

House Judiciary Reported Substitute for HB328



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to civil procedure; to amend Sections 6-6-544 and 6-6-570, Code of Alabama 1975, to provide further for the recording of certain judgments concerning real property.

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:

"§6-6-544

~~The register or clerk shall, within~~Within 30 days ~~from the entry of a judgment under this division, file the same after a judgment entered under this division becomes final, with no possibility of post-trial motions or appellate review, the prevailing party shall file a certified copy of the judgment~~ or a certified transcript thereof for record in the probate court of the county in which the land lies and ~~tax~~ assume the expense thereof ~~in the costs~~ as a cost of the case. The ~~probate~~ judge of probate shall record the judgment in the same book and manner in which deeds are recorded and index the names of defendants or parties against whom the relief is granted in the direct index and the names of the plaintiffs or parties quieted in possession of the land in the reverse



House Judiciary Reported Substitute for HB328

29 index."

30 "§6-6-570

31 (a) The court ~~shall~~, in the judgment, shall order that
32 a certified copy thereof of the judgment be recorded in the
33 office of the judge of probate for the county in which the
34 lands lie, and ~~in the judgment~~ direct in whose names ~~it~~the
35 judgment shall be indexed on the direct index and in whose
36 names ~~it~~the judgment shall be indexed on the indirect index of
37 the record ~~thereof~~. ~~The register or clerk shall, within~~

38 (b) Within 30 days ~~from~~ after the ~~the entry of the~~
39 judgment becomes final, with no possibility of post-trial
40 motions or appellate review, the judge of probate shall accept
41 from the prevailing counsel or party ~~file~~ a certified copy
42 ~~thereof~~ of the judgment in the office of the judge of probate
43 for record and tax the expense thereof as part of the cost of
44 the case. The judge of probate shall record ~~such~~ the copy in
45 the same book and manner in which deeds are recorded and index
46 the same as in ~~said~~ the judgment ordered or directed. ~~Said~~ The
47 judgment shall be binding upon all persons except as is
48 provided in this division."

49 Section 2. In any judgment concerning real property
50 under Chapter 6 of Title 35, the judgment shall be recorded in
51 the same manner as provided under Section 6-6-544, Code of
52 Alabama 1975.

53 Section 3. This act shall become effective on the first
54 day of the third month following its passage and approval by
55 the Governor, or its otherwise becoming law.