

HB426 INTRODUCED



1 HB426
2 5V7H763-1
3 By Representative Lee
4 RFD: Judiciary
5 First Read: 12-Feb-26



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4 SYNOPSIS:

5 This bill would create the Alabama Property
6 Protection Act of 2026 which would provide best
7 practices for title agents, attorneys, realtors, and
8 notaries public to prevent title fraud and classify the
9 existing crime of fraudulent sale of real property as a
10 Class D felony.

11 This bill would establish the crime of
12 aggravated fraudulent sale of real property and
13 classify it as a Class C felony.

14 This bill would establish the Alabama Title
15 Fraud Recovery Fund and an administrative complaint
16 process through the Alabama Securities Commission;
17 allow judges of probate to establish a real property
18 owner notification service; require online real estate
19 platforms to verify ownership prior to publishing a
20 listing; and to remove listings for properties not for
21 sale.

22 This bill would create an expedited quiet title
23 process for victims of title fraud and provide for the
24 recovery of costs and attorney fees in certain quiet
25 title actions.

26 This bill would prohibit remote notarization of
27 documents conveying interest in real property under
28 certain circumstances and also make nonsubstantive,



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29 technical revisions to update the existing code
30 language to current style.

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32

33

A BILL

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TO BE ENTITLED

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AN ACT

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Relating to title fraud; to add a new Chapter 21 to

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57 recovery of costs and attorney fees in certain quiet title
58 actions; to amend Section 13A-9-22, Code of Alabama 1975, to
59 make fraudulent sale of residential real property a Class D
60 felony; to amend Sections 35-4-20, 35-4-51, and 35-4-58, Code
61 of Alabama 1975, to require instruments conveying title to
62 real property be notarized and to increase the identification
63 required by judges of probate to record instruments conveying
64 title to real property; to amend Sections 36-20-70, 36-20-73,
65 and 36-20-73.1, Code of Alabama 1975, to revise duties of
66 notaries public, to prohibit remote notarization of deeds for
67 certain transactions; and to make nonsubstantive, technical
68 revisions to update the existing code language to current
69 style.

70 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

71 Section 1. Chapter 21, commencing with Section 35-21-1,
72 is added to Title 35, Code of Alabama 1975, to read as
73 follows:

74 §35-21-1

75 This chapter shall be known and may be cited as the
76 Alabama Property Protection Act of 2026.

77 §35-21-2

78 For the purposes of this act, the term "commission"
79 means the Alabama Securities Commission.

80 §35-21-3

81 (a) The commission shall have authority to investigate
82 claims and administer, implement, and enforce the law under
83 this chapter with respect to all regulated conduct,
84 individuals, and entities described herein, regardless of



85 licensure under any other provision of law. This authority
86 shall not preclude other professional licensing authorities
87 from pursuing professional licensing violations under Chapter
88 25 of Title 27, Chapter 3 of Title 34, Chapter 27 of Title 34,
89 or Chapter 20 of Title 36.

90 (b) The commission may adopt rules necessary to carry
91 out this chapter, including, but not limited to, rules
92 governing:

93 (1) Consumer complaint intake and resolution
94 procedures;

95 (2) Disclosure forms and content;

96 (3) Examination, reporting, and recordkeeping
97 requirements;

98 (4) Any fees, fines, penalty schedules, and remedial
99 measures established by rule;

100 (5) The creation and administration of a consumer
101 recovery fund; and

102 (6) Definitions and standards necessary to prevent
103 circumvention of this chapter.

104 (c) The commission may:

105 (1) Conduct investigations and examinations and issue
106 administrative orders detailing their findings;

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

108 (3) Issue subpoenas;

109 (4) Issue cease and desist orders;

110 (5) Impose administrative fines and penalties per
111 violation;

112 (6) Order restitution, rescission, disgorgement, or

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113 other remedial relief;

114 (7) Prosecute criminal violations where authorized by
115 law; and

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

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

119 (1) Injunctive or other relief;

120 (2) Civil penalties;

121 (3) Restitution, rescission, or disgorgement;

122 (4) Enforcement of administrative orders;

123 (5) Recovery of investigative and enforcement costs;

124 and

125 (6) Appointment of a receiver.

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

129 §35-21-4

130 (a) When the commission determines, after receiving a
131 complaint and conducting an investigation, that a real
132 property or real estate conveyance occurred as a result of a
133 criminal act or fraud, any proceeds derived from the
134 fraudulent conveyance shall be forfeited and deposited into
135 the Alabama Title Fraud Recovery Fund established under
136 Section 8-6-61. No person or individual may profit by
137 retaining proceeds from such a conveyance. Proceeds may
138 include, but are not limited to:

139 (1) Real estate agent commissions or fees;

140 (2) Closing attorney fees;



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141 (3) Title insurance premiums or agent fees; and
142 (4) Other payments connected to the fraudulent
143 transaction.

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

147 (c) The commission shall have the authority to
148 administratively determine land fraud and fraudulent
149 conveyance under this chapter. Nothing in this act shall limit
150 the jurisdiction of the circuit court to hear de novo appeals
151 or to grant equitable relief consistent with a final
152 administrative order of the commission.

153 §35-21-5

154 (a) For purposes of fraudulent conveyances of real
155 property, when the seller, real property owner, or landlord is
156 unknown to the real estate agent or broker licensed under
157 Chapter 27 of Title 34 and is not physically present to meet
158 with a real estate agent prior to listing real property for
159 sale or rent, the following shall be considered best practices
160 for real estate agents or brokers prior to listing real
161 property on any multiple listing services, websites, or
162 listing portals.

163 (1) If real property is owned by an individual, a real
164 estate agent should request and obtain the legal
165 identification of the real property owner, then:

166 a. Verify that the identification provided matches the
167 county land records;

168 b. Use an identity verification technology service to



169 ensure the identification provided matches the phone records
170 of the telephone number provided by the seller, real property
171 owner, or landlord; and

172 c. Document and maintain these records for a period of
173 five years.

174 (2) If real property is owned by an entity, a real
175 estate agent should request and obtain:

176 a. The legal identification of the real property owner
177 or an authorized company representative;

178 b. The real property deed or documents showing the
179 exact company name;

180 c. Written authority for the individual to act on the
181 company's behalf, such as a member or manager resolution,
182 board resolution, operating agreement, or other document that
183 establishes the individual's authority to act on behalf of the
184 company; and

185 d. A verification from an identity verification service
186 that the identification and company records provided match the
187 county land records, and confirmation, using the identity
188 verification service, that the identification matches the
189 phone records for the telephone number provided by the seller,
190 real property owner, or landlord.

191 (3) The real estate agent shall document and maintain
192 the records required in subdivision (2) for five years.

193 (b) Adherence to these best practices shall create a
194 rebuttable presumption that the licensed real estate agent or
195 broker acted in a reasonable manner. Such adherence does not
196 preclude administrative action by the commission. The

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197 existence of the presumption shall be a question of law for
198 the court and may be determined on a motion for summary
199 judgment.

200 (c) An action against a real estate agent or broker
201 arising from a transfer of real property shall be commenced no
202 later than four years after the date the transfer is recorded
203 in the public records.

204 \$35-21-6

205 (a) For purposes of fraudulent conveyances of real
206 property, the following shall be considered best practices for
207 a title agent licensed under Chapter 25 of Title 27 when the
208 real property owner is unknown to the title agent and is not
209 physically present at the closing:

210 (1) Obtaining the real property owner's legal
211 identification and proof of real property ownership before
212 conducting a closing.

213 (2) Verifying the real property owner's identification
214 using an identification verification technology service.

215 (3) Conducting live voice or facial recognition
216 verification of the real property owner.

217 (4) Providing written notice to the record owner that
218 the real property is under contract to be sold and that a
219 title policy has been requested for the real property.

220 (5) Verifying notarizations for remote signers by
221 speaking with the notary and confirming that the notary is
222 listed on the Secretary of State's website.

223 (6) For mail-away or remote closings, selecting the
224 notary public that the real property owner will use near the



225 owner's geographic location to ensure a neutral, independent
226 third party is physically present to verify the owner's
227 identity and witness the real property owner's signature.

228 (b) Adherence to these best practices shall create a
229 rebuttable presumption that the title agent acted in a
230 reasonable manner. Such adherence does not preclude
231 administrative action by the commission. The existence of the
232 presumption shall be a question of law for the court and may
233 be determined on a motion for summary judgment.

234 (c) An action arising against a title agent arising
235 from a transfer of real property shall be commenced no later
236 than four years after the date the transfer is recorded in the
237 public record.

238 (d) A title insurance company shall not be civilly
239 liable for the negligent acts or omissions of a title agent,
240 except as expressly provided in the terms of a title insurance
241 policy.

242 §35-21-7

243 (a) For purposes of fraudulent conveyances of real
244 property, the following shall be considered best practices for
245 an attorney licensed under Chapter 3 of Title 34 who conducts
246 real estate closing services but is not acting on behalf of a
247 title insurer or title agent when the real property owner is
248 unknown to the attorney and is not physically present at the
249 closing:

250 (1) Obtaining the real property owner's legal
251 identification and proof of property ownership, prior to
252 conducting a closing.



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253 (2) Verifying the real property owner's identification
254 using an identification verification technology service.

255 (3) Conducting live voice or facial recognition
256 verification of the real property owner.

257 (4) Providing written notice to the record owner that
258 the real property is under contract to be sold.

259 (5) Verifying notarizations for remote signers by
260 speaking with the notary and confirming that the notary is
261 listed on the Secretary of State's website.

262 (6) For mail-away or remote closings, selecting the
263 notary public that the real property owner will use from near
264 the owner's geographic location to ensure a neutral,
265 independent third party is physically present to verify the
266 owner's identity and witness the real property owner's
267 signature.

268 (b) Any expense associated with the additional due
269 diligence resulting from the real property owner's absence may
270 be passed on to the buyer or seller according to the terms of
271 the purchase agreement or other contractual documents.

272 (c) Adherence to these best practices shall create a
273 rebuttable presumption that the attorney acted in a reasonable
274 manner. Such adherence does not preclude administrative action
275 by the commission. The existence of the presumption shall be a
276 question of law for the court and may be determined on a
277 motion for summary judgment.

278 (d) An action against an attorney arising from a
279 transfer of real property shall be commenced no later than
280 four years after the date the transfer is recorded in the



281 public record.

282 §35-21-8

283 (a) For purposes of fraudulent conveyances of real
284 property, the following shall be considered best practices for
285 notaries public appointed and commissioned under Chapter 20 of
286 Title 36:

287 (1) If a notary is asked to perform a notarial act for
288 a party who is a signatory to an instrument that conveys,
289 transfers, encumbers, or affects real estate, verifying the
290 legal identity of the signatory.

291 (2) Maintaining a current address and phone number with
292 the Secretary of State.

293 (b) Adherence to these best practices shall create a
294 rebuttable presumption that the notary acted in a reasonable
295 manner. Such adherence does not preclude administrative action
296 by the commission. The existence of the presumption shall be a
297 question of law for the court and may be determined on a
298 motion for summary judgment.

299 (c) An action against a notary arising from a transfer
300 of real property shall be commenced no later than four years
301 after the date of the transfer is recorded in the public
302 record.

303 §35-21-9

304 (a) For purposes of fraudulent conveyances of real
305 property, the following shall be considered best practices for
306 online real estate platforms, as defined by Section 8-19J-1,
307 that display and advertise real property for sale or lease:

308 (1) The online real estate platform requires



309 verification of identity and proof of ownership before a
310 listing originating on its site is made active.

311 (2) The website, portal, or service follows the best
312 practices outlined in Section 8-19J-2.

313 (b) Adherence to these best practices shall create a
314 rebuttable presumption that the online real estate platform
315 acted in a reasonable manner. Such adherence does not preclude
316 administrative action by the commission. The existence of the
317 presumption shall be a question of law for the court and may
318 be determined on a motion for summary judgment.

319 (c) An action against an online real estate platform
320 shall be commenced no later than four years after the date the
321 transfer is recorded in the public record.

322 (d) An online real estate platform may not be liable
323 for the negligence arising from a syndicated listing or an
324 intermediary agent or broker that fails to obtain property
325 documentation before listing real property.

326 §35-21-10

327 (a) The commission may fund a statewide real property
328 notification alert system that notifies a real property owner
329 by text or email when a recording is made on his or her real
330 property. Judges of Probate offices, upon request, may provide
331 the commission with available contact information for real
332 property owners within his or her county for this purpose.

333 (b) Judges of probate and their staff are encouraged to
334 work with the commission to successfully enforce real estate
335 fraud laws, prevent fraud, and provide consumer education to
336 real property owners.



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337 (c) The commission may provide training and assistance
338 to judges of probate, their staff, and real property owners on
339 real estate fraud prevention and consumer education. Judges of
340 probate are encouraged to establish fraud prevention policies
341 and to provide consumer education to real property owners.

342

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

345 §35-21-12

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

349 (b) If the commission determines that a real property
350 conveyance resulted from a criminal act or fraud involving the
351 true ownership of the real property, the commission may issue
352 a final administrative order declaring the conveyance void.
353 The commission, in the same order, may impose civil penalties,
354 order restitution, or disgorgement, and assess any other
355 remedies authorized by law.

356 (c) A final administrative order issued by the
357 commission declaring a conveyance void shall be legally
358 binding and enforceable. The administrative order shall not be
359 stayed except by order of the circuit court in a timely filed
360 appeal.

361 (d) Upon issuance of a final administrative order, the
362 commission shall serve a copy of the order by certified mail
363 upon the complainant and all parties to the proceeding. The
364 complainant may file a certified copy of the final

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365 administrative order in the circuit court of the county where
366 the real property is located for purposes of enforcement and
367 quiet title relief.

368 \$35-21-13

369 (a) Any party aggrieved by a final administrative order
370 of the commission may seek de novo judicial review by filing
371 an appeal in the circuit court of the county where the real
372 property is located no later than 30 days after the date of
373 the final administrative order.

374 (b) The circuit court shall conduct a de novo review of
375 the commission's determination and may affirm, modify, or
376 vacate the order.

377 \$35-21-14

378 (a) If no timely appeal is filed, the circuit court,
379 upon a quiet title petition by the complainant, shall enter an
380 order enforcing the final administrative order no later than
381 30 days from the filing date of the quiet title petition
382 without further evidentiary hearing or procedural delay. The
383 court may waive the filing fees and court costs for good cause
384 shown. The enforcement order shall:

385 (1) Declare the fraudulent conveyance or attempted
386 conveyance void;

387 (2) Direct the judge of probate to remove or nullify
388 any recorded instrument that clouds title or conflicts with
389 the administrative order; and

390 (3) Quiet title in favor of the rightful real property
391 owner.

392 (b) The probate court shall act promptly upon receipt



393 of a quiet title enforcement order issued by the circuit court
394 pursuant this section.

395 \$35-21-15

396 (a) When the commission determines, after receiving a
397 complaint and conducting an investigation, that a real
398 property or real estate conveyance occurred as a result of a
399 criminal act or fraud, any proceeds derived from the
400 fraudulent conveyance shall be forfeited and deposited into
401 the Alabama Title Fraud Recovery Fund established under
402 Section 8-6-61, unless otherwise ordered by the circuit court.
403 Proceeds may include, but are not limited to:

404 (1) Real estate agent commissions or fees;
405 (2) Closing attorney fees;
406 (3) Title insurance premiums or agent fees; and
407 (4) Other payments connected to the fraudulent
408 transaction.

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

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

417 \$35-21-16

418 The crimes of fraudulent sale or lease of residential
419 real property or aggravated fraudulent conveyance of real
420 property established in Article 1, Chapter 9 of Title 13A does

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421 not preclude the state from pursuing additional criminal
422 prosecution as authorized by law.

423 §35-21-17

424 (a) For the purpose of combating real estate related
425 fraud, the Secretary of State may implement, by rule, a secure
426 business filing system that includes authentication of filer
427 identity, verification of authority to file, and credentialed
428 filers programs. The Secretary of State may establish
429 expedited and streamlined filing processes for verified or
430 credentialed filer and additional verification review
431 requirements for unverified or infrequent filers as necessary
432 to protect the integrity of the filing system. The Secretary
433 of State's office may refuse a business filing that it
434 believes to be fraudulent.

435 (b) Rules adopted under this section shall be
436 reasonable, nondiscriminatory, and designed to preserve public
437 access to lawful filings while preventing fraud and abuse.

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

440 §8-6-61

441 (a) There is established in the State Treasury an
442 Alabama Title Fraud Recovery Fund to be administered by the
443 Alabama Securities Commission in accordance with this section.
444 The fund shall be budgeted and allotted in accordance with
445 Article 4 of Chapter 4 of Title 41 and Chapter 19 of Title 41.

446 (b) Money in the fund shall only be used to compensate
447 individuals injured by title conveyance fraud for actual
448 economic damages, excluding interest and court costs, incurred



449 by the injured party. Payments from the fund are subject to
450 the following limitations and conditions:

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

454 (2) The fund shall not issue payments based on consent
455 judgments.

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

459 (d) Any person with a claim for title conveyance fraud
460 may submit a written complaint to the commission, which may
461 investigate it.

462 (e) During the investigation of a complaint, the
463 commission may:

464 (1) Hold hearings;
465 (2) Subpoena witnesses;
466 (3) Administer oaths;
467 (4) Examine any individual under oath; and
468 (5) Compel the production of records, books, papers,
469 contracts, or other documents.

470 (f) If an individual fails to comply with a subpoena
471 issued by the commission or to testify on matters for which
472 they can be questioned under this section, the commission may
473 petition a court of competent jurisdiction for enforcement.

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



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477 (1) Issue an administrative order finding the
478 fraudulent conveyance void and removing it from the official
479 real property records of the probate court.

480 (2) Impose a civil penalty of up to one million dollars
481 (\$1,000,000) per transaction on the liable individual or
482 entity, which shall be deposited into the Alabama Title Fraud
483 Recovery Fund.

484 (h) Any final order issued by the commission shall be
485 legally binding and shall not be stayed except by order of the
486 circuit court in a timely filed appeal. Any party dissatisfied
487 with a final judgment or decision by the commission may appeal
488 to the circuit court where the property is located no later
489 than 30 days from the date of the final administrative order
490 of the Alabama Securities Commission. For appeals, the
491 commission shall provide a certified transcript of the
492 proceedings and actions taken by the commission to the circuit
493 court to which the appeal is taken.

494 §12-13-55

495 (a) In cooperation with the Alabama Securities
496 Commission, each judge of probate may establish a real
497 property owner notification service that informs owners of
498 real property in the county whenever a document is recorded in
499 the name of the real property owner or the address of the real
500 property owner registered with the recording clerk where the
501 property is located.

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



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

508 §13A-9-23

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

512 (1) The person either: (i) lists, advertises, or causes
513 the listing or advertisement of residential real property for
514 sale knowing that the person or the purported seller has no
515 legal title or authority to sell the real property; or (ii)
516 rents, leases, or causes the rental or leasing of real
517 property knowing the person or the purported lessor has no
518 legal ownership or authority to lease the property; and

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

522 (b) Aggravated fraudulent sale of real property is a
523 Class C felony.

524 Section 3. Chapter 19J, commencing with Section
525 8-19J-1, is added to Title 8, Code of Alabama 1975, to read as
526 follows:

527 Chapter 19J

528 §8-19J-1

529 For the purposes of this chapter, the term "online real
530 estate platform" means: (i) a digital media platform whose
531 primary business purpose is to publicly advertise real estate
532 for sale or lease; or (ii) a real estate website whose primary



533 purpose is publicly advertising real estate for sale or lease.
534 This definition does not apply to nonpublic websites, portals,
535 list servers, social media websites, or new sites.

536 \$8-19J-2

537 For a listing that originates from an online real
538 estate platform, the platform shall require the following
539 before publishing, hosting, advertising, or otherwise publicly
540 disseminating real property for sale or lease by a person who
541 is not represented by an agent, broker, or brokerage service:

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

545 (2) A copy of the official county recorder's records
546 showing the owner of record, a copy of the deed to the real
547 property with the owner's name and signature, or a title
548 history.

549 \$8-19J-3

550 (a) Interior photos and videos may not be: (i) used
551 indefinitely by an online real estate platform for commercial
552 purposes; (ii) used to imply that a property is for sale; or
553 (iii) remain publicly available without written permission
554 from the current owner of the real property.

555 (b) An online real estate platform shall remove all
556 publicly available interior photos, videos, and all nonpublic
557 information from the real estate platform website no later
558 than 30 days from the date of sale, withdrawal from sale,
559 request of the owner or real estate agent representing the
560 owner that the media be removed, or upon notification and



561 syndication from a multiple listing service.

562 (c) An online real estate platform may not publicly
563 display, publish, host, advertise, or otherwise distribute
564 interior photos or listings for real estate: (i) that is not
565 for sale; or (ii) that was previously listed for sale and sold
566 more than 30 days ago.

567 §8-19J-4

568 The commission may create an administrative complaint
569 process for real property owners to ensure compliance with
570 this chapter.

571 §8-19J-5

572 No Internet service provider, or its affiliates or
573 subsidiaries, search engine, or cloud service provider shall
574 be considered to have violated this chapter solely for
575 providing access or connection to or from a website, to
576 content on the Internet, or to a facility, system, or network
577 not under that provider's control, including transmission,
578 download, intermediate storage, or access software.

579 Section 4. Sections 6-6-540, 6-6-545, 6-6-571,
580 13A-9-22, 35-4-20, 35-4-51, 35-4-58, 36-20-70, 36-20-73, and
581 36-20-73.1, Code of Alabama 1975, are amended to read as
582 follows:

583 "§6-6-540

584 (a) When any person is in peaceable possession of
585 lands, whether actual or constructive, claiming to own the
586 same, in his or her own right or as a personal representative
587 or guardian, and his or her title ~~thereto~~, or any part
588 thereof, is denied or disputed or any other person claims or



589 is reputed to own the same, any part thereof, or any interest
590 therein or to hold any lien or encumbrance thereon and no
591 action is pending to enforce or test the validity of ~~such the~~
592 title, claim, or encumbrance, ~~such the~~ person or his or her
593 personal representative or guardian, ~~so~~ in possession, may
594 commence an action to settle the title to such lands and to
595 clear up all doubts or disputes concerning the same.

596 (b) (1) An expedited quiet title action against a parcel
597 of real property may be maintained under this article based on
598 a fraudulent title conveyance allegation. All actions to quiet
599 title based on fraudulent title conveyance allegations shall
600 be brought in the circuit court where the real property is
601 located which shall have equitable jurisdiction pursuant to
602 Section 12-11-31.

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

608 b. In an expedited action to quiet title under this
609 section, when the court determines that an attempt was made to
610 fraudulently convey the land at issue from a plaintiff who had
611 legal title to the land before the conveyance, the court must
612 quiet title in and award the plaintiff with the same title and
613 rights to the land that the plaintiff enjoyed before the
614 attempted conveyance.

615 (3) A petitioner may file a single petition with the
616 clerk of the circuit court for the judicial circuit in which



617 the subject property is located for an order to quiet title
618 and expedite foreclosure to one or more parcels of real
619 property under this section. The petition shall identify each
620 parcel by its legal description, tax parcel number, and street
621 address, if available.

622 (4) The Administrative Office of Courts shall provide a
623 simplified form for the filing of a complaint to quiet title
624 based on a fraudulent title conveyance allegation and
625 instructions for completing such form."

626 "§6-6-545

627 (a) No judgment for costs shall be had under this
628 division against a defendant~~who suffers a judgment by default~~
629 ~~against him~~ against whom a plaintiff receives a default
630 judgment or who, in his or her answer, disclaims all title to,
631 interest in, or encumbrance on the lands~~; but the~~. The court
632 ~~shall~~, in those cases~~;~~ and without further proof, shall
633 adjudge that~~such the~~ defendant has no estate or interest in
634 or encumbrance on such lands~~;~~ or any part thereof. Any
635 defendant who~~shall~~, by answer under oath, ~~deny denies~~ that he
636 or she claims, or ever has claimed, or pretended to have any
637 estate, interest, or encumbrance in~~;~~ or upon~~;~~ such lands, or
638 any part~~thereof of the lands~~, shall be entitled to recover
639 his or her costs in the action.

640 (b) In any case where it is found that the defendant
641 fraudulently created or caused to be created the instrument
642 that is sought to be canceled, the plaintiff shall be entitled
643 to recover all costs, including reasonable attorney fees,
644 incurred in bringing the action to cancel the instrument."



645 "§6-6-571

646 (a) The court ~~shall have the power to~~ may assess the
647 cost of a hearing held pursuant to the terms of this division,
648 including the fee of the guardian ad litem, to the
649 plaintiffs~~s~~, provided, ~~that should some of the defendants file~~
650 that if any defendant files counterclaims or ~~should certain~~
651 ~~persons intervene~~ any person intervenes, the cost shall be
652 assessed by the court as justice may require.

653 (b) In any case where it is found that the defendant
654 fraudulently created the instrument that is sought to be
655 canceled, the plaintiff shall be entitled to recover all
656 costs, including reasonable attorney fees, incurred in
657 bringing the action to cancel the instrument."

658 "§13A-9-22

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

662 (1) Lists~~or~~, advertises, or causes to list or
663 advertise residential real property for sale knowing that he
664 or she or the purported seller has no legal title or authority
665 to sell the property.

666 (2) Rents~~or~~, leases, or causes to rent or lease
667 residential real property to another person knowing that he or
668 she or the purported lessor has no legal ownership or other
669 authority to lease the property.

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

672 "§35-4-20



673 Conveyances ~~for the alienation~~ of lands must be:

674 (1) ~~written~~Written or printed, or partly written and

675 partly printed, on ~~parchment or~~ paper; ~~and must be~~

676 (2) ~~signed~~Signed at their foot by the ~~contracting party~~

677 maker or his or her agent having a written authority; or, if

678 ~~he is~~ the maker is not able to sign ~~his name~~, then ~~his~~ the

679 maker's name must be written for him or her, with the words

680 "his mark" or "her mark" written against the same, or over it;

681 (3) ~~the execution of such conveyance must be~~

682 ~~attested~~Attested by one witness or, where the party cannot

683 write, by two witnesses who are able to write and who must

684 write their names as witnesses; or, if ~~he~~the maker can write

685 his or her name but does not do so and his or her name is

686 written for ~~him~~ the maker by another, then the execution must

687 be attested by two witnesses who can and do write their

688 names; and

689 (4) Attested by a notary public licensed pursuant to

690 Chapter 20 of Title 36."

691 "§35-4-51

692 (a) For the purposes of this section, the following

693 terms have the following meanings:

694 (1) GOVERNMENT ISSUED IDENTIFICATION. One of the

695 following documents that is unexpired and includes the

696 individual's photograph, name, and address:

697 a. A United States passport.

698 b. A United States military identification card.

699 c. A tribal identification card issued by a tribe

700 recognized by the federal government or the State of Alabama.



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- 701 d. An Alabama driver license or nondriver
702 identification card.
- 703 e. An Alabama voter identification card.
- 704 f. A driver license issued by another state.
- 705 (2) INSTRUMENT. Any of the following:
- 706 a. A deed or other document transferring title to real
707 property in Alabama.
- 708 b. A deed of trust, mortgage, judgment, lien,
709 encumbrance, bill of sale, financing statement, affidavit,
710 notice, memorandum, or any other instrument that establishes a
711 security interest in real property in Alabama.
- 712 c. A contract, right of refusal, lease, affidavit,
713 memorandum, or any other instrument that purports to establish
714 an interest, option, encumbrance, right, or any other claim
715 relating to interest in real property in Alabama.
- 716 d. An assignment of a mortgage, deed of trust, or other
717 security for debt or an extension agreement.
- 718 (3) SUSPICIOUS INSTRUMENT. An instrument submitted for
719 recording of which the office of the judge of probate has
720 found any of the following:
- 721 a. The instrument purports not to be subject to the
722 laws of the United States or the laws of Alabama.
- 723 b. The instrument does not conform to recordation
724 requirements established by the laws of Alabama.
- 725 c. The instrument is submitted by an individual who is
726 not a trusted submitter and the identity verification
727 requirements of this section are not met.
- 728 (4) TRUSTED SUBMITTER. Any of the following:



729 a. An attorney licensed to practice law in this state
730 or a representative of an attorney licensed to practice law in
731 this state.

732 b. An agent of a bank or credit union with federal
733 deposit insurance or an affiliate of a bank or credit union.

734 c. An agent of a licensed or exempt mortgage lender
735 pursuant to Chapter 25 or 26 of Title 5.

736 d. An agent of a servicer as defined in 12 C.F.R. §
737 1024.2.

738 e. A public official or employee of a federal, state,
739 or local government or a department, agency, board,
740 commission, or authority performing his or her official
741 duties.

742 f. A professional land surveyor licensed under Chapter
743 11 of Title 34 and in good standing with the State Board of
744 Licensure for Professional Engineers and Land Surveyors.

745 (b) When an instrument is presented to the judge of
746 probate for recording by a person who is not a trusted
747 submitter, the following requirements apply:

748 (1) If presented by an individual in person, the judge
749 of probate shall require the individual presenting the
750 instrument to produce a government issued identification for
751 inspection prior to recording the instrument.

752 (2) If presented by an individual via paper or
753 electronic delivery, the judge of probate shall require the
754 inclusion of a photocopy of the individual's government issued
755 identification prior to recording the instrument.

756 (3) If presented by an entity in person, the judge of



probate shall require production of the following, as applicable:

a. A corporation must produce a certificate of good standing and a secretary's certificate signed by an authorized officer of the corporation.

b. A trust must produce a certificate of trust.

c. An estate must produce letters testamentary or letters of administration.

d. A limited liability company must produce a resolution signed by its members.

e. An unincorporated nonprofit association must present a statement attesting to the authority of the individual signing the instrument to act on behalf of the association.

f. If presented by an individual on behalf of the entity, the government issued identification of the individual presenting the instrument for recordation.

g. If presented by an entity via paper or electronic delivery, a photocopy of the government issued identification of the individual or officer of the entity authorized to record the instrument, as applicable.

(c) If the instrument was prepared and executed by mail, the instrument must contain a statement to that effect.

(d) The judge of probate shall accept, without certification, a deed submitted for recording by a trusted submitter, as defined in this section, containing the following statement on the deed: "This instrument prepared by _____, an attorney licensed in the State of Alabama. As closing attorney or title agent, I certify what I



785 was physically present at the closing. I also certify that any
786 delinquent and current taxes owed will be paid by my office to
787 the county tax assessing official upon disbursement of closing
788 proceeds."

789 (e) The judge of probate shall provide notice of the
790 requirements of this section on the website of the judge of
791 probate or in the area of the office of the judge of probate
792 open to the public for the purpose of allowing the public to
793 record instruments.

794 (f) Except as may be otherwise provided by the Uniform
795 Commercial Code, ~~all deeds, mortgages, deeds of trust, bills~~
796 ~~of sale, contracts, or other documents purporting to convey~~
797 ~~any right, title, easement, or interest in any real estate or~~
798 ~~personal property and all assignments of mortgages, deeds of~~
799 ~~trust, or other securities for debt or extension agreements~~
800 ~~instruments with respect thereto, when that are~~ executed in
801 accordance with law, shall be admitted to record in the office
802 of the ~~probate~~ judge of probate of any county. ~~Their~~Its filing
803 for registration shall constitute notice of ~~their~~ its
804 contents.

805 (g) This section shall not be construed as superseding
806 or repealing any other laws effective in Alabama relative to
807 the subject matter in this article, but shall be held and
808 construed to be cumulative."

809 "§35-4-58

810 (a) Judges of probate ~~are to~~ shall procure, at the
811 expense of their counties, large and well-bound books, in
812 which must be recorded in a fair hand, or by printing the



813 same, or by the use of a typewriter or other writing or
814 printing, ~~photograph or photostat or photocopier~~ machine, word
815 for word, conveyances of property and all other instruments
816 authorized to be recorded, with the acknowledgments, proofs,
817 schedules, plats, surveys, etc., belonging thereto; and, at
818 the foot or in the margin of the record of each conveyance or
819 other instrument, the day of the month and year of the
820 delivery of the ~~same~~ instrument for record must be specified.

821 The judge making the record of any conveyance or other
822 instrument must certify on the same when it was received and
823 recorded and in what book and page the same is recorded and
824 must deliver it to the party entitled thereto, or his or her
825 order, on the payment of the fees of registration; ~~but the~~.

826 (b) The judge of probate may refuse to ~~endorse~~ endorse
827 "filed" on any conveyance or other instrument or to record the
828 ~~same until~~ instrument if one of the following occurs:

829 (1) ~~such~~ The fees of registration are not paid ~~and~~
830 ~~unless~~.

831 (2) ~~the~~ The conveyance or other instrument is not
832 witnessed, probated, or acknowledged as required by this ~~Code~~
833 chapter.

834 (3) The individual or entity presenting the instrument
835 for recording is not a trusted submitter and fails to provide
836 the required government issued identification or documents.

837 (4) The individual or entity presenting the instrument
838 for recording is not a trusted submitter and the required
839 government issued identification or documents do not match the
840 name of the grantor, grantee, or officer of the grantor or



841 grantee in the instruments presented for recording.

842 (5) The office of the judge of probate deems the
843 instrument presented for recording a suspicious instrument.

844 (c) Upon finding that an instrument presented for
845 recording is a suspicious instrument, the office of the judge
846 of probate may report the suspicious instrument to an
847 appropriate law enforcement agency.

848 (d) There is no right or cause of action against, and
849 no civil liability on the part of, the office of the judge of
850 probate or county with respect to the office of the judge of
851 probate's requirement of a government issued identification or
852 other documentation or any refusal to record any instruments
853 pursuant to this chapter.

854 (e) provided, that in In counties wherein where a
855 photostat photocopier machine or other similar ~~photograph~~
856 copying machine is used and ~~an electric~~ a time clock or time
857 stamp is used, the judge of probate may make the certificate
858 required by this section by having ~~same~~ the certificate
859 stamped upon the instrument with the ~~electric~~ time stamp ~~to~~
860 ~~read as follows~~ the following statement:

861 "STATE OF ALABAMA _____ COUNTY

862 I CERTIFY THIS INSTRUMENT WAS FILED ON THE _____ DAY OF
863 _____ (Month), _____ (Year) at _____ (time). Recorded book and
864 page as shown above.

865 (Signed) _____, Judge of Probate."

866 For making the certificate required by this section the
867 judge of probate shall not be entitled to any additional fee
868 for his or her service, other than that now provided for in



869 Section 12-19-90."

870 "§36-20-70

871 (a) (1) A competent number of notaries public for the
872 state~~at large~~ at-large shall be appointed and commissioned by
873 the judges of probate of the several counties of the state and
874 shall hold office for four years from the date of their
875 commission. Notaries public shall perform all the acts and
876 exercise all authority under the general laws of the State of
877 Alabama. The jurisdiction of the notaries public shall not be
878 limited to the counties of their residence and shall extend to
879 any county of the state.

880 (2) The judges of probate shall collect a fee of
881 twenty-five dollars (\$25) for each notary commission issued.

882 (3) The judges of probate shall also report to the
883 Secretary of State the name, phone number, county of
884 residence, date of issuance, and date of expiration of the
885 commission of each notary public appointed and commissioned
886 under this subsection on a form prescribed by the Secretary of
887 State. The Secretary of State shall post this information on
888 his or her official website searchable by name.

889 (4) Each commissioned notary public shall maintain
890 accurate contact information with the Secretary of State and
891 update the contact information no later than 30 days after any
892 change.

893 (b) All existing notaries public functioning on
894 September 1, 2023, shall continue to function pursuant to
895 their existing authority for the remainder of their existing
896 commission.



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897 (c) Each applicant for notary public commission shall
898 pay a ten dollar (\$10) application fee. A judge of probate may
899 accept or deny any application for notary public commission,
900 as developed by the Alabama Probate Judges Association and the
901 Alabama Law Institute, and shall deny an application for
902 notary public commission on any of the following grounds:

903 (1) The applicant is not a resident of this state.

904 (2) The applicant makes the application to a judge who
905 is not the judge of probate of the county of the applicant's
906 residence.

907 (3) The applicant has been convicted of a felony or
908 crime of moral turpitude.

909 (4) The applicant is currently a debtor in a bankruptcy
910 proceeding.

911 (5) The applicant is under a current order adjudicating
912 him or her incapacitated.

913 (6) The applicant provides false information on the
914 application.

915 (7) The applicant is unable or unwilling to
916 successfully complete the training program required in
917 subsection (e) within 30 days after submitting his or her
918 application. This time frame may be extended by the judge of
919 probate upon good cause shown.

920 (d) A notary public is not an insurer but is under a
921 duty to act honestly, skillfully, and with reasonable
922 diligence. A notary public shall not perform an acknowledgment
923 in any transaction where he or she has a pecuniary interest.

924 (e) Before being commissioned, an applicant for a



925 notary public commission shall successfully complete a
926 training program prepared by the Alabama Probate Judges
927 Association and the Alabama Law Institute that reinforces and
928 updates the applicant's knowledge of all matters relevant to
929 the appointment, authority, duties, and legal and ethical
930 responsibilities of a notary public. An attorney who is
931 commissioned as a notary public under this article is not
932 required to complete the training requirement. A notary public
933 who is commissioned as of September 1, 2023, shall be required
934 to complete the training requirement upon submitting an
935 application for the renewal of his or her expired commission."

936 "§36-20-73

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

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

940 (2) Take the acknowledgment or proof of instruments of
941 writing relating to commerce or navigation and certify the
942 same and all other of their official acts under their seal of
943 office.

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

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

952 (b) No notary public shall be obligated to perform a



953 notarial act if he or she has a reason to believe the act is:

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

956 (2) For an individual who is being coerced;

957 (3) For an individual whose demeanor causes compelling
958 doubts as to whether the person knows the consequences of the
959 transaction requiring the notarial act; or

960 (4) For situations that compromise the notary public's
961 impartiality."

962 "§36-20-73.1

963 (a) Except as otherwise provided in this section, any
964 signature acknowledged by a notary public shall be executed
965 within this state and shall be executed in the physical
966 presence of the notary public at the time of the
967 acknowledgment, only after the notary public has positively
968 identified the prospective signatory via personal knowledge of
969 the prospective signatory or the examination of photo
970 identification issued by a governmental entity or agency.

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

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

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

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



981 (d) For purposes of this article, and subject to
982 subsections (e) to (g), inclusive, an individual may
983 personally appear before an acknowledging notary by either of
984 the following:

985 (1) Physically appearing before the notary as provided
986 in subsection (a).

994 (e) All of the following shall occur prior to the
995 performance of a remote electronic notarial act:

996 (1) If appearing through the use of two-way audio-video
997 ~~communication, the~~The identity of the signatory shall be
998 verified by the notary public using either of the following
999 methods:

1000 (+1)a. The personal knowledge of the notary public of
1001 the identity of the signatory.

1002 (2)a.b.1. The presentation of two valid forms of
1003 government issued identification, one of which shall include
1004 the face and signature of the signatory; and

1005 b-2. A process by which the notary public verifies the
1006 identity of the signatory through a review of public or
1007 private data sources.

1008 (2) The remote notary shall verify that the remotely



1009 located signatory does not appear, in the judgment of the
1010 electronic notary, to be incompetent, lacking in understanding
1011 of the nature and consequences of the transaction requiring
1012 the notarial act, or acting involuntarily, under duress, or
1013 under undue influence.

1014 (3) The notary shall verify the identity of the
1015 remotely located signatory pursuant to this section.

1016 (4) The notary shall inform the participants that
1017 Alabama law requires that a recording be made of the remote
1018 electronic notarization.

1019 (f) The two-way audio-video communication recording
1020 shall contain all of the following:

1021 (1) The date and time of the remote notarial act.

1022 (2) A description of the documents to which the remote
1023 notarial act relates.

1024 (3) An attestation by the notary public of being
1025 physically located in this state.

1026 (4) A description of how the identification of the
1027 signatory was verified.

1028 (5) A clear image of any government issued
1029 identification, if applicable.

1030 (6) A clear image of the act of signing observed by the
1031 notary public.

1032 (g) The official date and time of the notarization is
1033 the date and time the notary public witnessed the signature,
1034 including the date and time the signature was witnessed via
1035 two-way audio-video communication technology. All documents
1036 used during the two-way audio-video communication, shall be

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1037 provided to the notary public for his or her authentication
1038 and original signature.

1039 (h) An electronic notary shall refuse to perform a
1040 remote electronic notarial act if either of the following
1041 applies:

1042 (1) The electronic notary has reasonable grounds to
1043 believe the remotely located signatory appears in the judgment
1044 of the electronic notary to be incompetent, lacking in
1045 understanding of the nature and consequences of the
1046 transaction requiring the notarial act, or acting
1047 involuntarily, under duress, or under undue influence.

1048 (2) The electronic notary becomes aware that the
1049 communication technology is not secure or the image presented
1050 of the signatory appears to be artificially generated.

1051 ~~(h)~~(i) Any action taken before July 1, 2021, allowing
1052 for the remote notarization of signatures under the Emergency
1053 Management Act of 1955, Article 1 of Chapter 9 of Title 31, is
1054 ratified and confirmed.

1055 (i) Remote notarization may not be used to notarize an
1056 absentee ballot application or an absentee ballot affidavit,
1057 or for any purpose related to voting."

1058 Section 5. This act shall become effective on October
1059 1, 2026.