

Bond Case Briefs

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MUNICIPAL ORDINANCE - ALASKA

Szabo v. Municipality of Anchorage

Supreme Court of Alaska - March 7, 2014 - P.3d - 2014 WL 895197

After property owners were ordered to pay \$311,000 in unpaid fines assessed by city for failing to remove junk stored on their property, property owners filed motion for relief from judgment. The Superior Court denied motion. Property owners appealed.

The Supreme Court of Alaska held that:

- Motion for relief based on mistake, inadvertence, surprise, or excusable neglect was time barred;
- Property owners received adequate notice of evidentiary hearing prior to entry of judgment;
- No change of circumstances existed to support grant of motion for relief from prospective application of judgment; and
- Claim that fines were unconstitutionally excessive did not warrant grant of motion for relief from judgment.

Claim that fines were unconstitutionally excessive did not support entitlement to grant of property owners' motion for relief from judgment following judgment ordering property owners to pay \$311,000 in unpaid fines assessed by city for failure to clean up junk on property in violation of zoning code; rule permitting relief from judgment was not intended to allow a party to raise legal claims that it failed to bring on direct appeal, and property had the opportunity to challenge the constitutionality of the fines on direct appeal after the trial court issued its order and final judgment, but failed to do so.