



# LAWS OF ALASKA

1988

Source

SCS CSHB 266(Jud)

Chapter No.

83

## AN ACT

Relating to the recording of documents.

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

THE ACT FOLLOWS ON PAGE 1, LINE 8.

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 1, 1988  
Actual Effective Date: August 30, 1988

### Chapter 83

(B) serves more than one purpose;

(C) does not state the name of the recording district, if the name is given to the recorder at the time the document is offered for recording, or if the name is contained in a cover letter accompanying the document;

(D) references an attached exhibit that is not labelled;

(E) is a certified copy of an official document that creates an interest in real property and that is from a governmental office in this or another state; or

(3) may not require that a document that serves more than one purpose be recorded separately for each of the purposes; this paragraph does not prevent the multiple recording of the document if the person offering the document requests that the document be recorded for more than one of its purposes.

\* Sec. 3. AS 44.37.025(a) is amended to read:

(a) The Department of Natural Resources shall adopt regulations [,] establishing, modifying, or discontinuing recording districts or precincts and prescribing the records to be maintained and the instruments to be recorded. A regulation may not impose a restriction on document recording unless the restriction is required by statute or furthers a legitimate administrative need of the recorder; a "legitimate administrative need" includes ensuring the legibility of the documents and identifying the parties, the capacity of each party, and the affected property.

AN ACT

Relating to the recording of documents.

\* Section 1. LEGISLATIVE FINDINGS. The legislature finds that the

- 10 (1) recording of legal documents of the kind customarily re-  
11 corded throughout the United States is an essential state function;
- 12 (2) time and place of the recording of a document can be more  
13 important than the underlying legal sufficiency of the document;
- 14 (3) recording offices exist primarily for the benefit and conve-  
15 nience of the general public;
- 16 (4) business community, commercial institutions including banks,  
17 and private individuals cannot function effectively without the public  
18 notice protection afforded by recording their documents; and
- 19 (5) policy of the state is to maintain a convenient means of  
20 regularly recording legal documents relating to property and obtaining  
21 information concerning existing recorded documents.

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

- 22 Sec. 34.15.343. RECORDING CRITERIA. When determining whether a  
23 document may be recorded, the recorder
- 24 (1) may not consider whether the contents of the document  
25 are legally sufficient to achieve the purposes of the document;
  - 26 (2) may not reject a document because the document  
27 (A) does not satisfy the current requirements for  
28 recording, if the document satisfied the requirements for record-  
29 ing that existed at the time the document was executed;