

11 AAC 05.900 ALASKA ADMINISTRATIVE CODE 11 AAC 05.900

Authority: AS 03.10.020 AS 38.50.160
AS 27.21.030 AS 41.06.020
AS 27.21.940 AS 41.21.020
AS 38.05.020 AS 41.21.026
AS 38.05.035 AS 44.37.020
AS 38.05.295 AS 44.37.025
AS 38.09.110 AS 45.50.315
AS 38.35.020 AS 46.15.020
AS 38.35.050

11 AAC 05.900. DEFINITIONS. In this chapter

(1) "department" means the Department of Natural Resources;

(2) "plat" includes replats.

(Eff. 1/1/86, Register 96)

Authority: AS 03.10.020 AS 38.50.160
AS 27.21.030 AS 41.06.020
AS 38.05.020 AS 41.21.020
AS 38.05.035 AS 44.37.020
AS 38.05.295 AS 44.37.025
AS 38.09.110 AS 45.50.315
AS 38.35.020 AS 46.15.020
AS 38.35.050

CHAPTER 06. DOCUMENT RECORDING AND FILING

Article

1. Document Recording and Filing (11 AAC 06.010 - 11 AAC 06.100)
2. Uniform Commercial Code Filing (11 AAC 06.110 - 11 AAC 06.120)
3. General Provisions (11 AAC 06.900)

Editor's notes. — 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. How-

ever, 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 11 AAC 06.010 now deals with recording districts.

Article 1. Document Recording and Filing

Section

10. Recording districts
20. Common documents
30. Acceptance of certified copies for recording
40. Prerequisites for recording documents
50. Prerequisites for filing documents

Section

60. Status of filed documents
70. Return of original recorded documents
80. Record of survey
90. Record of monument
100. Notice of disturbance or destruction of a survey monument

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. 016 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 notes. — 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.

(b) 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.
- (d) 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/marshals' 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/notices 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) restrictions and covenants, amendments, etc.;
 - (24) real estate contracts, assignments, 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 annual labor;
 - (2) amended location notices;
 - (3) grubstake contracts;
 - (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.
- (h) The following documents are filed:
- (1) bulk sales transfers;
 - (2) cooperative contracts and terminations;
 - (3) copies of records of meetings of cemetery associations;
 - (4) lists of terminated contracts;
 - (5) limited partnerships, amendments, assignments, and terminations;
 - (6) real property ownership statements; and
 - (7) notices of disturbance or destruction of survey monuments.
- (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.
- (j) 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.
- (k) 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.
- (l) 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; am 3/8/87, Register 101)

Authority: AS 44.37.025

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;

(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;

(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 identified under 11 AAC 06.040(a)(5), after the document is recorded. (Eff. 6/1/86, Register 98)

Authority: AS 44.37.025

11 AAC 06.080. RECORD OF SURVEY. (a) A record of survey may not be filed under AS 34.65.030 and 11 AAC 06.020(j)(5) unless it meets the prerequisites for filing documents established by 11 AAC 06.050 and

(1) graphically shows the original and any reestablished monuments and all distances and directions required to determine the location of all monuments established during the survey;

(2) includes notations describing survey procedures used to establish monumentation during the survey;

(3) identifies the legal document the survey is based upon by filing number or by its recording book and page numbers if it is of record in this state;

(4) includes the statement, "this survey does not constitute a subdivision as defined by AS 40.15.190(2)" if the survey is within an area governed by a platting authority;

(5) is sealed, signed, and dated by the registered land surveyor in charge of the survey;

(6) contains no proposed features or information not essential to identification of boundary locations or measurements;

(7) contains the title "Record of Survey";

(8) identifies the section, township, range, and meridian, and the subdivision name or U.S. Survey number if the property is located within either; and

(9) is drawn in conformance with applicable provisions of 11 AAC 06.050.

(b) Filing a record of survey under this section does not relieve the surveyor of the obligation of complying with any additional surveying and platting requirements imposed by the state or a municipality of the state. (Eff. 3/8/87, Register 101)

Authority: AS 34.65.030 AS 38.05.020
AS 34.65.060 AS 44.37.025

11 AAC 06.090. RECORD OF MONUMENT. A record of monument may not be filed under AS 34.65.040 and 11 AAC 06.020(j)(5) unless it meets the prerequisites for filing documents established by 11 AAC 06.050 and is on a fully executed standard land survey record of monument form provided by the department. (Eff. 3/8/87, Register 101)

Authority: AS 34.65.040 AS 38.05.020
AS 34.65.060 AS 44.37.025

11 AAC 06.100. NOTICE OF DISTURBANCE OR DESTRUCTION OF A SURVEY MONUMENT. A notice of disturbance or destruction of a survey monument may not be filed under AS 34.65.040 unless it meets the prerequisites for filing documents established by 11 AAC 06.050 and is on a fully executed notice of disturbance or destruction of a survey monument form provided by the department. (Eff. 3/8/87, Register 101)

Authority: AS 34.65.040 AS 38.05.020
AS 34.65.060 AS 44.37.025

Article 2. Uniform Commercial Code Filing

Section
110. Filing office

Section
120. Extending effectiveness of financing statement if debtor is insolvent

11 AAC 06.110. FILING OFFICE. In order to perfect a security interest, the proper office of the department in which to file under AS 45.09.401(a)(3) and AS 45.09.401(e) is the division of management, Uniform Commercial Code section, Department of Natural Resources. (Eff. 3/8/87, Register 101)

Authority: AS 44.17.030
AS 45.09.401

Editor's notes. — The mailing and re-geographic address for the Division of Management, Uniform Commercial Code Section, Department of Natural Resources, is 3601 "C" Street, Suite 1132, Anchorage, Alaska 99503.

11 AAC 06.120. EXTENDING EFFECTIVENESS OF FINANCING STATEMENT IF DEBTOR IS INSOLVENT. (a) In order to extend the effectiveness of a perfected security interest under AS 45.09.403(b) if the debtor has initiated insolvency proceedings, the secured party may, before the lapse of a filed and effective financing statement, file a notice of insolvency stating the filing office, the filing number, and the date of the original financing statement, in the same filing office in which the security interest was originally perfected.

(b) If a secured party has filed a notice of insolvency under (a) of this section, the secured party shall notify the same filing office, in writing, within 60 days after the termination of insolvency proceedings, referring the district, file number, and the date of the original filing of the notice of insolvency. (Eff. 3/8/87, Register 101)

Authority: AS 44.17.030
AS 45.09.403

Article 3. General Provisions

Section
900. Definitions

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;
- (2) "department" means the department of natural resources;
- (3) "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)

Authority: AS 44.37.025

PART 2. PARKS, RECREATION, AND PUBLIC USE

Chapter

- 12. Public Use (11 AAC 12.010 — 11 AAC 12.340)
- 14. Contracts (11 AAC 14.010 — 11 AAC 14.300)
- 15. Trails and Footpaths Grant Program (11 AAC 15.010 — 11 AAC 15.100)
- 16. Historic, Prehistoric and Archaeological Resources (11 AAC 16.010 — 11 AAC 16.900)
- 17. Outdoor Recreational, Open Space, and Historic Properties Development Fund Grant Program (11 AAC 17.010 — 11 AAC 17.900)
- 18. Park Use Permits (11 AAC 18.010 — 11 AAC 18.200)
- 20. State Park Land and Water (11 AAC 20.010 — 11 AAC 20.990)
- 21. Alaska Chilkat Bald Eagle Preserve (11 AAC 21.010 — 11 AAC 21.290)

CHAPTER 12. PUBLIC USE

Article

- 1. State Park Land and Water Restrictions (11 AAC 12.010 — 11 AAC 12.250)
- 2. General Provisions (11 AAC 12.300 — 11 AAC 12.340)

Article 1. State Park Land and Water Restrictions

Section

- 10. (Repealed)
- 20. Traffic control
- 30. (Repealed)
- 40. (Repealed)
- 50. Refuse and waste
- 100. Vehicles
- 110. Motor vehicle operations
- 120. Horses
- 130. Pets
- 140. Construction of structures
- 150. Construction of signs
- 160. Assembly
- 170. Disturbance of natural objects

Section

- 175. Cultural, archaeological, and historical material
- 180. Fires
- 190. Firearms and other weapons
- 195. Explosives
- 200. Underwater diving safety
- 210. Limitation as to numbers
- 220. Unattended camps and equipment
- 230. Camping
- 240. Vandalism
- 245. Public use cabins
- 250. Fees