



**House Judiciary Reported Substitute for SB292**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to title fraud; to add a new Chapter 21 to Title 35, Code of Alabama 1975, to create the Alabama Property Protection Act of 2026; to establish a consumer administrative complaint process through the Alabama Securities Commission; to authorize the commission to investigate and take action against alleged fraud in certain real estate conveyances including voiding fraudulent conveyances; to require settlement agents to verify identity of a seller prior to closing and to maintain identification documentation for five years; to allow appeals to the circuit court of administrative orders regarding the validity of real property conveyances; to provide that circuit court shall use a de novo standard of review for appeals; to add Sections 8-6-61, 12-13-55, and 13A-9-23 to the Code of Alabama 1975, to create the Alabama Title Fraud Recovery Fund to be administered by the Alabama Securities Commission; to grant the Alabama Securities Commission investigative and enforcement authority; to authorize civil penalties for certain fraudulent conveyance actions; to allow judges of probate to establish a real property owner notification service; to establish the crime of



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29 aggravated fraudulent sale or lease of residential real  
30 property and classify the crime as a Class C felony; to add a  
31 new Chapter 19J to Title 8, Code of Alabama 1975, to require  
32 online real estate platforms to verify ownership for listings  
33 in certain transactions; to amend Sections 6-6-540, 6-6-545,  
34 and 6-6-571, Code of Alabama 1975, to provide for expedited  
35 quiet title actions and recovery of costs and attorney fees in  
36 certain quiet title actions; to amend Sections 13A-9-12 and  
37 13A-9-22, Code of Alabama 1975, to make fraudulent sale of  
38 residential real property a Class D felony and to allow  
39 expungement of fraudulent conveyance documents; to amend  
40 Sections 36-20-73, and 36-20-73.1, Code of Alabama 1975, to  
41 revise duties of notaries public, to prohibit remote  
42 notarization of deeds for certain transactions; and to make  
43 nonsubstantive, technical revisions to update the existing  
44 code language to current style.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46 Section 1. Chapter 21, commencing with Section 35-21-1,  
47 is added to Title 35, Code of Alabama 1975, to read as  
48 follows:

49 §35-21-1

50 (a) This chapter shall be known and may be cited as the  
51 Alabama Property Protection Act of 2026.

52 (b) The Legislature finds that protecting private  
53 property owners from seller impersonation fraud and other  
54 forms of title fraud, and ensuring swift remedies when real  
55 property is fraudulently conveyed, are essential to the public  
56 interest and to the integrity of Alabama's property records



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57 and real estate market.

58 §35-21-2

59 For the purposes of this chapter, the term "commission"  
60 means the Alabama Securities Commission.

61 §35-21-3

62 (a) The commission shall have authority to investigate  
63 claims and administer, implement, and enforce the law under  
64 this chapter with respect to all regulated conduct,  
65 individuals, and entities described herein, regardless of  
66 licensure under any other provision of law. This authority  
67 shall not preclude other professional licensing authorities  
68 from pursuing professional licensing violations under Chapter  
69 25 of Title 27, Chapter 3 of Title 34, Chapter 27 of Title 34,  
70 or Chapter 20 of Title 36.

71 (b) The commission may adopt rules necessary to carry  
72 out this chapter, including, but not limited to, rules  
73 governing:

74 (1) Consumer complaint intake and resolution  
75 procedures;

76 (2) Disclosure forms and content;

77 (3) Examination, reporting, and recordkeeping  
78 requirements;

79 (4) Fees, fines, penalty schedules, and remedial  
80 measures established by rule;

81 (5) A means of giving constructive notice of the  
82 commission's administrative orders to third parties in a  
83 central location or searchable database; and

84 (6) Definitions and standards necessary to prevent



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85 circumvention of this chapter.

86 (c) The commission may:

87 (1) Conduct investigations and examinations and issue  
88 administrative orders detailing its findings;

89 (2) Require the production of documents and testimony;

90 (3) Issue subpoenas;

91 (4) Issue cease and desist orders;

92 (5) Impose administrative fines and penalties per  
93 violation;

94 (6) Order restitution, rescission, disgorgement, or  
95 other remedial relief;

96 (7) Prosecute criminal violations where authorized by  
97 law; and

98 (8) Coordinate with other agencies as authorized by  
99 law.

100 (d) The commission may bring an action in any court of  
101 appropriate jurisdiction to obtain an order imposing:

102 (1) Injunctive or other relief;

103 (2) Civil penalties;

104 (3) Restitution, rescission, or disgorgement;

105 (4) Enforcement of administrative orders;

106 (5) Recovery of investigative and enforcement costs;

107 and

108 (6) Appointment of a receiver.

109 (e) Nothing in this chapter shall be construed to limit  
110 criminal prosecution under any law or to require exhaustion of  
111 administrative remedies prior to criminal enforcement.

112 (f) Nothing in this chapter shall apply to the

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113 acquisition of real property, easements, or rights-of-way for  
114 utility infrastructure.

115 §35-21-4

116 (a) When the commission determines, after receiving a  
117 complaint and conducting an investigation, that a real  
118 property or real estate conveyance occurred as a result of a  
119 criminal act or fraud, any proceeds derived from the  
120 fraudulent conveyance may be forfeited and deposited into the  
121 Alabama Title Fraud Recovery Fund established under Section  
122 8-6-61. No person or individual may profit by retaining  
123 proceeds from such a conveyance. Bank, credit union, title  
124 insurer, state or local government fees, premiums, or  
125 principal and interest payments to a lender may not be  
126 included in forfeiture. Any forfeiture penalty under this  
127 section shall be commenced not later than four years after the  
128 date the transfer is recorded in the public record.

129 (b) This act does not limit the right to bring civil or  
130 equitable actions that may lawfully arise under existing  
131 Alabama laws.

132 (c) The commission shall have the authority to  
133 administratively determine land fraud and fraudulent  
134 conveyance under this chapter. Nothing in this chapter shall  
135 limit the jurisdiction of the circuit court to hear de novo  
136 appeals or to grant equitable relief consistent with a final  
137 administrative order of the commission.

138 35-21-5

139 (a) A real estate agent or broker licensed under  
140 Chapter 27 of Title 34 may not enter into an agreement to sell



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141 or lease real property when the seller is unknown to the real  
142 estate agent or broker and is not physically present to meet  
143 with the real estate agent or broker, unless the seller  
144 provides government-issued identification and ownership  
145 records of the real property.

146 (b) Prior to closing any transfer of Class III  
147 properties, as defined in Section 40-8-1, a settlement agent  
148 shall conduct identity document validation and identity  
149 verification of the seller of real property that is vacant or  
150 not owner-occupied and unencumbered by a security instrument.

151 (c) Documentation demonstrating compliance with this  
152 section shall constitute an affirmative defense to a civil  
153 claim brought under this chapter. The existence of this  
154 affirmative defense shall be a question of law for the court  
155 and may be decided on a motion for summary judgment.

156 (d) The documentation demonstrating compliance required  
157 under this section shall be maintained for five years. Any  
158 civil action against a real estate agent, broker, or  
159 settlement agent arising from a transfer of real property  
160 shall be commenced no later than four years after the date the  
161 transfer is recorded in the public records.

162 §35-21-6

163 (a) The commission may fund a statewide real property  
164 notification alert system that notifies a real property owner  
165 by text or email when a recording is made on his or her real  
166 property.

167 (b) The commission may provide training and assistance  
168 to any municipal, county, or state entity, their staff, and

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169 real property owners on real estate fraud prevention and  
170 consumer education.

171 §35-21-7

172 The expedited quiet title process established in  
173 Section 6-6-540 applies to transactions in this chapter.

174 §35-21-8

175 (a) Upon receipt of a complaint alleging land fraud or  
176 a fraudulent conveyance, the commission may investigate the  
177 matter using all authority granted under this chapter.

178 (b) If the commission determines that a real property  
179 conveyance resulted from a criminal act or fraud involving the  
180 true ownership of the real property, the commission may issue  
181 a final administrative order declaring the conveyance void.  
182 The commission, in the same order, may impose civil penalties,  
183 order restitution or disgorgement, and assess any other  
184 remedies authorized by law.

185 (c) A final administrative order issued by the  
186 commission declaring a conveyance void shall be legally  
187 binding and enforceable. The administrative order shall not be  
188 stayed except by order of the circuit court in a timely filed  
189 de novo appeal.

190 (d) Upon issuance of a final administrative order, the  
191 commission shall serve a copy of the order by certified mail  
192 upon the complainant and all parties to the proceeding. The  
193 complainant may file a certified copy of the final  
194 administrative order in the circuit court of the county where  
195 the real property is located for purposes of enforcement and  
196 quiet title relief.



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197 §35-21-9

198 (a) Any party aggrieved by a final administrative order  
199 of the commission may seek judicial review by filing an appeal  
200 in the circuit court of the county where the real property is  
201 located no later than 30 days after the date of the final  
202 administrative order.

203 (b) An appeal to the circuit court shall be tried de  
204 novo.

205 §35-21-10

206 (a) If no timely appeal is filed, the circuit court,  
207 upon a quiet title petition by the complainant with a copy of  
208 the administrative order attached, shall enter an order  
209 enforcing the final administrative order no later than 30 days  
210 from the filing date of the quiet title petition without  
211 further evidentiary hearing or procedural delay. The court may  
212 waive the filing fees and court costs for good cause shown.  
213 The enforcement order shall:

214 (1) Declare the fraudulent conveyance or attempted  
215 conveyance void;

216 (2) Direct the judge of probate to nullify any recorded  
217 instrument that clouds title or conflicts with the  
218 administrative order; and

219 (3) Quiet title in favor of the rightful real property  
220 owner.

221 (b) Upon receipt of a quiet title enforcement order  
222 issued to the circuit court pursuant to this section, the  
223 judges of probate shall promptly record the circuit court  
224 order and administrative order.



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225 (c) The judge of probate may comply with an enforcement  
226 order under this section by recording the enforcement order in  
227 the official real property records and making a marginal  
228 notation on the voided instrument referencing the recorded  
229 order, or making a cross reference to the voided instrument  
230 when recording the enforcement order.

231 §35-21-11

232 (a) When the commission determines, after receiving a  
233 complaint and conducting an investigation, that a real  
234 property or real estate conveyance occurred as a result of a  
235 criminal act or fraud, any proceeds derived from the  
236 fraudulent conveyance may be ordered to be forfeited and  
237 deposited into the Alabama Title Fraud Recovery Fund  
238 established under Section 8-6-61, unless otherwise ordered by  
239 the circuit court.

240 (b) This section does not limit the right to bring  
241 civil or equitable actions that may lawfully arise under  
242 existing Alabama laws.

243 (c) Any person who knowingly fails to remit proceeds  
244 from a fraudulent conveyance or files frivolous litigation to  
245 delay enforcement may be assessed an additional civil penalty  
246 of ten thousand dollars (\$10,000), payable to the Alabama  
247 Title Fraud Recovery Fund.

248 §35-21-12

249 The crimes of fraudulent sale or lease of residential  
250 real property or aggravated fraudulent conveyance of real  
251 property established in Article 1, Chapter 9 of Title 13A does  
252 not preclude the state from pursuing additional criminal



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253 prosecution as authorized by law.

254 Section 2. Sections 8-6-61, 12-13-55, and 13A-9-23 are  
255 added to the Code of Alabama 1975, to read as follows:

256 §8-6-61

257 (a) There is established in the State Treasury an  
258 Alabama Title Fraud Recovery Fund to be administered by the  
259 Alabama Securities Commission in accordance with this section.  
260 The fund shall be budgeted and allotted in accordance with  
261 Article 4 of Chapter 4 of Title 41 and Chapter 19 of Title 41.

262 (b) Money in the fund shall only be used to compensate  
263 individuals injured by title conveyance fraud for actual  
264 economic damages, excluding interest and court costs, incurred  
265 by the injured party. Payments from the fund are subject to  
266 the following limitations and conditions:

267 (1) The fund shall only make payments to real property  
268 owners who file a complaint with the commission as required by  
269 this section.

270 (2) The fund shall not issue payments based on consent  
271 judgments.

272 (c) The commission, by rule, shall set the maximum  
273 payment amount that can be issued from the fund to a  
274 complainant.

275 (d) Any person with a claim for title conveyance fraud  
276 may submit a written complaint to the commission, which may  
277 investigate the complaint.

278 (e) During the investigation of a complaint, the  
279 commission may:

280 (1) Hold hearings;



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281 (2) Subpoena witnesses;

282 (3) Administer oaths;

283 (4) Examine any individual under oath; and

284 (5) Compel the production of records, books, papers,  
285 contracts, or other documents.

286 (f) If an individual fails to comply with a subpoena  
287 issued by the commission or to testify on matters for which  
288 the individual may be questioned under this section, the  
289 commission may petition a court of competent jurisdiction for  
290 enforcement.

291 (g) If the commission determines that a person is  
292 liable for fraudulent title conveyance, the commission may  
293 take any of the following actions:

294 (1) Issue an administrative order declaring the  
295 conveyance void pursuant to Chapter 21 of Title 35.

296 (2) Impose a civil penalty of up to one hundred  
297 thousand dollars (\$100,000) per transaction on the liable  
298 person or persons who have committed the fraud, which shall be  
299 deposited into the Alabama Title Fraud Recovery Fund.

300 (h) Any final order issued by the commission shall be  
301 legally binding and shall not be stayed except by order of the  
302 circuit court in a timely filed appeal. Any party dissatisfied  
303 with a final judgment or decision by the commission may appeal  
304 to the circuit court where the property is located no later  
305 than 30 days from the date of the final administrative order  
306 of the Alabama Securities Commission. For appeals, the  
307 commission shall provide a certified transcript of the  
308 proceedings and actions taken by the commission to the circuit



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309 court to which the appeal is taken.

310 (i) The judge of probate may comply with an  
311 administrative order under this section by recording the  
312 enforcement order in the official real property records and  
313 making a marginal notation on the voided instrument  
314 referencing the recorded order, or by making a cross reference  
315 to the voided instrument when recording the administrative  
316 order.

317 (j) (1) Nothing in this chapter shall apply to the  
318 acquisition of real property, easements, or rights-of-way for  
319 utility infrastructure.

320 (2) Banks, credit unions, title insurers, and state or  
321 local governments shall not be subject to civil penalties  
322 under this section. This subdivision does not apply to any  
323 individual acting as a real estate agent or settlement agent,  
324 regardless of the individual's employer.

325 (3) Documentation demonstrating compliance with the  
326 requirements of Section 35-21-5 shall constitute an  
327 affirmative defense to any civil penalty under this section  
328 for individuals acting as a real estate agent or settlement  
329 agent.

330 (4) Any civil penalty under this section shall be  
331 commenced not later than four years after the date the  
332 transfer is recorded in the public record.

333 §12-13-55

334 (a) In cooperation with the Alabama Securities  
335 Commission, each judge of probate may establish a real  
336 property owner notification service that informs owners of



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337 real property in the county whenever a document is recorded in  
338 the name of the real property owner or the address of the real  
339 property owner registered with the recording clerk where the  
340 property is located.

341 (b) Once established, the property owner notification  
342 service shall be free and available to any property owner who  
343 owns real property in the county.

344 (c) A judge of probate, the commission, or a third-  
345 party provider shall not be liable for failure to provide  
346 notice under this section.

347 §13A-9-23

348 (a) A person commits the crime of aggravated fraudulent  
349 sale or lease of residential real property if, with the intent  
350 to defraud:

351 (1) The person either: (i) lists, advertises, or causes  
352 the listing or advertisement of residential real property for  
353 sale knowing that the person or the purported seller has no  
354 legal title or authority to sell the real property; or (ii)  
355 rents, leases, or causes the rental or leasing of real  
356 property knowing the person or the purported lessor has no  
357 legal ownership or authority to lease the property; and

358 (2) Either: (i) the person received funds related to  
359 the sale or lease; or (ii) the property is owned individually  
360 or jointly by an individual who is 70 years of age or older.

361 (b) Aggravated fraudulent sale of real property is a  
362 Class C felony.

363 Section 3. Chapter 19J, commencing with Section  
364 8-19J-1, is added to Title 8, Code of Alabama 1975, to read as



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365 follows:

366 Chapter 19J

367 §8-19J-1

368 For the purposes of this chapter, the term "online real  
369 estate platform" means: (i) a digital media platform whose  
370 primary business purpose is to publicly advertise real estate  
371 for sale or lease; or (ii) a real estate website whose primary  
372 purpose is publicly advertising real estate for sale or lease.  
373 For purposes of this chapter, an online real estate platform  
374 does not include:

375 (1) Nonpublic websites, portals, list serves, social  
376 media websites, or news sites.

377 (2) Multiple listing services operated by or on behalf  
378 of licensed real estate brokers and accessible only to  
379 licensed real estate professionals and their clients; or

380 (3) Internal business tools that do not provide a  
381 public-facing listing search experience to the general public.

382 §8-19J-2

383 (a) For a listing that originates from an online real  
384 estate platform through a direct contract with the property  
385 owner and is not first listed with a licensed real estate  
386 broker, real estate brokerage, or multiple listing service,  
387 the platform shall require the following before publishing,  
388 hosting, advertising, or otherwise publicly disseminating real  
389 property for sale or lease:

390 (1) A copy of the owner's government-issued  
391 identification that is unexpired and includes the individual's  
392 photograph, name, and address.



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393 (2) A copy of the official county recorder's records  
394 showing the owner of record, a copy of the deed to the real  
395 property with the owner's name, a title history, or a last  
396 will and testament.

397 (b) An online real estate platform may satisfy the  
398 requirements of this section by using a third-party identity  
399 or title verification service.

400 §8-19J-3

401 (a) An online real estate platform may display,  
402 publish, host, advertise, or otherwise distribute interior  
403 photos or videos of real property that is not currently listed  
404 for sale, subject to the requirements of this section.

405 (b) The current owner of record of real property may  
406 submit a written request to an online real estate platform to  
407 remove interior photos or videos of the owner's property from  
408 public display.

409 (c) Upon receipt of a request submitted pursuant to  
410 subsection (b), the online real estate platform shall:

411 (1) Verify the identity and ownership status of the  
412 requesting party through reasonable means; and

413 (2) Remove the interior photos or videos from public  
414 display within 30 days after verification of ownership.

415 (d) Nothing in this section shall require an online  
416 real estate platform to remove interior photos or videos  
417 absent a request from the current property owner.

418 (e) This section shall not be construed to prohibit the  
419 retention of interior photos or videos for archival, legal  
420 compliance, fraud prevention, or internal business purposes,



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421 provided such photos or videos are not publicly displayed  
422 after a valid removal request.

423 §8-19J-4

424 (a) An online real estate platform that follows the  
425 practices outlined in Sections 8-19J-2 and 8-19J-3 shall  
426 create a rebuttable presumption that the platform acted  
427 reasonably. Such adherence does not preclude administrative  
428 action by the commission. The existence of the presumption  
429 shall be a question of law for the court and may be determined  
430 on a motion for summary judgment.

431 (b) An action under this chapter against an online real  
432 estate platform shall be commenced no later than four years  
433 after the date the transfer is recorded in the public record.

434 (c) An online real estate platform may not be liable  
435 for negligence arising from a syndicated listing or from an  
436 intermediary agent or broker that fails to obtain property  
437 documentation before listing real property.

438 §8-19J-5

439 No Internet service provider, or its affiliates or  
440 subsidiaries, search engine, or cloud service provider shall  
441 be considered to have violated this chapter solely for  
442 providing access or connection to or from a website, to  
443 content on the Internet, or to a facility, system, or network  
444 not under that provider's control, including transmission,  
445 download, intermediate storage, or access software.

446 Section 4. Sections 6-6-540, 6-6-545, 6-6-571, 13A-9-12  
447 13A-9-22, 36-20-73, and 36-20-73.1, Code of Alabama 1975, are  
448 amended to read as follows:

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449 "§6-6-540

450 (a) When any person is in peaceable possession of  
451 lands, whether actual or constructive, claiming to own the  
452 same, in his or her own right or as a personal representative  
453 or guardian, and his or her title ~~thereto~~, or any part  
454 thereof, is denied or disputed or any other person claims or  
455 is reputed to own the same, any part thereof, or any interest  
456 therein or to hold any lien or encumbrance thereon and no  
457 action is pending to enforce or test the validity of ~~such~~ the  
458 title, claim, or encumbrance, ~~such~~ the person or his or her  
459 personal representative or guardian, ~~so~~ in possession, ~~7~~ may  
460 commence an action to settle the title to such lands and to  
461 clear up all doubts or disputes concerning the same.

462 (b) (1) An expedited quiet title action against a parcel  
463 of real property may be maintained under this article based on  
464 a fraudulent title conveyance allegation. All actions to quiet  
465 title based on fraudulent title conveyance allegations must be  
466 brought in the circuit court where the real property is  
467 located which shall have equitable jurisdiction pursuant to  
468 Section 12-11-31.

469 (2)a. A petitioner bringing an action to quiet title  
470 based on fraudulent title conveyance allegations is entitled  
471 to an expedited procedure. The court shall set the date, time,  
472 and place for a preliminary hearing on the petition no later  
473 than 30 days from service of the complaint.

474 b. In an expedited action to quiet title under this  
475 section, when the court determines that an attempt was made to  
476 fraudulently convey the land at issue from a plaintiff who had



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477 legal title to the land before the conveyance, the court shall  
 478 quiet title in and award the plaintiff with the same title and  
 479 rights to the land that the plaintiff enjoyed before the  
 480 attempted conveyance.

481 (3) A petitioner may file a single petition with the  
 482 clerk of the circuit court for the judicial circuit in which  
 483 the subject property is located for an order to quiet title  
 484 and expedite an action to invalidate a fraudulent instrument  
 485 to one or more parcels of real property under this section.  
 486 The petition shall identify each parcel by its legal  
 487 description, tax parcel number, and street address, if  
 488 available.

489 (4) The Administrative Office of Courts shall provide a  
 490 simplified form for the filing of a complaint to quiet title  
 491 based on a fraudulent title conveyance allegation and  
 492 instructions for completing the form."

493 "§6-6-545

494 (a) No judgment for costs shall be had under this  
 495 division against a defendant~~who suffers a judgment by default~~  
 496 ~~against him~~ against whom a plaintiff receives a default  
 497 judgment or who, in his or her answer, disclaims all title to,  
 498 interest in, or encumbrance on the lands; ~~but the~~ The court  
 499 ~~shall~~, in those cases, and without further proof, shall  
 500 adjudge that~~such the~~ defendant has no estate or interest in  
 501 or encumbrance on such lands, or any part thereof. Any  
 502 defendant who ~~shall~~, by answer under oath, ~~deny~~ denies that he  
 503 or she claims, or ever has claimed, or pretended to have any  
 504 estate, interest, or encumbrance in, or upon, or such lands, or

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505 any part ~~thereof~~ of the lands, shall be entitled to recover  
506 his or her costs in the action.

507 (b) In any case where the court finds that the  
508 defendant fraudulently created or caused to be created the  
509 instrument that is sought to be cancelled, the plaintiff shall  
510 be entitled to recover all costs, including reasonable  
511 attorney fees, incurred in bringing the action to cancel the  
512 instrument."

513 "§6-6-571

514 (a) The court ~~shall have the power to~~ may assess the  
515 cost of a hearing held pursuant to the terms of this division,  
516 including the fee of the guardian ad litem, to the  
517 plaintiffs~~;~~ , provided~~, that should some of the defendants file~~  
518 that if any defendant files counterclaims or ~~should certain~~  
519 ~~persons intervene~~ any person intervenes, the cost shall be  
520 assessed by the court as justice may require.

521 (b) In any case where it is found that the defendant  
522 fraudulently created the instrument that is sought to be  
523 canceled, the plaintiff shall be entitled to recover all  
524 costs, including reasonable attorney fees, incurred in  
525 bringing the action to cancel the instrument."

526 "§13A-9-12

527 (a) A person commits the crime of offering a false  
528 instrument for recording if, knowing that a written instrument  
529 relating to or affecting real or personal property, or an  
530 interest therein, or directly affecting contractual  
531 relationships contains a material false statement or material  
532 false information, and with intent to defraud, he or she



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533 presents or offers it to a public office or a public employee,  
534 with the knowledge that it will be registered, filed, or  
535 recorded or will become a part of the records of that public  
536 office or public employee.

537 (b) Offering a false instrument for recording is a  
538 Class A misdemeanor.

539 (c) A person commits the crime of offering a false  
540 instrument for recording against a public servant if the  
541 person offers, for recording, a written instrument ~~which~~ that  
542 relates to or affects the real or personal property, or an  
543 interest therein, or a contractual relationship of a public  
544 servant, knowing that the written instrument contains a  
545 materially false statement or materially false information,  
546 with the intent to defraud, intimidate, or harass the public  
547 servant, or to impede the public servant in the performance of  
548 his or her duties. For the purposes of this subsection, public  
549 servant is defined as in Section 13A-10-1.

550 (d) Offering a false instrument for recording against a  
551 public servant is a Class C felony.

552 (e) (1) A ~~recording official~~ judge of probate may  
553 nullify or expunge from an official record a false or  
554 fraudulent lien, deed, or other instrument. A person or entity  
555 whose rights are affected by the filing of a lien, deed, or  
556 other instrument may petition a ~~recording official~~ judge of  
557 probate to nullify or expunge the filing. If a lien, deed, or  
558 other instrument is recorded with more than one ~~recording~~  
559 ~~official~~ judge of probate, ~~then~~ the petitioner may file such a  
560 petition with any such ~~recording official~~ judge of probate,



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561 but may file only one ~~such~~ petition, and any decision rendered  
562 on that petition in accordance with the procedures outlined in  
563 this subsection shall be equally applicable to all other  
564 filings. ~~Such~~ The petition shall be in writing and sworn under  
565 oath and based upon the personal knowledge of the petitioner.  
566 A copy of ~~such~~ the petition shall be delivered via certified  
567 and first class mail to the person or entity who filed the  
568 lien, deed, or other instrument or who claims the rights or  
569 interests thereby at an address shown on the lien, deed, or  
570 other instrument.

571 (2) Within 14 days of the filing of ~~such~~ a petition  
572 pursuant to subdivision (1), the ~~recording official~~ judge of  
573 probate shall give written notice of the filing of the  
574 petition to the person or entity who filed the lien, deed, or  
575 other instrument or who claims the rights or interests  
576 thereby. ~~Such~~ The notice shall be sent by certified and first  
577 class mail, shall be deemed delivered when placed in the mail,  
578 and shall state that any additional proof of the validity of  
579 the lien, deed or other instrument shall be filed with the  
580 ~~recording official~~ judge of probate within 14 days of the date  
581 of mailing the notice and that the failure to do so could  
582 result in the lien, deed or other instrument being nullified  
583 or expunged. The judge of probate's written notice may be  
584 waived upon submission to the recording official of a written  
585 waiver of notice, sworn to by the person who filed the false  
586 or fraudulent lien, deed, or other instrument, or who claims  
587 rights or interest under the document.

588 (3) If the ~~recording official~~ judge of probate does not



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589 grant the petition within 28 days of the date that it is  
590 filed, the petition shall be deemed denied. An order granting  
591 or denying a petition, if rendered, shall be delivered to the  
592 parties by the ~~recording official~~ judge of probate by  
593 certified first class mail, but shall not be enforced, acted  
594 upon, or effective before the expiration of 28 days from the  
595 date of mailing or the final adjudication of ~~any and~~ all  
596 appeals of that decision, at which time any final order  
597 granting the petition shall be recorded and indexed in order  
598 to provide notice that the lien, deed, or other instrument has  
599 been nullified or expunged.

600 (4) A final order granting the petition shall: (i)  
601 state the names of the persons referenced in the false or  
602 fraudulent lien, deed, or other instrument; (ii) state the  
603 indexing and recording information for that lien, deed, or  
604 other instrument; and (iii) declare that the false or  
605 fraudulent lien, deed, or other instrument is nullified and  
606 expunged.

607 (5) A party may appeal the decision of the ~~recording~~  
608 ~~official~~ judge of probate to the circuit court of any county  
609 where the lien, deed, or other instrument was filed or to the  
610 Circuit Court of Montgomery County, Alabama. ~~Such appeals~~ An  
611 appeal must be filed within 28 days of the ~~recording official~~  
612 judge of probate's order or deemed denied. ~~Such appeals~~  
613 Appeals shall be filed and commenced as a civil action under  
614 the Alabama Rules of Civil Procedure, which shall otherwise  
615 apply to such actions on appeal. A notice of the appeal shall  
616 also be filed with the ~~recording official~~ judge of probate,



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617 who shall file the notice as a lis pendens filing. The appeal  
 618 shall be de novo by the circuit court without a jury. ~~The~~  
 619 ~~prevailing party on appeal shall be entitled to a judgement~~  
 620 ~~against the other party for the prevailing party's attorneys~~  
 621 ~~fees and expenses arising out of and relating to the appeal,~~  
 622 ~~and court costs shall be taxed against the non-prevailing~~  
 623 ~~party.~~ The remedy and procedure provided in this subsection is  
 624 not exclusive or mandatory. Nothing in this subsection shall  
 625 prevent the enforcement or challenge of any recorded lien or  
 626 instrument as may otherwise be allowed by law. Nothing in this  
 627 section alters or modifies any other requirements for the  
 628 filing, enforcement, or challenge of any lien, deed, or other  
 629 instrument required or allowed by law."

630 "§13A-9-22

631 (a) A person commits the crime of fraudulent sale or  
 632 lease of residential real property if, with intent to defraud,  
 633 he or she does either of the following:

634 (1) Lists ~~or~~, advertises, or causes to list or  
 635 advertise residential real property for sale knowing that he  
 636 or she or the purported seller has no legal title or authority  
 637 to sell the property.

638 (2) Rents ~~or~~, leases, or causes to rent or lease  
 639 residential real property to another person knowing that he or  
 640 she or the purported lessor has no legal ownership or other  
 641 authority to lease the property.

642 (b) Fraudulent sale or lease of residential real  
 643 property is a Class ~~A misdemeanor~~ D felony.

644 "§36-20-73



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645 (a) Notaries public may do all of the following:

646 (1) Administer oaths in all matters incident to the  
647 exercise of their office.

648 (2) Take the acknowledgment or proof of instruments of  
649 writing relating to commerce or navigation and certify the  
650 same and all other of their official acts under their seal of  
651 office.

652 (3) Demand acceptance and payment of bills of exchange,  
653 promissory notes, and all other writings which are governed by  
654 the commercial law as to days of grace, demand, and notice of  
655 nonpayment and protest the same for nonacceptance or  
656 nonpayment and ~~to~~ give notice thereof as required by law.

657 (4) Exercise such other powers, according to commercial  
658 usage or the laws of this state, as may belong to notaries  
659 public.

660 (b) No notary public shall be obligated to perform a  
661 notarial act if he or she has a reason to believe the act is:

662 (1) For a transaction that the notary public knows or  
663 suspects is illegal, false, or deceptive;

664 (2) For an individual who is being coerced; or

665 (3) For an individual whose demeanor causes compelling  
666 doubts as to whether the person knows the consequences of the  
667 transaction requiring the notarial act."

668 "§36-20-73.1

669 (a) Except as otherwise provided in this section, any  
670 signature acknowledged by a notary public shall be executed  
671 within this state and shall be executed in the physical  
672 presence of the notary public at the time of the



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673 acknowledgment, only after the notary public has positively  
674 identified the prospective signatory via personal knowledge of  
675 the prospective signatory or the examination of photo  
676 identification issued by a governmental entity or agency.

677 (b) For the purposes of this section, the following  
678 terms shall have the following meanings:

679 (1) ORIGINAL SIGNATURE. A signature signed directly  
680 onto a document in wet ink by an individual who is named on  
681 the document.

682 (2) SIGNATORY. The individual who is named on the  
683 document and is to sign the document.

684 (c) Unless otherwise provided by law, the powers and  
685 functions of a notary public require his or her original  
686 signature.

687 (d) For purposes of this article, and subject to  
688 subsections (e) to (g), inclusive, an individual may  
689 personally appear before an acknowledging notary by either of  
690 the following:

691 (1) Physically appearing before the notary as provided  
692 in subsection (a).

693 (2) Appearing through the use of two-way audio-video  
694 communication technology that allows a notary public and a  
695 remotely located signatory to communicate with each other  
696 simultaneously by sight and sound, provided that: (i) the  
697 notary public is physically located in this state; and (ii)  
698 the two-way audio-video communication is recorded and  
699 maintained for a period of seven years by the notary public.

700 (e) All of the following shall occur prior to the



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701 performance of a remote electronic notarial act:

702 ~~(1) If appearing through the use of two-way audio-video~~  
703 ~~communication, the~~The identity of the signatory shall be  
704 verified by the notary public using either of the following  
705 methods:

706 ~~(1)~~a. The personal knowledge of the notary public of  
707 the identity of the signatory.

708 ~~(2)~~a.b.1. The presentation of two valid forms of  
709 government issued identification, one of which shall include  
710 the face and signature of the signatory; ~~and.~~

711 ~~b.~~2. A process by which the notary public verifies the  
712 identity of the signatory through a review of public or  
713 private data sources.

714 (2) The remote notary shall verify that the remotely  
715 located signatory does not appear, in the judgment of the  
716 electronic notary, to be incompetent, lacking in understanding  
717 of the nature and consequences of the transaction requiring  
718 the notarial act, or acting involuntarily, under duress, or  
719 under undue influence.

720 (3) The notary shall verify the identity of the  
721 remotely located signatory pursuant to this section.

722 (4) The notary shall inform the participants that  
723 Alabama law requires that a recording be made of the remote  
724 electronic notarization.

725 (5) The remotely located signatory must be located  
726 within the United State of America.

727 (f) ~~The~~A two-way audio-video communication recording  
728 shall contain all of the following:



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729 (1) The date and time of the remote notarial act.

730 (2) A description of the documents to which the remote  
731 notarial act relates.

732 (3) An attestation by the notary public of being  
733 physically located in this state.

734 (4) A description of how the identification of the  
735 signatory was verified.

736 (5) A clear image of any government issued  
737 identification, if applicable.

738 (6) A clear image of the act of signing observed by the  
739 notary public.

740 (g) The official date and time of the notarization is  
741 the date and time the notary public witnessed the signature,  
742 including the date and time the signature was witnessed via  
743 two-way audio-video communication technology. All documents  
744 used during the two-way audio-video communication, shall be  
745 provided to the notary public for his or her authentication  
746 and original signature.

747 (h) An electronic notary shall refuse to perform a  
748 remote electronic notarial act if either of the following  
749 applies:

750 (1) The electronic notary has reasonable grounds to  
751 believe the remotely located signatory appears in the judgment  
752 of the electronic notary to be incompetent, lacking in  
753 understanding of the nature and consequences of the  
754 transaction requiring the notarial act, or acting  
755 involuntarily, under duress, or under undue influence.

756 (2) The electronic notary becomes aware that the



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757 [communication technology is not secure or the image presented](#)  
758 [of the signatory appears to be artificially generated.](#)

759 ~~(h)~~ [\(i\)](#) Any action taken before July 1, 2021, allowing  
760 for the remote notarization of signatures under the Emergency  
761 Management Act of 1955, Article 1 of Chapter 9 of Title 31, is  
762 ratified and confirmed.

763 ~~(i)~~ [\(j\)](#) Remote notarization may not be used to notarize  
764 an absentee ballot application or an absentee ballot  
765 affidavit, or for any purpose related to voting."

766 Section 5. This act shall become effective on October  
767 1, 2026.