

SUPREME COURT OF ALASKA

Hawkins v. Attatayuk

322 P.3d 891 (Alaska 2014) · No. S-14812 · Decided April 11, 2014

SUMMARY

The Alaska Supreme Court held that the superior court lacked subject matter jurisdiction to adjudicate ownership or possession of restricted Alaska Native townsite property. Because the superior court adjudicated title to the property through summary judgment, the court reversed and remanded with directions to dismiss the case. The court also vacated the attorney-fee award and recognized Hawkins as the prevailing party.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Stowers, Justice; Fabe, Chief Justice; Winfree, Justice; Maassen, Justice; Bolger, Justice
JURISDICTION	Alaska
DECIDED	April 11, 2014
DOCKET	S-14812
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Hawkins appealed a superior court judgment entered after the court granted Attatayuk partial summary judgment determining that she held title to restricted townsite property, conducted a jury trial on damages, and entered final judgment for Attatayuk.
STANDARD OF REVIEW	Questions of law, including subject matter jurisdiction, are reviewed de novo.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	Harold Hawkins v. Rosalind Attatayuk

TOPICS

- subject matter jurisdiction
- summary judgment
- civil procedure
- appellate procedure
- indian affairs

PRACTICE AREAS

- Civil procedure
- Federal Indian law
- Property law
- Appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the superior court adjudicated ownership or the right to possession of restricted Alaska Native townsite property.
2. Whether the superior court therefore lacked subject matter jurisdiction under 28 U.S.C. § 1360(b).
3. Whether the court could treat Hawkins's challenge to Attatayuk's restricted deed as a sham or adjudicate the viability of defenses to the deed in order to establish jurisdiction.

HOLDINGS

1. Alaska state courts lack subject matter jurisdiction to adjudicate title, ownership, or the right to possession of restricted Alaska Native townsite property or any interest in that property.
2. The superior court adjudicated title because its partial-summary-judgment order expressly determined that Attatayuk had title to the property and that Hawkins had no right to place property on the land.
3. A state court without jurisdiction to adjudicate restricted title also lacks jurisdiction to decide the viability of a claim challenging that title or defenses to the restricted deed, including a statute-of-limitations defense.

KEY QUOTATIONS

“Because Alaska state courts do not have subject matter jurisdiction to adjudicate title or right to possession of restricted townsite property, the only issue presented in this appeal is whether the superior court adjudicated title to the land. We hold that the superior court did adjudicate title and, as a result, exceeded its jurisdiction.” (322 P.3d at 891)

“State courts do not have subject matter jurisdiction to adjudicate the title or right to possession of restricted townsite lots.” (322 P.3d at 897)

“If the superior court lacked subject matter jurisdiction to adjudicate title to the restricted townsite deed, it lacked jurisdiction to adjudicate any aspect of the deed’s validity.” (322 P.3d at 900)

FACTUAL BACKGROUND

Hawkins and Attatayuk lived in a house on federally owned land in St. Michael. Their dissolution decree awarded the house to Hawkins, who continued living there and operated a restaurant on the property. Attatayuk later obtained a restricted townsite deed after certifying that no one lived on or claimed an interest in the tract, and she subsequently sued Hawkins for trespass. Hawkins disputed her title and argued that the deed was invalid because of her failure to notify him and alleged fraud.

PROCEDURAL HISTORY

Attatayuk sued Hawkins for trespass and alleged that she held undisputed title to the land. The superior court granted partial summary judgment declaring that Attatayuk had title and that Hawkins had no right to place property on the land, barred Hawkins from presenting a fraud theory at trial, denied his later motion to dismiss for lack of subject matter jurisdiction, and entered a damages judgment after a jury trial. Hawkins appealed, and the Alaska Supreme Court reversed and remanded with instructions to dismiss.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the superior court judgment and remand with directions to dismiss the case. The attorney-fee award in favor of Attatayuk must be vacated, and Hawkins is entitled to an award of attorney's fees in the superior court.

CASES CITED

- United States v. Atl. Richfield Co., 435 F. Supp. 1009, 1015 (D. Alaska 1977), aff'd, 612 F.2d 1132 (9th Cir. 1980)
- People of S. Naknek v. Bristol Bay Bor., 466 F. Supp. 870, 872 n.3 (D. Alaska 1979)
- Nw. Med. Imaging, Inc. v. State, Dep't of Revenue, 151 P.3d 434, 438 (Alaska 2006)
- Foster v. State, Dep't of Transp., 34 P.3d 1288, 1290-91 (Alaska 2001)
- DeVaney v. State, Dep't of Revenue, Child Support Enforcement Div. ex rel. DeVaney, 928 P.2d 1198, 1200 (Alaska 1996)
- Jones v. Jennings, 788 P.2d 732, 735 (Alaska 1990)
- Gilbert v. Gladden, 432 A.2d 1351, 1353-54 (N.J. 1981)
- Robertson v. Riplett, 194 P.3d 382, 386 (Alaska 2008)
- Wanamaker v. Scott, 788 P.2d 712, 714 n.2 (Alaska 1990)
- Hydaburg Co-op. Ass'n v. Hydaburg Fisheries, 925 P.2d 246, 248 (Alaska 1996)
- Burrell v. Burrell, 696 P.2d 157, 162 (Alaska 1984)
- Ollestead v. Native Village of Tyonek, 560 P.2d 31, 34 (Alaska 1977)
- Gilbert v. Nina Plaza Condo. Ass'n, 64 P.3d 126, 129 (Alaska 2003)
- Kaiser v. Sakata, 40 P.3d 800, 803 (Alaska 2002)
- DeNardo v. Calista Corp., 111 P.3d 326, 330 (Alaska 2005)
- Heffle v. State, 633 P.2d 264, 267 (Alaska 1981)