



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Charlie Huggins
Current Version: CSSB 129 (JUD)
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Fact Sheet for: Senate Bill 129

Short Title: WRONGFUL FILING OF LIS PENDENS

Summary:

- Makes it a Class A misdemeanor to file a wrongful notice that an action is pending that affects title to real property when the notice is filed with reckless disregard that the action would not affect title to the property, or no action is actually pending.

Benefits:

- Prohibits abusive real estate filings used for improper retribution against public servants.
- Eliminates public expense and unnecessary workload for court system and other staff.

Background:

- SB 129 relates to the wrongful recording of a notice of "lis pendens," which notifies a potential purchaser or lender that title to the property is subject to litigation. While the filing does not create a formal lien, such a notice can have an impact similar to that of a lien on the ability of the targeted person to do business with the affected real estate. The bill responds to instances of nuisance liens filed as a form of retribution against public officials. Current law clarifies that lis pendens are only supposed to be filed against property for which the title or right to possession is subject to litigation, but the recorder's office currently has no way to prevent people from filing improper lis pendens. Ordinarily, this is a filing against property that is not subject to dispute made simply because the filer has a grievance against the owner or someone connected with the owner. In one case in 2003, a former state employee filed lis pendens targeting the homes, development property and mining claims of members of the Alaska Board of Game and an assistant attorney general. None of the properties were actually the subject of a title or possession dispute, but the case took months and thousands of dollars of attorney time to resolve.