

11 AAC is amended by adding a new chapter in Part 1 to read:

CHAPTER 6.
DOCUMENT RECORDING AND FILING

Editor's note. From November 5, 1985 through March 4, 1986, the 11 AAC 06 chapter heading was "Mental Health Land," and 11 AAC 06.010, the only section in that chapter, was an emergency regulation on mental health land. However, the emergency regulation expired, and permanent regulations have not, as of May 1, 1986, been adopted, so the chapter is being re-used for the document recording and filing regulations, and sec. 10 now deals with recording districts.

Section

- 10. Recording districts
- 20. Common documents
- 30. Acceptance of certified copies for recordation
- 40. Prerequisites for recording documents
- 50. Prerequisites for filing documents
- 60. Status of filed documents
- 70. Return of original recorded documents
- 900. Definitions

11 AAC 06.010. RECORDING DISTRICTS. (a) Recording districts within the state are those as described in Department of Natural Resources Order No. 16, Establishing Recording Districts for the State of Alaska and Defining Geographic Boundaries, August 1, 1985, and as graphically illustrated in Alaska Recording Districts Portfolio, September 1, 1964, revised July 1, 1975.

(b) In case of a conflict between the boundaries defined by Department Order No. 16 and the graphic illustration identified in (a) of this section, the graphic illustration prevails. (Eff. 6/1/86, Register 98)

Authority: AS 44.37.025

Editor's note. DNR Order No. 16 and the Alaska Recording Districts Portfolio, referred to in 11 AAC 06.010, may be reviewed in any district recording office and in the Anchorage and Juneau offices of the Commissioner of Natural Resources.

11 AAC 06.020. COMMON DOCUMENTS. (a) Documents commonly accepted for recording or filing are those identified in this section and in 11 AAC 06.030.

The following documents are recorded as deeds:

- (1) administrators', administratrixes', executors', executrixes', and guardians' deeds;
- (2) bills of sale (on real property only);
- (3) clerks' deeds;
- (4) interim conveyances;
- (5) patents;
- (6) quitclaim deeds;
- (7) state police deeds;
- (8) tax deeds;
- (9) trustees' deeds; and
- (10) warranty deeds.

(c) The following documents are recorded as mortgages:

- (1) affidavits of mailing notice of default;
- (2) affidavits of posting;
- (3) affidavits of publication;
- (4) assignments of deeds of trust;
- (5) deeds of reconveyance;
- (6) deeds of trust;
- (7) extensions of deeds of trust;
- (8) mortgages and releases;
- (9) notices of default;
- (10) notices limiting future advances;
- (11) notices of sale;
- (12) promissory notes;
- (13) real and chattel mortgages;
- (14) releases of water agreements;
- (15) subordinations of deeds of trust;
- (16) substitutions of trustee;
- (17) terminations of notices of default; and
- (18) trustees' returns of sale.

The following documents are recorded as liens:

- (1) acknowledgments of right to liens;
- (2) bonds;
- (3) certificates of levy of attachments and discharges;
- (4) child support liens;
- (5) claims of lien, and their amendments and supplements;
- (6) default judgments;
- (7) employees' liens for failure to make payment to benefit fund;
- (8) extensions of claims of liens;
- (9) findings of fact, conclusions of law, and decrees;
- (10) judgments, judgments on confession, and summary judgments;
- (11) landowners' timber liens;
- (12) manufacturing liens;
- (13) notices of right to liens;

- (14) orders authorizing release of execution;
- (15) packers' and processors' liens;
- (16) partial satisfactions of judgments;
- (17) releases of obligation of water extension agreements;
- (18) releases of liens;
- (19) satisfactions of judgments;
- (20) subdivision agreements;
- (21) timber liens;
- (22) waivers of liens;
- (23) watchmens' liens; and
- (24) workers' compensation liens.

(e) The following documents are recorded as miscellaneous:

- (1) affidavits of non-military service;
- (2) assignments;
- (3) certificates of redemption of tax sales;
- (4) certificates of sale/marshalls' certificates of execution;
- (5) condominium declarations and amendments;
- (6) contracts of sale;
- (7) declarations of taking;
- (8) decrees of divorce;
- (9) earnest money receipts;
- (10) easements for utilities, sewers, rights of way, etc.;
- (11) final orders of condemnation;
- (12) hold harmless agreements;
- (13) leases, subleases, assignments, and terminations;
- (14) letters of conservatorship and orders terminating conservatorship;
- (15) lis pendens/notice of pending actions;
- (16) military discharges;
- (17) notices of completion;
- (18) notices of non-responsibility;
- (19) oil and gas leases, assignments, and terminations;
- (20) options and terminations;
- (21) party wall agreements;
- (22) quiet title actions;
- (23) real estate contracts, assignments, etc.;
- (24) restrictions and covenants, amendments, etc.;
- (25) rights of first refusal;
- (26) use permits and transfers; and
- (27) water appropriations.

(f) The following documents are recorded as powers of attorney:

- (1) powers of attorney and revocations; and
- (2) special powers of attorney and revocations.

(g) The following documents are recorded as mining documents:

- (1) affidavits of annua labor;

- (2) amended location notices;
- (3) grubstake contract;
- (4) liens for performance of annual labor;
- (5) liens on mines and oil wells;
- (6) mining deeds;
- (7) mining leases;
- (8) mining locations;
- (9) notices to contribute and affidavits of notice;
- (10) prospecting site locations; and
- (11) surveys qualifying as annual labor under AS 38.05.210

The following documents are filed:

- (1) bulk sales transfers;
- (2) cooperative contracts and terminations;
- (3) copies of records of meetings of cemetary associations;
- (4) lists of terminated contracts;
- (5) limited partnerships, amendments, assignments, and terminations; and
- (6) real property ownership statements.

(i) The following documents are filed under the Uniform Commercial Code:

- (1) financing statements, security agreements, etc.;
- (2) amendments and continuations;
- (3) assignments of financing statements;
- (4) releases of collateral; and
- (5) terminations of financing statements.

The following documents are filed as plats:

- (1) plats;
- (2) plat waivers;
- (3) condominium surveys;
- (4) boundary surveys; and
- (5) record of survey/record of monument.

The following documents are filed as tax liens and releases:

- (1) Department of Revenue tax liens and releases;
- (2) federal tax liens and releases; and
- (3) employment security contributions and releases.

(1) The following miscellaneous liens are filed:

- (1) chattel property lien;
- (2) hospitals' and nurses' liens; and
- (3) verified wage liens. (Eff. 6/1/86, Register 98)

Authority: AS 44.37.025

(10) states whether the signatory is executing the document individually, as attorney-in-fact, partner, corporate officer, executor administrator, guardian, or trustee;

(11) contains original signatures of all parties to the transaction;

(12) contains the name of the recording district into which it is to be entered into the public record;

(13) if the document is required by statute, to be acknowledged complies with the requirements of AS 09.63.060 -- 09.63.100;

(14) if the document is required by statute to be verified by oath of the claimant, complies with the requirements of AS 09.63.040(c); and

(15) if the document is supported by exhibits or indicates that it is supported by exhibits, contains those exhibits as attachments to the document and the document indicates their inclusion.

(b) A document is also entitled to be recorded if it is of the type identified in 11 AAC 06.030 and if the requirements of (a)(1) and (2) of this section are met.

(c) An original document that is otherwise recordable on its own may not be submitted as an attachment to any other document.

(d) A person submitting for recording a document that, on its face, serves more than one purpose, must be charged a separate recording fee for each separate purpose the document is intended to serve.

(e) It is the responsibility of the person submitting a document for recording to ensure that the prerequisites for recording as established by this section and by statute are met. (Eff. 6/1/86, Register 98)

Authority: AS 44.37.025

11 AAC 06.050. PREREQUISITES FOR FILING DOCUMENTS. (a) A document is entitled to be filed if it is of the type identified in 11 AAC 06.020 (h), (i), (j), (k), or (l) and

(1) is legible and capable of being copied and converted into legible form by a machine used in the recording office;

(2) is accompanied by the fee for filing, as set out in 11 AAC 05.010;

(3) contains a title reflecting the overall intent of the document;

11 AAC 06.030. ACCEPTANCE OF CERTIFIED COPIES FOR RECORDATION. (a) The recorder may accept a certified copy of a document for recordation if allowed by statute or this section.

(b) Acceptable certified copies of a document for recordation include

(1) a document or record from a court of the United States or Alaska, as prescribed by statute;

(2) a document or record previously recorded in another recording district of the state; and

(3) a change of ownership document originally issued by the Bureau of Land Management of the United States Department of the Interior or of the department which has not been previously recorded, if accompanied by an affidavit explaining why the original document cannot be recorded instead of the certified copy. (Eff. 6/1/86, Register 98)

Authority: AS 44.37.025

11 AAC 06.040. PREREQUISITES FOR RECORDING DOCUMENTS. (a) A document is entitled to be recorded if it is of the type identified in 11 AAC 06.020(b), (c), (d), (e), (f), or (g) and

(1) is legible and capable of being copied and converted into legible form by a machine used in the recording office;

(2) is accompanied by the fee for recording, as required by 11 AAC 05.010;

(3) contains a title reflecting the overall intent of the document;

(4) is executed entirely in English;

(5) contains the name and complete mailing address of the person to whom it is to be returned;

(6) except when not required by statute, contains a legal description of the real property affected, complete enough that a particular parcel can be geographically located and identified;

(7) contains the legibly printed or typed names of all parties required by statute to be indexed;

(8) contains the recording book and page information of the original document that any amendment, correction, extension, modification, or release, partial or full, affects;

(9) is submitted on paper stock not larger than 8½ x 14 inches;

11 AAC 06.900. DEFINITIONS. In this chapter,

(1) "certified copy" means a copy of a document on record, signed and certified as a true copy by the officer in whose custody the document or record is or by any other person authorized to make the certification;

"department" means the department of natural resources;

"file" means acceptance of a document into the public record;

(4) "legal description" means an identification of real property by referring to and basing it on an accepted, approved, and filed plat of survey or by describing the property's metes and bounds;

"record" means

(A) as a noun, every document accepted and placed into the public record in a district recorder's office, providing notice to the public and open to the public for inspection;

(B) as a verb, reproduction and acceptance of a document into the public record;

(6) "state" means the State of Alaska. (Eff. / /86,
Register)

Authority: AS 44.37.025

- (4) is executed entirely in English;
 - (5) contains the legibly printed or typed names of all parties required by statute to be indexed;
 - (6) contains the filing number of the original document that any amendment, correction, extension, modification, or release, partial or full, affects;
 - (7) states whether the signatory is executing the document individually, as attorney-in-fact, partner, corporate officer, executor, administrator, guardian, or trustee;
 - (8) contains original signatures of all parties to the transaction;
 - (9) contains the name of the recording district into which it is to be entered into the public record;
 - (10) if the document is required by statute to be acknowledged, complies with the requirements of AS 09.63.060 -- 09.63.100;
 - (11) if the document is required by statute to be verified by oath of the claimant, complies with the requirements of AS 09.63.040(c);
 - (12) if the document is supported by exhibits or indicates that it is supported by exhibits, contains those exhibits as attachments to the document and the document indicates their inclusion; and
 - (13) if the document is a plat, it does not exceed 32" x 36" and is submitted on mylar or on diazo positive mylar.
- (b) It is the responsibility of the person submitting a document for filing to ensure that the prerequisites for filing documents as established by this section and by statute are met. (Eff. 6/1/86, Register 98)

Authority: AS 44.37.025

11 AAC 06.060. STATUS OF FILED DOCUMENTS. When a document submitted for filing is filed it becomes the property of the state. (Eff. 6/1/86, Register 98)

Authority: AS 44.37.025

11 AAC 06.070. RETURN OF ORIGINAL RECORDED DOCUMENTS. The original of a document submitted and accepted for recording must be returned to the person submitting it, after the document is recorded. (Eff. 6/1/86, Register 98)

Authority: AS 44.37.025

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(1) "certified copy" means a copy of a document on record, signed and certified as a true copy by the officer in whose custody the document or record is or by any other person authorized to make the certification;

"department" means the department of natural resources;

"file" means acceptance of a document into the public record;

(4) "legal description" means an identification of real property by referring to and basing it on an accepted, approved, and filed plat of survey or by describing the property's metes and bounds;

(5) "record" means

(A) as a noun, every document accepted and placed into the public record in a district recorder's office, providing notice to the public and open to the public for inspection;

(B) as a verb, reproduction and acceptance of a document into the public record;

(6) "state" means the State of Alaska. (Eff. 6/1/86, Register 98)

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