

1 HB392
2 217074-1
3 By Representative Stadthagen
4 RFD: State Government
5 First Read: 22-FEB-22

SYNOPSIS: Under existing law, the judgment of a court in an action for quiet title is required to be filed for record within the probate court of the county in which the land is located.

This bill would require the judgment in condemnation actions and other actions involving a land boundary or title, to also be filed for record in the probate court of the county in which the land is located.

A BILL
TO BE ENTITLED
AN ACT

Relating to quieting title and determinations of claims to land; to amend Sections 6-6-544 and 6-6-570, Code of Alabama 1975, to provide recording requirements for judgments concerning real property.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 6-6-544 and 6-6-570, Code of
2 Alabama 1975, are amended to read as follows:

3 "§6-6-544.

4 ~~"The register or clerk shall, within 30 days~~ Within
5 30 days following expiration of the period for appeal from the
6 entry of a judgment concerning real property in the probate
7 court as prescribed in Section 12-22-21, Code of Alabama 1975,
8 or the circuit court as prescribed in the Alabama Rules of
9 Appellate procedure under this division, the prevailing party
10 shall file the same or a certified transcript thereof of the
11 judgment for record in the land records division of the
12 probate court of the county in which the land lies and ~~tax the~~
13 ~~expense thereof in the costs of the case~~ pay the court costs.
14 The probate judge shall record the ~~judgment~~ copy in the same
15 book and manner in which deeds are recorded and index the
16 ~~names of defendants or parties against whom the relief is~~
17 ~~granted in the direct index and the names of the plaintiffs or~~
18 ~~parties quieted in possession of the land in the reverse index~~
19 same as in the judgment ordered or directed.

20 "§6-6-570.

21 "The court ~~shall~~, in ~~the~~ any judgment concerning
22 real property, shall order that a certified copy ~~thereof~~ of
23 the judgment be recorded in the land records division of the
24 office of the judge of probate for the county in which the
25 lands lie, and in the judgment direct in whose names it shall
26 be indexed on the direct index and in whose names it shall be
27 indexed on the indirect index and in whose names it shall be

1 indexed on the indirect index of the record thereof. The
2 register or clerk shall, ~~within 30 days from the entry of the~~
3 ~~judgment,~~ accept from the prevailing counsel or party a
4 certified copy of the judgment, and shall file a the certified
5 copy thereof in the land records division of the probate court
6 of the county in which the land lies, and the office of the
7 judge of probate for record and tax the expense thereof as
8 part of the cost of the case pay the court costs. The judge of
9 probate shall record ~~such~~ the copy in the same book and manner
10 in which deeds are recorded, and index the same as in said the
11 judgment ordered or directed. Said The judgment shall be
12 binding upon all persons except as is provided in this
13 division."

14 Section 2. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.