

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

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8 SYNOPSIS: This bill would amend Section 11-52-33,
9 Code of Alabama 1975, to provide that nothing in
10 the section shall impair or impede any person or
11 entity from entering a valid contract for the
12 purchase or sale of any lot within any proposed
13 subdivision.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 11-52-33, Code of Alabama 1975,
20 relating to municipal subdivision development; to provide that
21 nothing in the section shall impair or limit a valid and
22 enforceable contract for the purchase or sale of any lot in a
23 proposed subdivision.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§11-52-33.

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

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

22 "Nothing in this section shall impair, impede, or
23 prohibit any person or entity from entering into any otherwise
24 valid and enforceable contract for the purchase or sale of any
25 lot within any proposed subdivision prior to its approval."

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