

Frequently Asked Questions About CS SB 263(Rules) After Acquired Title in Real Property

- 1) ***What is the meaning of the phrase “in fee or in fee simple” in the proposed legislation?*** As Alaska law describes it, a quitclaim deed conveys “fee” title, (AS 34.15.040(b) while a warranty deed conveys “fee simple” title (AS 34.15.030(b). Thus, by saying that after-acquired property rights will automatically pass to the grantee whenever the prior conveyance was “fee or fee simple” title, the bill is saying that either a quitclaim or warranty deed will serve to pass after-acquired interests.
- 2) ***What is the difference between a quitclaim deed and a warranty deed?*** A quitclaim deed only passes whatever title (if any) that the grantor might possess, while the latter actually warrants that the grantor has fee simple title to the property.
- 3) ***How would this legislation solve the Native conveyance issue to which it is addressed?*** Under ANCSA, while village corporations own the surface estate to lands conveyed under that law, regional corporations own the subsurface estate. Because these village/shareholder conveyances were almost always done by quitclaim deed, an easement granted now to the village corporation would not automatically pass to the individual shareholder grantees, unless the law were changed in the manner provided in the legislation.
- 4) ***How does Section 2 affect the legislation?*** Section 2 provides that the bill applies only to title or interest that is acquired after the legislation is enacted. The “title or interest” to which the section refers is the after-acquired interest or subsurface easement to be granted to the village corporations. That easement would be granted only after the bill is enacted, and therefore the bill would serve to pass that easement on to the shareholders.