

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 933

Adding notes to Civil Rules 4, 10, 11, 19, 20, 24, 65, 73 and 82, Appellate Rules 204 and 609, and Evidence Rule 803(8) pursuant to ch. 166, SLA 1988.

IT IS ORDERED:

1. A note is added to the Alaska Rules of Court following Civil Rule 4 to provide:

Note: AS 10.06.580(b), as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 4 by allowing a corporation in an action brought under AS 10.06.580 to serve non-resident dissenting shareholders by certified mail and publication without satisfying the conditions under which certified mail and publication can be used under Civil Rule 4. AS 10.06.638, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 4 by changing (1) the requirements for service by publication, and (2) how long a corporation has to respond to a complaint in an involuntary dissolution proceeding before the Commissioner of Commerce and Economic Development may take a default judgment against the corporation.

2. A note is added to the Alaska Rules of Court following Civil Rule 10 to provide:

Note: AS 10.06.915, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 10 by requiring that certain documents be

attached to a complaint that appeals the disapproval of a writing under AS 10.06.915 by the commissioner of commerce and economic development.

3. A note is added to the Alaska Rules of Court following Civil Rule 11 to provide:

Note: AS 10.06.628, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 11 by requiring that a complaint for an involuntary dissolution of a corporation under AS 10.06.628 be verified.

4. A note is added to the Alaska Rules of Court following Civil Rule 19 to provide:

Note: AS 10.06.015(a)(1), as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 19 by making all parties to a contract covered by AS 10.06.015(a)(1) indispensable parties to an action under AS 10.06.015(a)(1). AS 10.06.378(c), as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 19 by allowing a shareholder sued under the section to join certain other parties in a lawsuit against the shareholder without using the criteria of Civil Rule 19. AS 10.06.463, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 19 by requiring that a corporation be made a party to an action to remove a director of the corporation. AS 10.06.580(b), as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 19 by

making all qualified dissenting shareholders indispensable parties to an action covered by AS 10.06.580.

5. A note is added to the Alaska Rules of Court following Civil Rule 20 to provide:

Note: AS 10.06.675, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 20 by allowing a corporation to join a member who received an improper distribution in an action under AS 10.06.675 without regard to the criteria for joinder in Civil Rule 20.

6. A note is added to the Alaska Rules of Court following Civil Rule 24 to provide:

Note: AS 10.06.628, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 24 by allowing a shareholder or creditor of a corporation to intervene in an action for involuntary dissolution of the corporation under AS 10.06.628.

7. A note is added to the Alaska Rules of Court following Civil Rule 65 to provide:

Note: AS 10.06.630, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 65 by changing the procedure for enjoining dissolution proceedings under AS 10.06.630.

8. A note is added to the Alaska Rules of Court following Civil Rule 73 to provide:

Note: AS 10.06.658, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 73 by requiring the clerk of the superior court to send a copy of an order dissolving a corporation to the commissioner of commerce and economic development.

9. A note is added to the Alaska Rules of Court following Civil Rule 82 to provide:

Note: AS 10.06.435, as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 82 by changing the criteria for awarding attorney fees to the plaintiff in a shareholder derivative action. AS 10.06.580(e), as enacted by ch. 166, §1, SLA 1988, amended Civil Rule 82 by changing the criteria for awarding attorney fees in an action to determine the value of a dissenting shareholder's interest in a corporation.

10. A note is added to the Alaska Rules of Court following Appellate Rule 204 to provide:

Note: AS 10.06.633, as enacted by ch. 166, §1, SLA 1988, amended Appellate Rule 204 by requiring that certain documents must be filed in the notice of appeal from an involuntary dissolution

of a corporation. AS 10.06.863, as enacted by ch. 166, §1, SLA 1988, amended Appellate Rule 204 by requiring that certain documents must be filed in the notice of appeal from a revocation of a certificate of authority of a foreign corporation to transact business in Alaska. AS 10.06.915, as enacted by ch. 166, §1, SLA 1988, amended Appellate Rule 204 by requiring that certain documents must be filed in the notice of appeal from the failure to approve articles of incorporation and certain other administrative actions.

11. A note is added to the Alaska Rules of Court following Appellate Rule 609 to provide:

Note: AS 10.06.633, as enacted by ch. 166, §1, SLA 1988, amended Appellate Rule 609 by requiring that an appeal from an involuntary dissolution of a corporation be tried de novo by the superior court. AS 10.06.863, as enacted by ch. 166, §1, SLA 1988, amended Appellate Rule 609 by requiring that an appeal from a revocation from a certificate of authority of a foreign corporation to transact business in Alaska be tried de novo by the superior court. AS 10.06.915, as enacted by ch. 166, §1, SLA 1988, amended Appellate Rule 609 by requiring that an appeal from the failure to approve articles of incorporation and certain other administrative decisions be tried de novo by the superior court.

12. A note is added to the Alaska Rules of Court following Evidence Rule 803(8) to provide:

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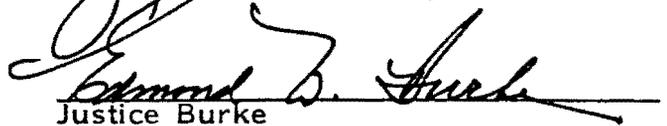
Note: AS 10.06.925, as enacted by ch. 166, §1, SLA 1988, amended Evidence Rule 803(8) by requiring the court to receive as evidence certain public documents dealing with corporations.

DATED: September 8, 1988

EFFECTIVE DATE: July 1, 1989


Chief Justice Matthews


Justice Rabinowitz


Justice Burke


Justice Compton


Justice Moore