

1 HB20
2 207753-1
3 By Representative Stadthagen
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 10/29/2020

SYNOPSIS: Under existing law, the judgment of a court in an action for quiet title is required to be filed for record with 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 quiet title actions; to amend Sections 6-6-544 and 6-6-570, Code of Alabama 1975, to provide further for the recording of certain judgments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 "§6-6-544.

2 "The register or clerk ~~shall~~, within 30 days from
3 the entry of a judgment under this division, including a quiet
4 title, condemnation, or other judgment involving a land
5 boundary or title, shall file the ~~same~~ judgment or a certified
6 transcript ~~thereof~~ of the judgment for record in the probate
7 court of the county in which the land lies and tax the expense
8 thereof in the costs of the case. The ~~probate~~ judge of probate
9 shall record the judgment in the same book and manner in which
10 deeds are recorded and index the names of defendants or
11 parties against whom the relief is granted in the direct index
12 and the names of the plaintiffs or parties quieted in
13 possession of the land in the reverse index.

14 "§6-6-570.

15 "The court ~~shall~~, in the judgment, including a quiet
16 title, condemnation, or other judgment involving a land
17 boundary or title, shall order that a certified copy ~~thereof~~
18 of the judgment be recorded in the office of the judge of
19 probate for the county in which the lands lie, and in the
20 judgment direct in whose names it shall be indexed on the
21 direct index and in whose names it shall be indexed on the
22 indirect index of the record thereof. The register or clerk
23 ~~shall~~, within 30 days from the entry of the judgment, shall
24 file a certified copy ~~thereof~~ of the judgment in the office of
25 the judge of probate for record and tax the expense thereof as
26 part of the cost of the case. The judge of probate shall
27 record ~~such~~ the copy in the same book and manner in which

1 deeds are recorded and index the same as in ~~said~~ the judgment
2 ordered or directed. ~~Said~~ The judgment shall be binding upon
3 all persons except as is provided in this division."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.