording district in
8 which part of the land is located. A certified copy [SO] recorded has the same effect
9 from the time it is recorded as though it were the original conveyance.

10 (b) A certified copy of a conveyance that is eligible for recording under
11 AS 40.17.030 and 40.17.110 and that has been recorded or filed in a public recorder's
12 office in another state or in the United States Bureau of Land Management may be
13 offered for recording [RECORDED] only in the [RECORDS OF A] recording district
14 where land affected by the conveyance is located. When [SO] recorded, it has the
15 same effect from the time it is recorded as though it were the original conveyance.

16 * Sec. 3. AS 40.17.030 is repealed and reenacted to read:

17 Sec. 40.17.030. FORMAL REQUISITES FOR RECORDING. (a) Except as
18 provided in (b) and (c) of this section, to be eligible for recording, a document must

- 19 (1) contain original signatures;
- 20 (2) be legible or capable of being converted into legible form by a
21 machine or device used in the recording office;
- 22 (3) be capable of being copied by the method used in the recording
23 office;
- 24 (4) contain a title reflecting the overall intent of the document;
- 25 (5) contain the information needed to index the document under
26 regulations of the department;
- 27 (6) contain a book and page reference or serial number reference if the
28 document amends, corrects, extends, modifies, assigns, or releases a document
29 previously recorded in this state;
- 30 (7) contain the name and address of the person to whom the document
31 is to be returned after recording;

1 (8) if it is a deed, contain the mailing addresses of all persons named
2 in the document who grant or acquire an interest under the document;

3 (9) be accompanied by or contain the name of the recording district in
4 which it is to be recorded; and

5 (10) be accompanied by the applicable recording fee set by regulation:
6 if the document is to be recorded for multiple purposes, it must be accompanied by the
7 applicable fee for each of the multiple purposes.

8 (b) To be eligible for recording, a certified copy of an official document from
9 a governmental office need only meet the requirements of (a)(2), (7), (9), and (10) of
10 this section.

11 (c) To be eligible for recording, an exact or fully conformed copy of an
12 original document must be accompanied by an affidavit of the person offering the
13 document. The affidavit must meet the requirements of (a) of this section and must
14 state that

15 (1) the exact or fully conformed copy was received by the person in
16 the course of the transaction;

17 (2) the original is not in the person's possession; and

18 (3) the instrument offered for recordation is an exact or fully conformed
19 copy.

20 (d) The recorder shall prescribe the style, size, form, and quality that a
21 document, plat, plan, or survey map must satisfy for filing and recording under this
22 chapter.

23 * Sec. 4. AS 40.17.035 is amended to read:

24 Sec. 40.17.035. RECORDING CRITERIA. When determining whether a
25 document may be recorded, the recorder **may not**

26 (1) [MAY NOT] consider whether the contents of the document are
27 legally sufficient to achieve the purposes of the document;

28 (2) [MAY NOT] reject a document because the document

29 (A) does not satisfy the current requirements for recording [,]
30 if the document satisfied the requirements for recording that existed at the time
31 the document was executed;

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- 1 (B) serves more than one purpose;
- 2 (C) does not state the name of the recording district [,] if the
- 3 name is given to the recorder at the time the document is offered for recording
- 4 [,] or if the name is contained in a cover letter accompanying the document;
- 5 (D) references an attached exhibit that is not labelled;
- 6 (E) is a certified copy of an official document that creates an
- 7 interest in real property, that meets the requirements of AS 40.17.030(b), and
- 8 that is from a governmental office [IN THIS OR ANOTHER STATE]; or

9 (3) [MAY NOT] require that a document that serves more than one
10 purpose be recorded separately for each of the purposes; this paragraph does not
11 prevent the multiple recording of the document if the person offering the document
12 requests that the document be recorded for more than one of its purposes and the
13 request is accompanied by the applicable recording fee for each of the multiple
14 purposes.

15 * Sec. 5. AS 40.17.040(a) is amended to read:

16 (a) The recorder shall maintain an index system for recorded documents in the
17 manner prescribed by regulations adopted by the department. The system shall be
18 designed so the public may find documents by location and by names of grantors and
19 grantees, and the system may include other means for locating the documents.

20 * Sec. 6. AS 40.17.060 is amended to read:

21 Sec. 40.17.060. DOCUMENTS EXECUTED UNDER FORMER LAW. If a
22 document [INCLUDED UNDER AS 40.17.110 (b) OR (c)] was executed in
23 accordance with the law in effect at the time the document was executed, the
24 document remains recordable regardless of later amendments to the law changing the
25 manner in which that document is to be executed.

26 * Sec. 7. AS 40.17.070(a) is amended to read:

27 (a) The recorder shall promptly record all documents presented that are
28 recordable under AS 40.17.030 [AS 40.17.020, 40.17.030,] and 40.17.110.

29 * Sec. 8. AS 40.17.110 is repealed and reenacted to read:

30 Sec. 40.17.110. DOCUMENTS ELIGIBLE FOR RECORDING. (a) Subject
31 to (b) - (d) of this section, a document that meets the requisites for recording under

1 AS 40.17.030 may be recorded.

2 (b) If the document to be recorded is a conveyance, power of attorney, contract
3 for the sale or purchase of real property, or option for the purchase of real property,
4 the document must be acknowledged.

5 (c) If the document to be recorded is a subdivision plat, the document must
6 comply with the requirements of AS 40.15.

7 (d) If the document is a declaration under AS 34.08, it must comply with the
8 requirements of AS 34.08.090(b).

9 * Sec. 9. AS 44.37.025(b) is amended to read:

10 (b) The department shall prescribe by regulation and account for recording
11 fees and do all other things necessary to maintain the recording systems established
12 under the laws of this state. For a document that is to be recorded for multiple
13 purposes, the department may collect the applicable recording fee for each of the
14 multiple purposes.

15 * Sec. 10. AS 44.37 is amended by adding a new section to read:

16 Sec. 44.37.027. UNIFORM COMMERCIAL CODE FILING. (a) The
17 Department of Natural Resources shall maintain a central filing office for the filing of
18 documents relating to secured transactions under AS 45.09.

19 (b) The Department of Natural Resources may adopt regulations prescribing
20 the records to be maintained and the documents to be filed, consistent with AS 45.09.

21 (c) The Department of Natural Resources shall prescribe in regulation, and
22 account for, filing fees and shall do all other things necessary to maintain the central
23 filing office. For a document that is to be filed for multiple purposes, the department
24 may collect the applicable filing fee for each of the multiple purposes.

25 * Sec. 11. AS 45.09.401(a) is amended to read:

26 (a) The proper place to file, in order to perfect a security interest, is as
27 follows:

28 (1) if the collateral is consumer goods, or is equipment used in farming
29 operations, or farm products, or accounts or general intangibles arising from or relating
30 to the sale of farm products by a farmer, then in the office of the recorder in the
31 recording district of the debtor's residence or, if the debtor is not a resident of the

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1 state, then in the office of the recorder in the recording district where the goods are
2 kept, and in addition when the collateral is crops growing or to be grown, in the office
3 of the recorder in the recording district where the land is located;

4 (2) if the collateral is timber to be cut or is minerals or the like
5 (including oil and gas) or accounts subject to AS 45.09.103(e), or when the financing
6 statement is filed as a fixture filing (AS 45.09.313), and the collateral is goods **that**
7 [WHICH] are or are to become fixtures, then in the office where a mortgage on the
8 real estate concerned would be [FILED OR] recorded;

9 (3) in all other cases, in the **central filing** office of the Department of
10 Natural Resources **established under AS 44.37.027**.

11 * Sec. 12. AS 45.09.402(c) is amended to read:

12 (c) A form substantially as follows is sufficient to comply with (a) of this
13 section:

- 14 Name of debtor (or assignor)
- 15 Address
- 16 Name of secured party (or assignee)
- 17 Address

18 (1) This financing statement covers the following types (or items) of
19 property:

20 (Describe)

21 (2) (If collateral is crops) The crops described in (1) are growing or are
22 to be grown on:

23 (Describe real estate)

24 (3) If the collateral is goods which are to become fixtures, timber to
25 be cut, or minerals or the like (including oil and gas) or accounts to be financed at the
26 wellhead or minehead of the well or mine:

27 (Describe real estate)

28 and this financing statement is to be **recorded** [FILED FOR RECORD] in the real
29 estate records. (If the debtor does not have an interest of record) The name of a
30 record owner is

31 (4) (If products of collateral are claimed) Products of the collateral are

1 also covered.

2 Signature of debtor (or assignor)*

3 Signature of secured party (or assignee)*

4 * (use whichever is applicable)

5 * Sec. 13. AS 45.09.407(b) is amended to read:

6 (b) Upon written request of a person, the filing officer shall issue a certificate
7 showing whether there is on file, on the date and hour stated in it, a currently active
8 [PRESENTLY EFFECTIVE] financing statement naming a particular debtor and a
9 statement of assignment of it, and if there is, giving the date and hour of filing of each
10 such statement and the names and addresses of each secured party in it. The uniform
11 fee for the certificate is as prescribed by the Department of Natural Resources for each
12 financing statement and for each statement of assignment reported in the financing
13 statement; the department [DEPARTMENT OF NATURAL RESOURCES] may
14 establish an extra uniform fee for requests for certificates that [WHICH] are not in the
15 standard form prescribed by the department. Upon written request, the filing officer
16 shall furnish a copy of a filed financing statement or statement of assignment for a
17 uniform fee as prescribed by the department [DEPARTMENT OF NATURAL
18 RESOURCES].

19 * Sec. 14. AS 40.05.030; AS 40.17.040(b); and AS 44.37.025(d) are repealed.

20 * Sec. 15. TRANSITIONAL PROVISION: ADOPTION OF REGULATIONS. The
21 Department of Natural Resources may proceed to adopt regulations necessary to implement
22 the changes made by secs. 1 - 14 and 16 of this Act. The regulations take effect under
23 AS 44.62 (Administrative Procedure Act), but not before the effective date of secs. 1 - 14 and
24 16 of this Act.

25 * Sec. 16. Section 5 of this Act applies to documents received by the state recorder on or
26 after the effective date of sec. 5 of this Act.

27 * Sec. 17. Section 15 of this Act takes effect immediately under AS 01.10.070(c).

28 * Sec. 18. Sections 1 - 14 and 16 of this Act take effect July 1, 1996.