

1 SB412  
2 116722-4  
3 By Senator Ross  
4 RFD: Judiciary  
5 First Read: 11-FEB-10

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Section 11-52-33, Code of Alabama 1975,  
12 relating to municipal subdivision development; to provide that  
13 nothing in the section shall impair or limit a valid and  
14 enforceable contract for the purchase or sale of any lot in a  
15 proposed subdivision; and to provide that this act shall apply  
16 retroactively to those otherwise valid contracts entered into  
17 prior to September 4, 2009, and those valid contracts entered  
18 into after the effective date of this amendatory act.

19 Through this amendatory act, the Legislature intends  
20 that any otherwise valid contract for the purchase or sale of  
21 a lot or lots in a proposed subdivision entered into prior to  
22 September 4, 2009, and, any otherwise valid contract entered  
23 into after this amendatory act becomes effective, to convey,  
24 transfer, or to sell any land by reference to or exhibition of  
25 or by other use of a plat of a subdivision before such plat  
26 has been approved shall be valid and enforceable.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Section 11-52-33, Code of Alabama 1975,  
2 is hereby amended to read as follows:

3                   "§11-52-33.

4                   "Whoever, being the owner or agent of the owner of  
5 any land located within a subdivision, conveys, transfers, or  
6 sells ~~or agrees to sell or negotiates to sell~~ any land by  
7 reference to or exhibition of or by other use of a plat of a  
8 subdivision before such plat has been approved by the ~~planning~~  
9 commission appropriate commission, department, or agency of  
10 any municipality requiring such approval and recorded or filed  
11 in the office of the appropriate county probate office shall  
12 forfeit and pay a penalty of \$100.00 for each lot or parcel so  
13 transferred or sold ~~or agreed or negotiated to be sold,~~ and  
14 the description of such lot or parcel by metes and bounds in  
15 the instrument of transfer or other document used in the  
16 process of selling or transferring shall not exempt the  
17 transaction from such penalties or from the remedies provided  
18 in this section.

19                   "The ~~municipal corporation~~ municipality may enjoin  
20 such conveyance, transfer, or sale ~~or agreement~~ by a civil  
21 action for injunction brought in any court of competent  
22 jurisdiction or may recover the same penalty provided in this  
23 section by a civil action in any court of competent  
24 jurisdiction.

25                   "Nothing in this section shall impair, impede, or  
26 prohibit any person or entity from entering into any otherwise

1 valid and enforceable contract for the purchase or sale of any  
2 lot within any proposed subdivision prior to its approval."

3 Section 2. This act amending Section 11-52-33, code  
4 of Alabama 1975, shall apply retroactively to all otherwise  
5 valid contracts entered into prior to September 4, 2009, and  
6 those valid contracts entered into after the effective date of  
7 this amendatory act.

8 Section 3. The provisions of this amendatory act are  
9 severable. If any part of this act is declared invalid or  
10 unconstitutional, that declaration shall not affect the part  
11 which remains.

12 Section 4. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary ..... 11-FEB-10

Read for the second time and placed on the calen-  
dar 2 amendments ..... 11-MAR-10

Read for the third time and passed as amended ... 14-APR-10

Yeas 30  
Nays 1  
Abstaining 1

McDowell Lee  
Secretary